

CHAPTER 7**PUBLIC AND PRIVATE UTILITIES****720. INDIVIDUAL SEWAGE TREATMENT STANDARDS**

Section 720.01. Purpose and Intent. The purpose of this ordinance is to provide minimum standards for and regulation of sewage disposal by means of an individual sewage treatment systems (ISTS), including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety; and to eliminate or prevent the development of public nuisances, all pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080, as amended.

Section 720.03. General Provisions.

Subd. 1. Standards Adopted by Reference. The city hereby adopts Minnesota Rules Parts 7080.0010 through 7080.0950 by reference, including Minnesota Rules part 7080.0179, excluding Minnesota Rules part 7080.0450 warrantied individual sewage treatment system, and except for as modified in section 720.07 of this ordinance.

Subd. 2. Permits. No person shall install, alter, repair or extend any ISTS in the city without first applying for and obtaining a permit from the building official and paying the required fee, except as allowed in Subd. 3 below. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

Subd. 3. Permits Not Required. Permits shall not be required for the following activities:

- (a) Repair or replacement of pumps, floats or other electrical devices of the pump.
- (b) Repair or replacement of baffles in the septic tank.
- (c) Installation or repair of inspection pipes and manhole covers.
- (d) Repair or replacement of the line from the building to the septic tank.

Subd. 4. License Requirements. No person shall engage in the, inspection, design, installation, construction, alteration, extension, repair, assessment, maintenance or pumping of any ISTS without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under Minnesota Rules Part 7080.0700, subpart 1 and as allowed in Subd. 3 above.

Section 720.05. Additional Soil Treatment Area Requirements.

Subd. 1. All new lots created after the effective date of this ordinance, all lots which are existing on the date of this ordinance, and all undeveloped lots, shall include at least one additional designated soil treatment area which can support a standard ISTS. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection of the additional soil treatment area shall be approved by the building official and may include, but is not limited to, snow fencing, permanent fencing and silt fencing. No building permit shall be issued for construction on any property within the City until at least two soil treatment areas that can accommodate a standard ISTS have been identified and protected on all parcels for which a building permit is applied for.

Subd. 2. The following minimum setback requirements from the ISTS shall apply on all lots:

- (a) Any water well supply 50 feet
- (b) Water under pressure 10 feet
- (c) Wetlands 75 feet
- (d) Property Lines 10 feet

Section 720.06. Failing ISTS.

Subd. 1. A notice of noncompliance regarding an ISTS shall be issued and copies provided to the property owner and to the city within 30 days under the following conditions:

Subd. 2. A failing ISTS shall be upgraded, replaced, repaired or its use discontinued within three (3) years; and

Subd. 3. An ISTS posing an imminent threat to public health or safety shall be upgraded, repaired, or its use discontinued, within an appropriate time no greater than 10 months.

Section 720.07. More Restrictive Standards.

Subd. 1. Minnesota Rules Part 7080.0130, subpart 3(A) is modified by requiring at least two septic tanks with a minimum capacity of 1,000 gallons each.

Subd. 2. Minnesota Rules Part 7080.0160, subpart 1(C) is modified to require a dosing tank with a minimum capacity of 1,000 gallons.

Subd. 3. Minnesota Rules Part 7080.0178, specifying other systems; Section 7080.0400, subpart 2 specifying alternative new technology; shall be utilized only on developed lots existing on the effective date of this ordinance with existing ISTS which have failed. Systems designed or installed on a slope greater than twelve (12) percent and trench systems constructed on eighteen (18) percent slopes shall be treated as other systems on any lot.

Subd. 4. All waste waters discharged into the ISTS shall be metered on all uses except detached single family dwellings.

Subd. 5. Compliance with Subdivision 6.4 of Hennepin County Ordinance Number 19.

Section 720.08. Enforcement.

Subd. 1. Criminal Penalty. Any person who violates any provision of this ordinance or who makes any false statement on a certificate of compliance, shall be guilty of a misdemeanor.

Subd. 2. Civil Remedy. In the event of a violation of this ordinance, in addition to other remedies, the city may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

Subd. 3. Permits. No building permit, certificate of occupancy, license, or other permit shall be issued for the construction upon, use or occupation of any parcel of property within the city unless the requirements of this ordinance are met with respect to said parcel of property.

Section 720.09. Variances.

Subd. 1. Grant of Variance. Upon request of a property owner, the city council may grant a variance from the requirements of this ordinance or the technical standards and criteria as defined in Minnesota Rules Chapter 7080 if the property owner demonstrates by evidence that all of the following criteria are met:

- (a) Because of the particular physical characteristics, shape, topographical conditions, hydrological conditions, or soil conditions of the specific property, a particular hardship to the property owner would result, as distinguished from an inconvenience, if the strict letter of the ordinance or Minnesota Rules Chapter 7080 were to be carried out. "Hardship" as used in connection with the granting of a variance under this section means the property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance or Minnesota Rules Chapter 7080. Economic considerations alone shall not constitute a hardship;
- (b) The conditions upon which the variance is based are unique to the property for which the variance is sought and are not generally common to other similar properties in the city;
- (c) The alleged hardship is caused by the requirements of the ordinance or Minnesota Rules Chapter 7080 and has not been created or contributed to by the persons presently or formerly having an interest in the property;
- (d) The granting of a variance will not be detrimental to the public health, safety or welfare or injurious to the property, surrounding properties, ground water quality or the use and enjoyment of other properties in the area;
- (e) The granting of the variance will not confer on the property owner any special privilege that is denied by this ordinance or Minnesota Rules Chapter 7080 to other property owners with similar circumstances in the city;
- (f) The literal interpretation of the provisions of this ordinance or Minnesota Rules

Chapter 7080 would deprive the property owner of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance or Minnesota Rules Chapter 7080; and

(g) The variance requested is the minimum variance which would alleviate the hardship.

Subd. 2. Conditions and Restrictions. The city council may impose conditions and restrictions upon the property in granting of the variance so as to insure compliance with Minnesota Rules Chapter 7080 and the spirit and intent of this ordinance.

Amendment History of this Section

Previously Amended March 5, 1991 (Ord. 251). Amended Subsection 720.17, requiring minimum soil to be “contiguous.”

Previously Amended April 6, 1992 (Ord. 266). Subsections 720.09, 720.17, 720.37, 720.39, 720.95, and 720.97 were amended regarding evaluations, inspections, and repair of Individual Sewage Disposal Systems.

Previously Amended October 20, 1992 (Ord. 272). Amended Subsection 720.95 regarding Biennial Inspections of Individual Septic Systems.

Previously Amended June 1, 1993 (Ord. 275). Subd. 61 of Subsection 720.07 was amended regarding the definition of “Ordinary High Water Level.”

Adopted February 16, 1999 (Ord 308a). Previous language in Section 720 was repealed in its entirety and replaced with the wording from Ord. 308a.

Amended February 15, 2000 (Ord. 314). Amended various subsections.

Amended May 16, 2000 (Ord. 318). Subsection 720.06 and Subd. 3 of Subsection 720.03 were added, other portions of the Section were revised.

Amended June 20, 2006 (Ord. 406). Added subsection 720.09 regarding variances, added subd. 5 of subsection 720.07, and added reference to Minnesota Rule 7080.0179 to subsection 720.03.

Amended January 6, 2009 (Ord. 454). Amended various subsections regarding individual sewage treatment standards and added new Section 721, regarding the individual sewage treatment assessment and maintenance program.