

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-159

AN ORDINANCE AMENDING TITLE V: CHAPTER 51 OF THE LAKE ELMO
CITY CODE OF ORDINANCES REGARDING SUBSURFACE SEWAGE
TREATMENT SYSTEMS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V: Public Works; Chapter 51: Waste Water Treatment Systems, by deleting the ~~stricken~~ language and inserting the underlined language as follows:

51.001 INTENT AND PURPOSE.

This subchapter is adopted for the purpose of protecting the health, safety and welfare of the residents of the city through regulating the location, design, installation, use and maintenance of individual sewage treatment systems so as to prevent contamination of surface waters and groundwaters.

51.002 REGULATIONS ADOPTED BY REFERENCE. ADOPTION OF COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE.

Chapter 4 Four of the Washington County Development Code entitled *Subsurface Sewage Treatment Systems Regulations, Ordinance #196 (the "County Regulations")*, ~~as amended~~ with the exception of Sections 3.1, 3.3, 3.4, 22.10, 23, 26.3, 28.1, and 29.1 is hereby adopted by reference and made part of this Chapter in its entirety as if herein printed in full. Whenever the term "Department" appears in the County Regulations, it shall mean the "Lake Elmo Planning Department." Whenever the term "County" appears in the County Regulations, it shall mean the "City of Lake Elmo" except as used in Section 3.14 of the County Regulations. Whenever the term "local unit of government appears in the County Regulations, it shall mean the "City of Lake Elmo."

51.003 EXCEPTIONS TO COUNTY ~~ORDINANCE~~ REGULATIONS.

(A) The following provisions are adopted in addition to ~~separately from the Chapter 4 adopted in § 51.002~~ the County Regulations and are more ~~restricting~~ restrictive than ~~Chapter 4 of the Washington County Development Code~~ the County Regulations:

(1) ~~Washington County Development Code Chapter 4; Section 6 - Permits:~~

~~(a)~~ "Mound systems are not allowed for new collector systems in the OP Open Space Preservation District except to replace existing non-compliant systems."

~~—(2) Washington County Development Code Chapter 4; Section 22 -- Maintenance:~~

~~—(b) "Sewage tanks shall be pumped or inspected by a licensed septic pumper, or inspected by a state-certified septic inspector every 2 years. A pumping and/or inspection report shall be submitted to the permitting authority by the pumper or inspector."~~

~~—(B) OP Waste Water Treatment Systems.~~

~~—(1) Collector systems in the OP zone shall be operated and maintained by a business licensed as a service provider in accordance with Minn. Rules 7083. An operation and maintenance plan shall be prepared by the developer prior to final plat approval. The homeowners association shall be responsible for implementing this plan. Included in this plan shall be both ground water monitoring, and visual inspections. Biannual reports shall be prepared by the service provider and submitted to the permitting authority.~~

~~(C) Systems Serving Multiple Properties.~~

~~—(1) Any SSTS system serving two or more properties shall be designed by a registered professional engineer in the State of Minnesota in addition to having all other necessary certifications and licenses required by Minn. Rules, Chapter 7083, including the collection component of the shared system, or any component of the system that is located within an asset of the city.~~

51.004 GENERALLY.

General requirements - community sewage treatment systems.

~~(A)~~ Lawful connections to community sewage treatment systems. ~~New connections will be allowed, with a city permit, according to the following conditions.~~

~~(A)~~ ~~Where~~ when an existing individual sewage treatment system is failing and ~~where~~ the property in question is near the community sewage treatment system, ~~a new connection may be permitted~~ provided that if capacity is available in all components of the community sewage treatment system.

~~(B)~~ A ~~N~~ew connection to a community sewage treatment system will not be permitted for new construction, unless the previous structure on the property in which the new construction occurs was previously connected to the existing community sewage treatment system. In that event, a city permit is required.

~~(C)~~ (B) The fee for new connections ~~shall be evaluated on a case-by-case basis will be determined by the city.~~ In general ~~the~~ The new user ~~shall~~ will be responsible for paying all costs to connect to the system, plus a charge to pay for previously built drainfield areas.

~~(D)~~ (C) No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any community sewage treatment system or appurtenance of the system without first obtaining a written permit from the city. This provision shall not apply to certified qualified employees performing tasks within their area of

certification for which a Permit is not required. The definition of a “certified qualified employee” shall be as set forth in the County Regulations.

(1997 Code, § 700.04) (Am. Ord. 08-029, passed 9-21-2010) Penalty, see § 10.99

51.005 ADMINISTRATION.

(A) *Board of Adjustment and Appeals.*

(1) Administrative Appeals

(a) An aggrieved party may appeal a decision by the permitting authority regarding the interpretation or application of the provisions of §§ 51.001*et seq.*

(b) Appeals shall be reviewed and determined by the city’s Board of Adjustment and Appeals.

(2) Variance Procedures

(a) Requests for variances to the provisions of §§ 51.001*et seq.* shall be reviewed pursuant to the procedures and standards contained in the zoning code.

(b) No variances with respect to Sections 4.1, 4.7, 4.8, 4.9, and Sections 16.2 (1) through Section 16.2 (4) of the County Regulations will be considered or granted by the City. The City may grant a variance with respect to Section 4.8 (4) (A) of the County Regulations for replacement MSTs serving existing dwellings or other establishments.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2016, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance ____ was published on the ____ day of _____, 2016.