



STAFF REPORT

DATE: 3/21/2017

CONSENT

ITEM #: 14

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: Amend City Code Section 11.01: Definitions
REVIEWED BY: Kristina Handt, City Administrator
Washington County Department of Public Health and
Environment

BACKGROUND:

At its December 6, 2016 meeting, the Council adopted amendments to Chapter 51: Waste Water Treatment Systems of the City Code in order to bring the pertaining sections in to compliance with State rules. The ordinance amendment adopted Chapter 4 of the Washington County Development Code with exceptions, and outlined changed standards.

Under Minnesota Pollution Control Agency (MPCA) requirements, the City is also required to submit changes to the MPCA for review along with a required checklist and list of differences between Minn. Rules Chapter 7080 and 7081 and the City Code. Upon compiling this checklist and list of differences, Staff found that a number of definitions within the City Code were not consistent with Minn. Rules and has prepared definition amendments to obtain consistency. The MPCA has reviewed Chapter 51 and the proposed definition amendments and has found no issues with either.

ISSUE BEFORE COUNCIL:

The Council should consider amendments to Section 11.01: Definitions of Chapter 11: General Code Provisions.

PROPOSAL DETAILS/ANALYSIS:

Staff has prepared amendments to these definitions which accomplish the following:

- Repeal definitions which are not found elsewhere within the Code.
- State that certain definitions shall not apply to Sections 51.001-51.005. Sections 51.001-51.005 adopt Chapter 4 of the Washington County Development Code, which sets forth definitions to which the chapter applies.

FISCAL IMPACT:

None.

OPTIONS:

- Approve the proposed ordinance as proposed.
- Amend the proposed ordinance and approve.
- Deny the proposed ordinance.

RECOMMENDATION:

Staff respectfully requests that Council, as part of tonight's Consent Agenda, approve the ordinance amending definitions to Chapter 11: Definitions pertaining to Sections 51.001-51.005: Subsurface Sewage Treatment Systems Waste as proposed. If removed from the Consent Agenda, Council may adopt the proposed ordinance with the following motion:

“Motion to adopt Ord 08-171 amending definitions of Chapter 11: Definitions pertaining to Sections 51.001-51.005: Subsurface Sewage Treatment Systems Waste.”

Staff also recommends that the Council authorize summary publication of Ord 08-171.

“Motion to adopt Resolution 2017-022 approving summary publication of Ord 08-171.”

ATTACHMENTS:

- Ord 08-171
- Resolution 2017-022

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-171

AN ORDINANCE AMENDING CHAPTER 11 OF TITLE I: GENERAL
PROVISIONS OF THE LAKE ELMO CITY CODE

SECTION 1. The City Council of the City of Lake Elmo hereby amends the Lake Elmo City Code of Ordinances; Title I: General Provisions; Chapter 11: General Code Provisions; Section 11.01, by amending the following:

~~—**ALTERNATIVE SYSTEM.**—An individual sewage treatment system other than the standard system defined under **INDIVIDUAL SEWAGE TREATMENT SYSTEM** below in this section.~~

~~—**BAFFLE.**—A device permanently attached or integral to the sewage tank to provide proper operations of the tank and maximum retention of solids.~~

~~—**BEDROCK.**—The layer of parent materials which by its composition and structure, as compared to soil, is inadequate to provide adequate filtration and treatment of sewage tank effluent.~~

BEDROOM. Any room within a dwelling unit which, by virtue of its design and location, might reasonably be used as a sleeping room. This definition shall not apply to Sections 51.001-51.005 of this Code.

~~—**BUILDING DRAIN.**—The part of the lowest piping of the drainage system which receives the sewage discharge inside the walls of the building and conveys it to the building sewer which begins at least 1 foot outside the building line.~~

BUILDING SEWER. The part of the drainage system which extends from the building drain to the point of connection to either a public sewer, a septic tank, pumping chamber, or an individual sewage treatment system, for the purpose of conveying waste water. This definition shall not apply to Sections 51.001- 51.005 of this Code.

CAPACITY (SEWER SYSTEMS). The internal liquid volume of a sewage tank below the outlet level. This definition shall not apply to Sections 51.001- 51.005 of this Code.

CESSPOOL. An underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid is allowed to seep into the surrounding soil. This definition shall not apply to Sections 51.001- 51.005 of this Code.

COMMUNITY SEWAGE TREATMENT SYSTEM. A ~~publicly constructed, operated, and maintained~~ sewage treatment and collection system which collects sewage from 2 or more residences or other establishments, consisting of collector lines, pumps, sewage tanks, and soil treatment unit, ~~also known as a cluster system~~; for purposes of administration, operation, maintenance, and replacement; individual off-site systems shall be considered community sewage treatment systems.

~~**DISTRIBUTION PIPE.** Perforated pipe or spaced agricultural drain tile which is used to distribute sewage tank effluent in a soil treatment system.~~

~~**DOMESTIC WASTE WATER.** Waste water that is primarily produced by residential users, with B.O.D.5 concentrations of approximately 250 mg/l and suspended solids concentration of approximately 300 mg/l.~~

~~**DOSING CHAMBER.** A separate tank or chamber which receives effluent from the sewage tank and serves as a reservoir for the dosing device.~~

~~**DOSING DEVICE.** A pump, siphon, or other device which mechanically discharges sewage tank effluent from the dosing chamber to the soil treatment system.~~

~~**FILTER MATERIAL.** Clean rock, crushed igneous rock, or similar durable and decay-resistant material free from dust, sand, silt, or clay which is insoluble in sewage tank~~

HOLDING TANK. A watertight sewage tank for the temporary storage of sewage until it is transported to an approved point for treatment and disposal. This definition shall not apply to Sections 51.001- 51.005 of this Code.

ILLICIT CONNECTIONS. Either of the following

(1) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

This definition shall not apply to Sections 51.001- 51.005 of this Code.

~~**INCOMPATIBLE WASTE (SEWER SYSTEMS).** Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving water of the waste water treatment works.~~

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or other sewage treatment device. This definition shall not apply to Sections 51.001- 51.005 of this Code.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. An on-site sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank, and any associated pumping and piping systems. This definition shall not apply to Sections 51.001- 51.005 of this Code.

MOUND SYSTEM. An alternative sewage treatment system designed with the soil treatment area built above existing grade to overcome the limitations of water table, bedrock, or soil permeability. This definition shall not apply to Sections 51.001- 51.005 of this Code.

SEEPAGE PIT (LEACHING PIT OR DRY WELL). A lined underground pit into which sewage tank effluent or other liquid waste is discharged and from which seepage into the soil occurs through the bottom and sidewall openings. This definition shall not apply to Sections 51.001- 51.005 of this Code.

SEPTAGE. Those accumulated solids and liquids removed from a sewage tank or holding tank during regular periods of maintenance. This definition shall not apply to Sections 51.001- 51.005 of this Code.

SEPTIC TANK. A sound, durable, watertight sewage tank designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquids, digest organic matter, and store liquids through a period of detention. This definition shall not apply to Sections 51.001- 51.005 of this Code.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level. This definition shall not apply to Sections 51.001- 51.005 of this Code.

SEWAGE. Any water carrying domestic water, exclusive of footing and roof drainage, from any dwelling, industrial, agricultural, commercial establishment, or other structure. Domestic waste includes but is not limited to liquid waste produced by bathing, laundry, and culinary operations, and liquid waste from toilets and floor drains, and specifically excludes animal waste and commercial process waste. This definition shall not apply to Sections 51.001- 51.005 of this Code.

~~**SEWAGE FLOW RATE.** Flow rates as determined by actual metered water use or as estimated on the basis of use and occupancy.~~

SEWAGE TANK. A watertight tank used for the retention of sewage. Includes, but is not limited to, septic tanks, holding tanks, and dumping chambers. This definition shall not apply to Sections 51.001- 51.005 of this Code.

~~**SEWAGE TANK EFFLUENT.** The liquid which flows from a septic tank under normal operations.~~

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system. This definition shall not apply to Sections 51.001- 51.005 of this Code.

~~**SOIL TREATMENT AREA.** The area of trench of bed bottom which is in direct contact with the filter material of the soil treatment system.~~

~~**SOIL TREATMENT SYSTEM.** A system whereby sewage tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil.~~

VALVE BOX. Any device which can stop sewage tank effluent from flowing to a portion of the soil treatment system. This definition shall not apply to Sections 51.001- 51.005 of this Code.

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

This Ordinance No. 08-171 was adopted on this 21st day of March, 2017, by a vote of ____ Ayes and ____ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

CITY OF LAKE ELMO

RESOLUTION NO. 2017-022

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-171 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-168, an ordinance to amend City Code Section 11.01: Definitions; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-168 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-171. The ordinance amends definitions of Section 11.01: Definitions of the Lake Elmo City Code which pertain to Subsurface Sewage Treatment Systems. Certain terms that are not located elsewhere in the City Code are repealed, and certain definitions are not applicable to Sections 51.001-51.005 of the City Code.

The full text of Ordinance No. 08-171 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: March 21, 2017.

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member
_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.