

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE 81-46

AN ORDINANCE AMENDING CHAPTER 7, SECTION 700 OF THE LAKE ELMO MUNICIPAL CODE

Section 1. Amendment. Chapter 7, Section 700 of the Lake Elmo Municipal Code is hereby amended to read as follows; to wit:

Chapter 7 Sewer Systems

Section 700 - Individual and Community Sewer Systems

700.01 Title. This section shall be known, cited and referred to as the individual and community sewage treatment system ordinance, except when referred to as this section.

700.02 Intent and Purpose.

Subd. 1 Health, Safety and Welfare. The purpose of this section is to protect the health, safety and welfare of the residents of the community, present and future.

Subd. 2 Contamination of Surface/Ground Water. The purpose of this section is to regulate the location, design, installation, use and maintenance of individual and community sewage treatment systems so as to prevent contamination of the surface and ground water within the community.

Subd. 3 Contamination of Private Water Supply Wells. The purpose of this section is to protect the individual water supply wells of the community from contamination by inadequate, improperly designed, located, installed or maintained individual and community sewage treatment systems.

Subd. 4 Orderly Development. The purpose of this section is to provide for the orderly development of the rural areas of the community which are not served nor planned to be served by central public waste treatment facilities so as to preclude the installation of central public systems.

700.03 Rules

Subd. 1 Specifications Which Apply. Minnesota Rules Chapter 7080, shall apply except as provided below.

- A. **7080.0130 Sewage Tanks.** All sewage tanks shall be designed assuming that the home or building has a garbage disposal.
- B. **7080.0130 Sewage Tanks.** Maintenance Holes shall be left at finished grade. Lids shall be secured to prevent unauthorized access. A 75 pound lid shall be considered secure.
- C. **7080.0170 Final Treatment and Disposal.** Mound systems are not allowed as the first disposal site on any lot. Mounds may be used as a replacement to a failed system. Mound systems are not allowed for collector systems in the OP zone.
- D. **7080.0170 Final Treatment and Disposal.** Collector systems in the OP zone shall be sized to treat less than 5000 gallons per day. Collector systems in the OP zone shall be at least 500' from any other active drainfield.

- E. **7080.0175 Maintenance.** Sewage tanks shall be pumped at minimum every 2 years. A pumping report shall be submitted to the city by the pumper. The City will furnish report forms.
- F. **7080.0300 General.** Collector systems in the OP zone shall be operated and maintained by the homeowners association. 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 an ISTS professional or Engineer and submitted to the city.

700.04 General Provisions.

Subd. 1. Administration

All individual sewage treatment systems installed subsequent to the adoption of this section and all alterations, extensions, modifications or repairs to existing systems irrespective of the date of original installation shall be regulated in accordance with all requirements of this section. Any individual sewage treatment system or component of the system, irrespective of the date of original installation, which is not located, constructed, installed or maintained in accordance with the provisions of the ordinance shall be so relocated, reconstructed, replaced or otherwise brought into compliance within 180 days of notice and order to comply by the zoning administrator. Existing systems which show evidence of sewage tank effluent discharge to the ground surface, ground or surface waters or other evidence of failure to adequately treat the sewage tank effluent shall be replaced, reconstructed or repaired within 90 days of notice and order to comply by the zoning administrator.

Subd. 2 General Requirements.

- A. **Unlawful Connection to Community Sewage Treatment System.** It shall be unlawful for any person to connect a building sewer to any community sewage treatment system without first obtaining a permit from the City. The City shall permit new connections and flow increases only if there is additional available capacity in all components of the particular public sewage treatment system being considered. No new connections or flow increases will be permitted during the first two years following start-up of each public sewage treatment system.
- B. **Lawful Connections to Community Sewage Treatment Systems.** New connections will be allowed, with City permit, according to the following conditions:
 - 1. Where 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 if capacity is available in all components of the community sewage treatment system.
 - 2. New connections to the community sewage treatment system will be permitted for new construction if capacity is available in all components of the particular community sewage treatment system over what is needed to accommodate all the existing structures.
 - 3. The fee for new connections shall be evaluated on a case by case basis. In general the new user shall pay all costs to connect to the system, plus a charge to pay for previously built drainfield areas.
 - 4. 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.

700.05 Administration.

Subd. 1 Applicability.

A. This section shall apply and be in effect for the stated purposes within the City.

B. Enforcement.

1. The zoning administrator shall be responsible for administration and enforcement of this section.
2. The zoning administrator or administrator's agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of individual on-site sewage treatment systems.

C. Board of Adjustment and Appeals.

1. The board of adjustment and appeals shall hear and decide appeals and review any order, decision or determination made by the zoning administrator regarding the enforcement of this section.
2. They shall hear and act upon all variance requests where provisions of the ordinance are specifically variable.
3. An appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.

D. Permits shall be required for sewage treatment systems as follows:

1. All new installations of sewage tanks, treatment systems and components of the sewage tanks or systems,
2. All repair, extension, replacement or modification of existing systems and components.
3. Permits shall not be required for normal routine inspection and maintenance of systems.
4. No building permit shall be issued for construction, alteration, expansion or remodeling of any dwelling or other establishment served by an on-site treatment system until the permit required for the treatment has first been issued.
5. Where work requiring a permit under this section has been commenced without first having obtained a permit, work shall be ordered to stop until the permit requirement has been satisfied.

E. Inspections. As required to determine compliance with this section, inspections shall be performed by the zoning administrator or administrator's authorized agent under the following circumstances:

1. Site inspections to verify and evaluate soil and site conditions and to determine suitability of soils and system design.
2. Installation inspections shall be made at each installation, prior to any work having been covered by backfill.
 - a. The applicant shall be responsible to notify the zoning administrator a minimum of twenty-four hours prior to the time work is ready for inspection or re inspection.

- b. Work which is backfilled prior to the required inspection may be ordered to be uncovered whenever necessary to determine compliance.
- c. When, upon inspection, any part of the system is determined not to be in compliance with the ordinance, written notice shall be provided by the zoning administrator indicating the deficiency and the required corrections.
- d. Noted deficiencies shall be properly corrected and re inspected before any other work on the project is continued.
- e. No system shall be placed or replaced in service until final inspection and approval of the installation.
- f. The contractor, upon completion of installation, shall file with the zoning administrator as-built drawings indicating the location of system components dimensioned from a permanent reference point.
- g. Operation and maintenance inspections shall be performed by the zoning administrator as required to insure compliance with this section.
- h. The owner or occupant of a property shall be responsible to provide access at reasonable times to the zoning administrator, or administrator's agent, for the purpose of performing inspections, required under this section.
- i. Fees for inspections, re inspections or other services rendered under this section shall be as set by resolution of the county board of commissioners from time to time.

700.06 Certification, Licenses and Permits.

Subd. 1 Certification.

- A. Effective January 1, 1983, any person, firm or corporation proposing to engage in the business of soil testing, design, construction, installation, or pumping of on-site sewage treatment systems within the jurisdiction of this section, shall be required to provide to the zoning administrator proof of certification by the Minnesota Pollution Control Agency.

Subd. 2 Licensing.

- A. All persons, firms or corporations proposing to engage in the business of installing, constructing, pumping, or providing maintenance services for on-site sewage treatment systems shall first obtain an annual license to carry on the work within the City.
- B. Annual licenses shall be in effect from January 1 to December 31 and shall be valid only during the year for which issued.
- C. License applications shall be submitted to the zoning administrator and shall contain the following:
 - 1. Name of individual, firm or corporation seeking license,
 - 2. After January 1, 1983, proof of certification by the Minnesota Pollution Control Agency,

3. Documentation indicating insurance coverage which shall remain in effect during the license term and non-cancellation provisions which provide a minimum 10 day notice to the zoning administrator prior to cancellation, as follows:
 - a. Public liability insurance, not less than \$100,000.00 for injuries including accidental death to any person and subject to the same limit for each person in any amount of not less than \$300,000.00 on account of any one accident,
 - b. Property damage insurance, not less than \$50,000.00 for each accident and not less than \$100,000.00 aggregated,
 - c. Worker's compensation insurance coverage of employees as required by Minnesota Statutes.
4. No work shall be under license unless and until required proof of insurance is filed with and approved by the zoning administrator.
5. The zoning administrator may require, or refuse issuance or renewal of a license for cause as follows:
 - a. For installation, construction, alteration, repair or pumping of any on-site system in violation of this section,
 - b. For failure or refusal to correct defective work cited under the provisions of this section,
 - c. Before any license is refused or revoked, the applicant or licensee shall be granted a hearing before the County planning advisory commission to show cause why the license should not be refused or revoked.
6. The annual license fee shall be as established by resolution of the Council.

Subd. 3 Permits.

- A. No person, firm or corporation shall install, alter, repair or extend any individual sewage treatment system in the City without first having obtained a permit from the zoning administrator for the specific work, and having paid the fee prescribed for the permit as determined by resolution of the County Board of Commissioners.
- B. Permit applications shall be made in writing upon forms provided by the zoning administrator and shall contain data including, but not limited to, the following:
 1. Correct legal description of the property on which the proposed work is to take place,
 2. Site plan, to scale, showing the location of all proposed and existing structures, property lines, water supply wells, terrain features such as bluff lines, water bodies or waterways, buried utilities, easements and other unique features on the site.
 3. Soil test data, including soil boring logs, percolation test data with field notes, and location and identification of test area,
 4. Plans and details of the proposed installation or work, including engineering data when required,
 5. Building plans showing existing and proposed room arrangement and uses,

6. For other than dwellings, calculated or measured water use rates, occupancy and occupant load,
 7. Evidence of compliance with state or other jurisdiction regulations where applicable.
- C. Permits shall be valid upon issuance for a period of six months and may be renewed, when no charges are proposed, upon application for renewal and payment of the fee prescribed.
- D. Permits issued under this section may be revoked upon written notice of the zoning administrator when the permit has been issued based upon erroneous or inaccurate application data.

700.07 Enforcement.

Subd. 1 Violations and Penalties.


- A. It is declared unlawful for any person, firm or corporation to violate any term or provisions of this section. Violation of this section shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.
- B. In the event of a violation or a threatened violation of this section the zoning administrator, in addition to other remedies, may request appropriate actions, or proceedings to prevent, restrain, correct, or abate the violations or threatened violations and it shall be the duty of the City attorney to initiate the action.
- C. In the event of a violation of the septic tank pumping required in Section 700.06, Subd. 1, (D), the zoning administrator may, after ten days mailed notice to the record owner, order the pumping performed and have the cost of the pumping plus 100%, placed as a special assessment against the property and to certify the cost to the county auditor for collection in the same manner as taxes and special assessments are certified and collected.
- D. Any taxpayer of the City may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by this section.
- E. Entry Upon Private Property. The zoning administrator or other City personnel, bearing proper credentials and identification shall, at reasonable times, be permitted to enter upon all properties with an individual sewer system for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the individual sanitary sewer system.

700.8 Effectuation.

Subd. 1 Separability.

- A. It is declared to be the intent that the several provisions of the section are separable in accordance with the following:
1. If any court of competent jurisdiction shall adjudge any provision of this section to be invalid, the judgment shall not affect any other provision of this section not specifically included in the judgment.
 2. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this section to a particular property, building or other structure, the judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.

Section 2. Effective Date: This ordinance shall become effective upon its passage, publication according to law.



Wyn John, Mayor

Attest:

Mary Kueffner, City Administrator

Publication Date: Published in the Stillwater Gazette on the 27th of Nov, 1996.

**City of Lake Elmo
Washington County, Minnesota
Summary of Ordinance 81 46
Amending Chapter 7, "Sewer Systems", Section 700 "Individual and Community Sewer Systems"
of the Lake Elmo Municipal Code**

On November 7, 1996, the Lake Elmo City Council adopted Ordinance 81 46 amending Chapter 7, "Sewer Systems," Section 700 "Individual and Community Sewer Systems" of the Lake Elmo Municipal Code.

On November 7, 1996, the Lake Elmo City Council received a summary of Ordinance 81 46 and by 5 affirmative votes, approved the publication of a summary of this ordinance, to wit:

Chapter 7 Sewer Systems

Section 700 - Individual and Community Sewer Systems

700.01 Title.

700.02 Intent and Purpose.

Subd. 1 Health, Safety and Welfare.

Subd. 2 Contamination of Surface/Ground Water.

Subd. 3 Contamination of Private Water Supply Wells.

Subd. 4 Orderly Development.

700.03 Rules

Subd. 1 Specifications Which Apply.

700.04 General Provisions.

Subd. 1. Administration.

Subd. 2 General Requirements.

700.05 Administration.

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700.06 Certification, Licenses and Permits.

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Subd. 2 Licensing.

Subd. 3 Permits.

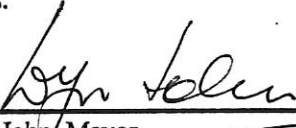
700.07 Enforcement.

Subd. 1 Violations and Penalties.

700.8 Effectuation.

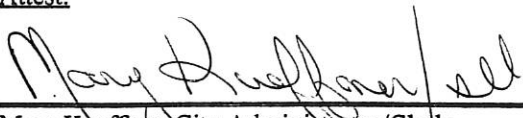
Subd. 1 Separability.

A complete copy of Ordinance 81 46 "Section 700 - Individual and Community Sewer Systems" is on file in the office of the City Administrator/Clerk and can be viewed by the public during normal business hours.



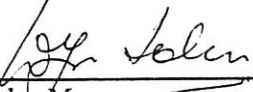
Wyn John, Mayor

Attest:



Mary Kueffner, City Administrator/Clerk

Section 2. Effective Date: This ordinance shall ecome effective upon its passage and publication according to law.



Wyn John, Mayor

Attest

Mary Kueffner, City Administrator