

SEWAGE AND WASTEWATER TREATMENT ORDINANCE

An Ordinance authorizing and providing for sewage and wastewater treatment: establishing minimum standards for and regulation or individual sewage treatment systems (ISTS) within the incorporated and unincorporated areas of the County of Mahnomen except incorporated area which has itself adopted standards that comply with Minn. Stat. 115.55 and are at least as strict as this Ordinance; incorporating by reference minimum standards and requirements established by Minnesota Statutes and rules of the Minnesota Pollution Control Agency; requiring permits for installation, alteration, repair or extension of ISTS in the County; establishing standards for upgrade, repair, replacement, or discontinuance of use of ISTS; imposing penalties for failure to comply with these provisions; providing for enforcement of these requirements; and promoting the health, safety and welfare of the public pursuant to Minnesota Statutes Chapters 114, 145A, 375, 394, and 471 specifically SS 115.55, 145A.05, 375.51, 394.21 through 394.37, and 471.82; and in furtherance of county policy stated in the County Shoreland Management Ordinance.

The County Board of Mahnomen County, Minnesota does ordain:

SUBDIVISION 1. PURPOSE AND INTENT

The purpose of the Sewage Treatment Ordinance shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal 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 eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

SUBDIVISION 2. GENERAL PROVISIONS

- 2.10 STANDARDS ADOPTED BY REFERENCE.** The County hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315 (and 7080.0910) as now constituted and from time to time amended.
- 2.20 LICENSE REQUIREMENTS.** No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of onsite individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1.
- 2.30 COMPLYING SEPTIC SYSTEMS.** A certificate of compliance shall be issued, and copies provided to the property owner and to the County within thirty (30) days of completion of inspection of complying construction or review of complying existing system.
- 2.40 FAILING SEPTIC SYSTEMS.** A Notice of Noncompliance shall be issued, and copies provided to the property owner and to the County within 30 days under the following conditions;
- A.** A failing ISTS shall be upgraded, replaced or its use discontinued within two (2) years
 - B.** An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced, or repaired, or its use discontinued, within an appropriate time no greater than 10 months.

SUBDIVISION 3. INSPECTION REQUIREMENTS

3.10 COMPLIANCE INSPECTION REQUIREMENTS FOR NEW CONSTRUCTION. All new ISTS construction and replacement must be inspected for compliance. Inspections for construction, replacement, alteration, or repair of ISTS shall be conducted by a State licensed inspector who is independent of the owner and installer.

3.20 COMPLIANCE INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS. Only a State licensed inspector who is independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing ISTS.

3.30 MANATORY COMPLIANCE INSPECTIONS OF EXISTING SYSTEMS. An ISTS shall require a compliance inspection upon the request of the Zoning Administrator. The Zoning Administrator can request such an inspection when the Administrator has reasonable suspicion that there may be a system failure or other problems in the system that would require a compliance inspection.

3.40 FINANCIAL RESPONSIBILITY FOR COMPLIANCE INSPECTION. All costs incurred for a compliance inspection shall be the responsibility of the landowner.

SUBDIVISION 4. ADMINISTRATION

4.10 BOARD OF ADJUSTMENT. The Board of Adjustment shall consist of three (3) members, and on alternate, appointed by the County Board. At least one member from the Board of Adjustment shall be a resident of an unincorporated area of the County. No member of the Board of Adjustment may be an elected county official nor an employee of Mahnomen County.

- A.** The Board of Adjustment shall elect a Chairperson and a Vice Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Board of Adjustment shall cause all such records of it proceedings, findings and determinations to be filed in the office of Zoning and Sanitation, Mahnomen County.
- B.** The meeting of the Board of Adjustments shall be held as specified in the rules or bylaws, and at other such times as the Zoning Administrator shall deem necessary and appropriate.
- C.** The Board of Adjustment shall have the exclusive power concerning the following:
 - 1.** to grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance;
 - 2.** to hear and decide any appeal from an order, requirement, decision, or determination made by the Zoning Administrator;
 - 3.** all decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.

4.20 PERMITS. No person shall install, alter, repair or extend an individual sewage treatment system in the County without first applying for and obtaining a permit from the Zoning and Sanitation Office. If the installation, construction, or modification is performed by a licensed sewage treatment installer, said installer shall be responsible for obtaining a permit. Such permit shall be valid for a period of six (6) months from the date of issuance.

- A. The County shall require the installer to sign an Affidavit of Installation, stating that the sewage treatment system has been installed in compliance with Minnesota Pollution Control Agency regulations.

4.30 VARIANCES AND APPEALS. Where there is unnecessary hardship in carrying out the provisions of this Ordinance, an appeal may be made, and a variance may be granted by the Mahnomen County Board of Adjustment.

- A. Such variance request may be granted provided that:
 - 1. the condition causing the demonstrated hardship is unique to the property and was not caused by the actions of the applicant (s);
 - 2. the variance is necessary in order to secure for the applicant those rights enjoyed by other property owners in the same area or district;
 - 3. the granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the vicinity;
 - 4. The granting of the variance will not be contrary to management policies of the area management district;
 - 5. the property owner or owners would have no reasonable use of the land without the variance;
 - 6. no variance shall be granted on economic consideration without demonstrated hardship;
 - 7. no variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, not for any reason other than a proven hardship.
- B. An applicant desiring a variance shall fill out and submit to the Mahnomen County Zoning Administrator an Application for Consideration of Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid for the application to receive consideration by the Board of Adjustment.
- C. The Zoning Administrator shall make a recommendation to the Board of Adjustment who shall make the final decision after conducting a public hearing in accordance with M.S 394.26.
- D. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

SUBDIVISION 5. ENFORCEMENT

5.10 PENALTIES. Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

- A. In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

5.20 FEES. In order to defray the administrative costs associated with the enforcement of this Ordinance, a schedule of fees has been adopted by the Mahanomen County Board of Commissioners. The schedule of fees may be altered or amended only by resolution of the County Board of Commissioners.

SCHEDULE OF FEES

Septic Permit	\$30.00
Variance Permit (Does Not Include Recording Fee)	\$300.00