



**City of Blaine
Anoka County, Minnesota
Signature Copy**

10801 Town Square Drive
Blaine MN 55449

Ordinance: Ord 14-2299

File Number: ORD 14-2299

SECOND READING

**AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII. INDIVIDUAL
SEWAGE TREATMENT SYSTEMS**

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

CHAPTER 34. ENVIRONMENT

ARTICLE VII INDIVIDUAL SEWAGE TREATMENT SYSTEMS

~~Sec. 34-241. Compliance with state regulations.~~

a) ~~Adoption of state rules. Minn. Stat. § 115.55 and Minnesota Rules chapter 7080, parts 7080.0010, 7080.0020, 7080.0030, 7080.0060, 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0130, 7080.0150, 7080.0160, 7080.0170, 7080.0175, 7080.0176, 7080.0300, 7080.0305, 7080.0310, 7080.0315, 7080.0910 relating to individual sewage treatment systems, are hereby adopted by reference and made a part of this article as if fully set forth in this section. No person shall design, locate, install, alter, extend, repair, use, maintain or conduct site evaluating including soil borings, soil evaluations and percolation tests for the following individual sewage treatment system, except in full compliance with this article and standards adopted in this section. Such adopted rules are hereby amended as described in this section.~~

b) ~~Definitions. Amending 7080.0020.~~

~~*Abandoned.* "Abandoned" means the permanent disconnection of a treatment system.~~

~~*Commercial and industrial.* "Commercial and industrial" means any use of a building or property other than a one-family or two-family residential dwelling unit.~~

~~*Corrective action.* "Corrective action" means any action required by the city building inspection department to ensure compliance with this article and state regulations.~~

~~*Failing system.* Improper well setbacks shall be included as a failing system.~~

~~*Groundwater.* "Groundwater" means that water contained below the surface of the earth in a saturated zone.~~

~~*Inspector.* "Inspector" means a qualified person who inspects individual sewage treatment systems for compliance with the applicable requirements.~~

~~*Installer.* "Installer" means a qualified person who constructs or repairs individual sewage treatment systems.~~

~~*Noncomplying septic system.* "Noncomplying septic system" means those septic systems that do not provide for adequate treatment of sewage and include sewage discharges to:~~

- ~~(1) Ground surface;~~
- ~~(2) Active or inactive wells;~~
- ~~(3) Bodies of surface water;~~
- ~~(4) Any rock or soil formations that are not conducive to purification of water by filtration;~~
- ~~(5) Cesspools;~~
- ~~(6) Leaching pits;~~
- ~~(7) Dry wells;~~
- ~~(8) Seepage pits;~~
- ~~(9) Existing systems with less than two feet of unsaturated soil or sand between the bottom of the drainfield or mound and the limiting soil characteristics, which includes a seasonal high water table as evidenced by the presence of water or soil mottling or bedrock.~~

~~*Pump or pumped.* "Pump" or "pumped" means the removal and sanitary disposal of septage from the septic tank. Removal of septage also includes complete removal of scum and sludge.~~

~~*Pumper or licensed pumper.* "Pumper" or "licensed pumper" means a person who maintains components of individual sewage treatment systems including, but not limited to, septic, aerobic and holding tanks and has been licensed by the state as qualified to service individual sewage treatment systems.~~

~~*Qualified person.* "Qualified person" means a person who is licensed by the state or approved by the local authority having jurisdiction to perform a specific task or duty~~

~~*Site evaluator or designer.* "Site evaluator or designer" means a qualified person who:~~

- ~~(1) Investigates soils and site characteristics to determine suitability, limitations and sizing requirements; and~~
- ~~(2) Designs individual sewage treatment systems.~~

~~*Water monitoring device.* "Water monitoring device" means equipment which measures the amount of liquids which enter the sewage treatment system.~~

~~*Water table.* "Water table" means the highest elevation in the soil where all voids are filled with water as evidenced by the pressure of water, significant soil mottling or other information.~~

~~c) *Required upgrades. Amending 7080.0060 subpart 4.*~~

~~A compliance inspection is required for all parcels serviced by an individual sewage treatment system prior to property sale or transfer of ownership. Water wells shall also be tested for portability prior to property sale or transfer of ownership.~~

~~Exception: Systems less than five years old from date of septic permit.~~

~~The owner of a system receiving a notice of noncompliance shall upgrade, replace, repair, or discontinue use of such system within one year of notification of noncompliance by the city, except the owner of a system which presents an imminent threat to public health or safety shall upgrade, replace, or discontinue use of such system within 60 days of notification of failure.~~

~~d) *Soil observations. Amending 7080.0110 subpart 4C.*~~

~~The minimum number of soil observations required per site evaluation shall be five. All required soil observations shall be taken from each corner and the center of the proposed system boundary lines. This criteria shall apply to both the primary and alternative sites.~~

~~e) *Preliminary evaluations. Amending 7080.0110 subpart 2a.*~~

~~On all lots created after January 23, 1996, a minimum of one additional soil treatment area shall be identified which can be shown by appropriate soil evaluations and percolation tests, to support a standard soil treatment system.~~

~~f) *Percolation test procedures. Amending 7080.0110 subpart E.*~~

~~Percolation testing is required for all new systems and upgraded systems.~~

~~g) *Sewage flow determination. Amending 7080.0125, subpart 2, table I.*~~

~~Table 1 in part 7080.0125, subpart 2 is amended by deletion of columns "11" and "111" and the footnote.~~

~~h) *Dwellings. Amending 7080.0130, subpart 3A table II.*~~

~~Table II in part 7080.0130, subpart 3A is amended to read as follows:~~

TABLE II

~~Number of bedrooms—Septic tank liquid capacity (gallons)~~

~~2 or less—1,250~~

~~3 or 4—1,500~~

~~5 or 6—2,000~~

~~7 or more sized as other establishment~~

~~i) *Maintenance. Amending 7080.0175 subpart B.*~~

~~The owner of any individual sewage treatment system shall have the septic tank(s) properly pumped and cleaned on a regular basis but in no case less than once every three years. A licensed pumper must be retained by the owner for pumping and cleaning maintenance. The pumper is required to obtain a pumping form from the city building inspection department. After pumping and cleaning has been completed the pumper shall submit to the city the pumping form which shall contain the following information:~~

~~1. A signed statement that the sewage tank or septic tank has been thoroughly pumped to remove all solids and scum layer in accordance with the requirements of Minnesota Rules chapter 7080.~~

~~2. Owner's name.~~

~~3. Property address.~~

~~4. The date of the pumping inspection.~~

~~5. The license number of the pumper or private inspector.~~

~~6. That the baffles and tank have been inspected by the pumper or inspector and are in proper working condition.~~

~~7. Indicate if there is any evidence of surface discharge from the drainfield or mound.~~

~~All effluent shall be removed from the site in sealed containers and shall be disposed of in a location and manner approved by the inspector or the state pollution control agency (MPCA).~~

~~All accumulations of sludge, scum and liquids must be removed through the maintenance hole. The owner or the owner's agent shall install maintenance holes in sewage tanks in accordance with part 7080.0130, subpart 2, to allow for maintenance to take place through the maintenance hole.~~

~~Owners of individual sewage treatment systems shall be notified as to when pumping and cleaning maintenance is required for their system. The city shall be divided into three geographical areas for purposes of establishing maintenance intervals on a continuing basis. Owners of individual sewage treatment systems shall be notified by certified mail no later than March 30 in the year in which pumping and cleaning is required for their system.~~

~~Pumping and cleaning verification forms must be submitted to the city no later than November 15 of the year in which the maintenance is required.~~

~~In the event of a violation or a threat of violation of this article, the city may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations or threatened violations. If a person fails to comply with the provisions of this article, the city may recover costs or damages incurred in a civil action in any court of competent jurisdiction.~~

~~If a person fails to comply with the provisions of this article, the city may proceed under Minn. Stat. § 429.101 to provide for the elimination of the noncompliance and recover its costs as a special assessment levied against the site on which the noncompliance occurred.~~

~~j) *Inspection program for individual sewage treatment systems. Amending 7080.0315 subpart 1.*~~

~~All newly constructed individual sewage treatment systems, or systems which are altered, extended, repaired or replaced shall require inspection by an inspector appointed by the local unit of government. The inspector or his authorized agent shall be allowed access for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this article.~~

~~It shall be the responsibility of the permittee to notify the inspection department that the job is ready for inspection at least one working day prior to inspection, excluding holidays and weekends. No part of the system shall be covered until it has been inspected and/or approved by the inspector. All new system construction, replacement, alteration, extension and repair shall require "as built" information be supplied by the licensed installer on forms furnished by the city. Such "as built" information shall be submitted to the inspector at the time of final inspection. The number of inspections required shall be at the discretion of the authorized inspector. A minimum of two inspections shall be required for all new or/replaced systems, alterations, extensions and repairs.~~

~~—k) *Individual sewage treatment license program. Amending 7080.0700 subpart 1.*~~

~~No person shall design, install, construct, extend, alter, repair, maintain, pump, conduct site evaluations, including soil borings, soil evaluations and percolation tests for individual sewage treatment systems without being properly licensed, performing work as a qualified employee or as exempted under part 7080.0700, subpart 1.~~

~~—l) *Alternative and experimental systems.*~~

~~1. *Monitoring. Amending 7080.0910 subpart 1A:*~~

~~All alternative or experimental system applications must be accompanied by a minimum of two years of monitoring and/or test data which provides reasonable assurance of system performance.~~

~~2. *Mitigation. Amending 7080.0910 subpart 1G:*~~

~~The mitigation plan shall provide for treatment through the use of a standard system or connection to a public sewer system.~~

~~3. *Garbage disposals. Amending 7080.0910 subpart 1:*~~

~~Garbage disposals are not allowed when the individual sewage treatment system is classified as an alternative or experimental system.~~

~~4. *Privies and other toilet waste treatment devices prohibited. Amending 7080.0910 subpart 3:*~~

~~Subpart 3 F: Privies and Subpart 3 G: Other toilet waste treatment devices are not adopted as part of this article.~~

~~m) *Experimental systems. Amending 7080.0910 subpart 3a:E.*~~

~~All system monitoring reports and submittals shall be the responsibility of the licensed system designer or a qualified person approved by the local authority. Monitoring data shall be collected not less than once every six months for the first three years of the life of the system and a minimum of once annually thereafter. Monitoring reports shall be submitted throughout the life of the system.~~

~~(Code 1963, § 41.13; Code 1980, § 6-68; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977; Ord. No. 97-1682, 11-20-1997; Ord. No. 99-1774, 3-4-1999)~~

Sec. 34-242. Permit.

- ~~a) *Required.* No person shall install, alter, repair or extend any individual sewage treatment system without first obtaining a permit therefor from the city for each specific installation, alteration, repair or extension. Such permit shall be valid for a period of 12 months from the date of issuance.~~
- ~~b) *Application; contents.* The application for a permit for an individual sewage treatment system shall have all information and data required by the city manager, including the following:~~
- ~~1. Each application for a sewage treatment shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to be made.~~
 - ~~2. Each application for a permit shall be accompanied by a site plan of the land showing the location of any proposed or existing building located on the property with respect to the boundary lines of the property. Complete plans of the proposed system with substantial data shall be provided including, but not limited to, soil boring and percolation rates, establishing compliance with the standards of this article.~~
 - ~~3. A complete plan shall include the location, size and design of the system to be installed, altered or repaired. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system.~~
 - ~~4. Omission of any information or submission of inadequate or false information pursuant to this section may constitute grounds for the denial of the permit being applied for under this section or the revocation of an issued permit.~~

~~5. Individual sewage treatment system installation shall be permitted from May 1 to November 1 of each year or as approved by the local permitting authority. Installation of any individual sewage treatment systems other than as stated in this section shall be limited to:~~

- ~~— a. Allowing installation of the septic tank and pumping tanks only;~~
- ~~— b. The pumping tank shall be connected to an alarm system which is monitored in the house by visual and audible signals. The alarm shall allow for at least a 25 percent reserve capacity to allow time for pumping to take place.~~
- ~~e. A pumping agreement must accompany any permit application and contain the following information:~~
 - ~~1. Pumper's name, address, phone number and license number.~~
 - ~~2. Frequency of pumping intervals.~~
 - ~~3. Period of time for which pumping will take place.~~
- ~~6. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property the city may reduce system setbacks and system sizing requirements, provided that such reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected property owners.~~

~~(Code 1963, § 41.13(A); Code 1980, § 6-69; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977; Ord. No. 97-1682, 11-20-1997; Ord. No. 99-1774, 3-4-1999)~~

~~Sec. 34-243. Septic systems.~~

~~Septic systems shall be identified according to their characteristics into complying or noncomplying:~~

- ~~— 1. *Complying systems.* Complying systems are systems that meet all the requirements of construction, setback and design.~~

- ~~2. *Noncomplying systems.* Noncomplying systems are systems that have at least one of the following characteristics:~~
- ~~a. The system does not conform to this article in size, construction, use or maintenance.~~
 - ~~b. The system is creating a nuisance, endangering the domestic water supply, or underground body of water, stream, lake or other surface bodies of water.~~
 - ~~c. The system is located in any of the following areas: low, swampy area, where standing water exists or an area subject to flooding; where the bottom of the soil absorption unit is closer than four feet to hard rock; or on a steep slope where soil conditions may cause effluent seepage to the ground surface.~~
 - ~~d. Existing systems which are properly sized and constructed, but do not meet the minimum setback distance as stated in the codes regulating individual sewage disposal systems and chapter 15 of the regulations adopted by the state commissioner of health.~~

~~When there is evidence of septic tank effluent percolating from the ground or unauthorized pumping of septic tanks, due to septic tank failure, the system shall be altered to conform to these standards within 60 days after written notification, unless the city finds extenuating circumstances that warrant deviation from this requirement. Pumping shall take place as needed until correction is complete.~~

~~(Code 1963, § 41.13(B), (C); Code 1980, § 6-70; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977; Ord. No. 97-1682, 11-20-1997; Ord. No. 99-1774, 3-4-1999)~~

~~Sec. 34-244. Permit prerequisite to issuance of building permit.~~

~~No building permit for any building requiring an on-site sewage treatment system shall be issued until the permit as required by sections: [34-241](#) ~~<http://library.municode.com/HTML/19960/level3/PTHCOOR_CH34EN_ARTVIINSE_TRSY.html>~~ and [34-242](#) ~~<http://library.municode.com/HTML/19960/level3/PTHCOOR_CH34EN_ARTVIINSE_TRSY.html>~~ has been obtained.~~

~~(Code 1963, § 41.14; Code 1980, § 6-71; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977)~~

Sec. 34-245. Prohibited discharges.

~~Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock formation the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the requirements of this article. This requirement shall not apply to the disposal of sewage in accordance with a process approved by the state commissioner of health or the water pollution control commission.~~

~~(Code 1963, § 41.13; Code 1980, § 6-72; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977)~~

Sec. 34-246. Required connection to public sewer.

- ~~a) *Regulations.* If any building with installed plumbing fixtures, which is intended for human habitation, occupancy or use, is located on premises to which a public sewer is available, such building shall be connected to the public sewer, as provided in the following:~~
 - ~~1. *Complying system.* At such times as a public sewer becomes available to property services by either a complying private sewage treatment system, a direct connection shall be made to the public sewer within five years of the date the public sewer becomes available.~~
 - ~~2. *Noncomplying system.* A noncomplying sewage treatment system shall be connected to a public sewer within one year of the date the public sewer becomes available.~~
 - ~~3. *System failure.* Any sewage treatment system which fails shall be connected to the available public sewer within 60 days of the failure. Normal maintenance of a septic tank for removal of sludge or scum is not considered a system failure.~~
 - ~~4. *Filling of private systems.* At the time of connection to public sewer, any septic tank or seepage pit or similar installation shall be pumped clean and filled with a suitable material, and the building sewer (connector) connection to the septic tank shall be severed and capped a minimum of three feet outside of the building wall.~~

~~—(b) *Provision for future connection.* Each new building constructed in the city shall provide for future connection to the municipal sanitary sewer system by the installation of a building drain extending two feet beyond the foundation wall at an approved location at the time of construction of the building.~~

~~(Code 1963, § 41.15; Code 1980, §§ 6-73, 6-74; Ord. No. 221, 5-19-1970; Ord. No. 531, 2-17-1977; Ord. No. 97-1682, 11-20-1997; Ord. No. 99-1774, 3-4-1999)]~~

Secs. 34-2[47] 46 -34-280. Reserved.

CHAPTER 34. ENVIRONMENT

ARTICLE VII: INDIVIDUAL SUBSURFACE SEWAGE TREATMENT SYSTEMS

Sec. 34.241. Purpose, applicability and authority.

- a) *Purpose.* It is the purpose of this Chapter to establish standards for the proper design, installation, location, construction, operation, use, and maintenance of Subsurface Sewage Treatment Systems (SSTS) and Individual Subsurface Sewage Treatment Systems (ISTS) in order to protect the public health, safety, and general welfare.
- b) *Applicability.* This Chapter shall apply to those sites or facilities that are licensed, permitted, or otherwise regulated by the City of Blaine. The sewer provisions of this Chapter shall also apply to any premises in the City that are not served by a sewage treatment system permitted by the Minnesota Pollution Control Agency.
- c) *Authority.* This Chapter is adopted pursuant to the authorization and requirements contained in Minnesota Statutes §§ 145A.05, 115.55, and Minnesota Administrative Rules Chapter 7082.

Sec. 34.242. General provisions.

- a) *Treatment Required.* All sewage generated in unsewered areas shall be treated and disbursed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- b) *Administration.* This Chapter shall be administered by the City of Blaine Building Department. The term “Department,” where used in this Chapter, shall mean the City of Blaine Building Department.

- c) Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this Chapter.
- d) Conditions. Violation of any condition imposed by the City on a license, permit, or variance issued under this Chapter shall be deemed a violation of this Chapter and subject to the penalty provisions set forth herein.
- e) Site Evaluation, System Design, Construction, Inspection, and Servicing. Site evaluation, system design, construction, inspection, and system servicing shall be performed by Minnesota Pollution Control Agency listed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minnesota Administrative Rule 7083.0700. For lots platted after January 23, 1996, a design shall evaluate and locate space for a minimum of two soil treatment areas.
- f) Inspection. No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Department. If any part of the system is covered before being inspected and approved as provided herein, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this Chapter. It shall be the responsibility of the permittee to notify the Department that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Department is unable to conduct an inspection, the permittee may, after receiving written permission from the Department, document compliance with this Chapter by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.
- g) Compliance Inspection and Certificate of Compliance Required. An SSTS compliance inspection and a Certificate of Compliance are required:
 - 1. For a new or replacement SSTS prior to the issuance of a building permit.
 - 2. When altering an existing structure to add a bedroom, prior to the issuance of a building permit.
 - 3. When a parcel having an existing system undergoes development, subdivision, or split, prior to the issuance of a building permit.
 - 4. For all parcels serviced by a subsurface sewage treatment system prior to property sale or transfer of ownership.

Exception: Systems less than five years old from date of septic permit.

- h) Imminent Public Health and Safety Threat; Failing System; and Surface Discharge.
1. The owner of an SSTS that poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Department and be brought into compliance with this Chapter in accordance with a schedule established by the Department, which schedule shall not exceed ten (10) months.
 2. A failing system, including a SSTS that is not protective of groundwater, shall be brought into compliance with 24 months after receiving notice from the Department.
 3. An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.
- i) Non-Complying Systems. Existing systems that are non-complying but are not an imminent health or safety threat, failing, or discharging to surface may continue in use so long as the use is not changed or expanded. If the use changes or is expanded, the non-complying elements of the existing system must be brought into compliance.
- j) Non-Complying Work. New individual sewage treatment system construction that is non-compliant, or other work on a system that is non-complying, must be brought into compliance with this Chapter in accordance with a schedule established by the Department, which schedule shall not exceed seven (7) days unless the Department finds extenuating circumstances.
- k) Change in Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the system has changed or been altered.
- l) Variances-Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property, the Department may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonable infringe on adjacent properties.

- m) Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this Chapter and all of the Rules and Statutes incorporated herein by reference.
- n) Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by Federal law to submit SSTS inventory information to the Environmental Protection Agency.

Sec. 34-243. Standards adopted.

- a) Minnesota Rules Adopted. Minnesota Administrative Rules Chapters 7080 and 7081, that are in effect on the date of passage of this Chapter, relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.
- b) Rules Amended. The Rules, adopted in Section 34-243, are amended as follows:
 - 1. Compliance Inspection - 15 Percent Vertical Separation Reduction. Minnesota Administrative Rule 7080.1500, subp. 4D is amended to allow 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.
 - 2. Preliminary Evaluations - Amending 7080.1710 (L). On all lots created after January 23, 1996, a minimum of one additional soil treatment area shall be identified which can be shown by appropriate soil evaluations and percolation tests, to support a standard soil treatment system.
 - 3. Other technical requirements for all system. Amending 7080.2150, Subpart 3, Item E. The system's absorption area and mound absorption ratio must be sized according to Table IX and IXa.
- c) Holding Tanks. Holding tanks may be allowed for the following applications:
 - 1. As replacement to a failing system;
 - 2. As replacement for an SSTS that poses an imminent threat to public health and safety; or
 - 3. For an existing lot in which an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.

- d) System Abandonment. An SSTS or any component thereof that is no longer intended to be used must be abandoned in accordance with the adopted standards of this Chapter.

Sec. 34-244. Permits.

- a) Permit Required. No person shall cause or allow the location, construction, alteration, extension, conversion, modification of any SSTS without first obtaining a permit for such work from the Department. No person shall construct, alter, extend, convert, or modify any structure that is or will utilize a SSTS without first obtaining a permit.
1. All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction on forms provided by the Department and accompanied by required site and design data, and permit fees.
 2. Permits shall only be issued to the person doing the individual sewage treatment system construction.
 3. Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
 4. A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.
 5. Any request for a permit for installation of any subsurface sewage treatment system shall include a site plan drawn to scale of 1 inch equals 40 feet or larger showing the following:
 - a. The topography;
 - b. The boundary lines of the lot;
 - c. Setbacks;
 - d. Location of existing and proposed roads;
 - e. Parking areas;
 - f. Driveways;
 - g. Easements;
 - h. Bodies of water as well as wetlands;
 - i. All dwelling units and accessory buildings, together with location of swimming pools and sport courts; and
 - j. Well.

- b) Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems, MSTs, and other SSTs that the Department has determined require operational oversight.
 - 1. Application. Application for an operating permit shall be made on a form provided by the Department.
 - 2. Holding Tanks. The owner of holding tanks installed after the effective date of this Chapter shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

Sec. 34-245. Violations and penalties.

- a) Misdemeanor. Any person who fails to comply with the provisions of this Chapter shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during on which a violation occurs or continues.
- b) Civil Action/Injunctive Relief. In the event of a violation or a threat of violation of this Chapter, the Department may institute appropriate civil or administration actions or proceedings, include actions seeking damages, declaratory relief, or injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations, and the City Attorney is authorized to institute such action.

Sec. 34-246. Periodically saturated soil disagreements.

- a) If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTs design or compliance purposes, all the disputing parties must follow the procedure outlined in this subpart.
 - 1. The disputing parties must meet at the disputed site in an attempt to resolve differences.
 - 2. If the provision in subitem (1) does not resolve the differences, then one or more of the methods in units (a) to (c) must be employed.
 - a. Obtain an opinion from a qualified employee of the local permitting authority with jurisdiction, if the local permitting authority is willing to provide an opinion.

c) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the local unit of government and all other parties involved.

1. If opinions in subitem (2) are not sought or do not resolve the dispute, the local unit of government shall take into consideration all information and opinions rendered and make a final judgment. The local unit of government shall render findings of fact, conclusions of law, and findings set forth the reasons for any final decisions they render.

d) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the local unit of government and all other parties involved.

Sec. 34-247. Permit prerequisite to issuance of building permit.

No building permit for any building requiring an on-site sewage treatment system shall be issued until the permit as required by sections 34-243 and 34-244 has been obtained.

Sec. 34-248. Property Access.

The Department Inspector and the Department's agents and contractors shall have the right of free access to the property at reasonable times for the purpose of inspecting subsurface sewage treatment systems and abating imminent health threats and nuisances.

Sec. 34-249. Abatement of Imminent Health Threat and Nuisance by City.

- a) If a lot owner fails to abate an imminent health threat and nuisance declared pursuant to Sec. 34-242 (h) within the time prescribed in Sec. 34-242 (h), the city may immediately abate the imminent health threat and nuisance and shall bill the owner of the lot (and the owner shall pay within 30 days of billing) for the costs incurred for the abatement together with an administrative fee of \$250 or the other amount as may be set by the City Council from time to time.
- b) On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter. The City Council may then charge all or any portion of the charges together with an additional administrative fee of \$50 against the property involved as a special assessment under applicable Minnesota Statutes for certification to the County Auditor with collection in the following year with that year's taxes.

Sec. 34-250. Property Access.

If the property owner fails to pump or maintain the subsurface sewage treatment system in accordance with Minnesota Administrative Rule Chapters 7080.2450, after notification by the Department, the city may order the required pumping and/or maintenance and the owner will be responsible for the costs plus a \$100 administration fee.

Secs. 34-251 —34-280. Reserved.

INTRODUCED and read in full the 20th day of November 2014.

PASSED by the City Council of the City of Blaine the 4th day of December 2014.

Signed by _____ **Date** _____
Tom Ryan, Mayor

Attest by _____ **Date** _____
Cathy Sorensen, CMC, City Clerk