

# City of North Oaks Code of Ordinances

## CHAPTER 51: SUBSURFACE SEWAGE TREATMENT SYSTEMS

---

### Section:

- 51.1 Purpose, applicability, and authority
- 51.2 General provisions
- 51.3 Standards adopted
- 51.4 Permits
- 51.5 Application and Interpretation
- 51.6 Violations and penalties

## § 51.01 PURPOSE, APPLICABILITY, AND AUTHORITY.

- (1) *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 sewage treatment systems (ISTS) in order to protect the public health, safety, and general welfare.
- (2) *Applicability.* This chapter shall apply to those sites or facilities that are licensed, permitted, or otherwise regulated by the City of North Oaks. The provisions of this chapter shall apply to any premises in the city that are served by a subsurface sewage treatment system permitted by the Minnesota Pollution Control Agency.
- (3) *Authority.* This chapter is adopted pursuant to the authorization and requirements contained in M.S. § 145A05, M.S. § 115.55, and Minnesota Rules Chapter 7082.

## § 51.02 GENERAL PROVISIONS.

- (1) *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.
- (2) *Administration.* This chapter shall be administered by the City of North Oaks Building Department. The term *DEPARTMENT*, where used in this chapter, shall mean the City of North Oaks Building Department.
- (3) *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.
- (4) *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.
- (5) *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 licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. Rule 7083.0700.
  - a) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.
  - b) At least four (4) soil observations, and two (2) percolation tests, must be conducted to assure that suitable soil exists in each area for long-term treatment. At least one (1) soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
    - (1) If two (2) or more different soil textures are present in the proposed treatment area, at least one (1) soil observation and one (1) percolation test shall be performed in each soil texture.

- (6) *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.
- (7) *Sanitary Inspector.* The Sanitary Inspector is any individual licensed by the MPCA as an Inspector, who approves the design, grants permits, and inspects the installation and maintenance of subsurface sewage treatment systems for the City of North Oaks.
- (8) *Compliance Inspection and Certificate of Compliance Required.* For all properties served by an SSTS, a compliance inspection and a Certificate of Compliance are required:
- a) Prior to the issuance of a building permit when altering an existing structure to add a bedroom.
  - b) In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage.
  - c) When a parcel having an existing system undergoes development, redevelopment, or subdivision.
- (9) *Noncompliant Systems and Imminent Public Health Threat.*
- a) 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.
  - b) A Noncompliant system shall be brought into compliance within twenty four (24) months after receiving notice of noncompliance.
  - c) 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.
- (10) *Septic Tank Maintenance.* The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every two (2) years, engage a licensed Maintenance Business, who shall inspect the tank(s) in order to maintain the system in accordance with the procedures specified in MN Rules 7080.2450. Removal of septage shall include complete removal of scum and sludge. Maintenance reports, on forms approved by the Department, are required to be submitted to the City within thirty (30) days of servicing the system. A filing fee, as set by resolution, shall be required to be paid upon filing of the reports.
- (11) *Variances.* Where conditions prevent the construction, alteration, and/or repair of a sewage treatment system in strict compliance with the requirements of this chapter, the property owner may apply for a variance following the procedures outlined in North Oaks City Code Sections 151.078 & 151.079.
- (12) *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.
- (13) *Class Injection Wells.* All owners of a new or replacement SSTS that are considered to be Class V injection wells, as defined in C.F.R. Title 40, Part 144, are required by federal law to submit SSTS inventory information to the Environmental Protection Agency.

§ 51.03 STANDARDS ADOPTED.

(1) *Minnesota Rules Adopted.* Adopted and incorporated herein by reference is current M.S. §§ 115.55 *et seq.* and MN Rules, Chapters 7080 and 7081, as they may be amended from time to time, Subsurface Sewage Treatment Systems Program of the Minnesota Pollution Control Agency, and amendments thereto adopted subsequent to the effective date of this subchapter.

(2) *Rules Amended.* The Rules, adopted in division (1) above, are amended as follows:

- a) *Compliance Inspection, 15 Percent Vertical Separation Reduction.* Minn. Rules 7080.1500, Subp. 4D, is amended to allow fifteen (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.
- b) *Sewage Tanks.* Capacity sewage tanks shall meet the requirements of MN Rules, Chapter 7080.1930, as it may be amended from time to time, except the liquid capacity of septic tanks serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below in Table I below.

TABLE I

Number of Bedrooms	Tank Liquid Capacities (Gallons)
4	2,500
5 or 6	3,000
7, 8, 9	4,000
10 or more	The septic tank shall be sized as another establishment; MN Rules, Chapter 7080.1930, as it may be amended from time to time, covers this detail.

- c) *Design Flow.* Design flow shall be according to MN Rules Chapter 7080.1860 Table IV, except that all dwellings shall be considered Classification I, and no design shall be for less than 3 bedrooms. For multiple residential units, the estimated daily flow shall consist of the sum of the flows for each of the units.
  - d) *Setbacks.* Setbacks shall be according to MN Rules Chapter 7080.2150 Table VII, except that the setback distance for all tanks and treatment areas to property lines, wetlands and the nearest edge of any road easement shall be thirty (30) feet.
  - e) *Dosing of Effluent.* An alarm shall be installed on an electrical circuit separate from the pump to warn of pump failure. The dosing chamber shall be a separate tank.
- (3) *Holding Tanks.* Holding tanks may only be allowed for replacement of an existing system where an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.
- (4) *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.

- (5) *Type III and IV (Performance) Systems.* System Types I-IV are pursuant to Minn R. 7080.2200 through 7080.2400. Type III and IV systems may be installed provided that:
- a) Type III systems may be installed where a Type I system cannot be feasibly installed.
  - b) Type IV systems may be installed on lots platted prior to the two 5,000 square foot site requirements referenced in Section 51.02(5)a), as a new or replacement system, where a Type I or III system cannot be installed; and, on all other lots, only as a replacement system where a Type I or III system cannot be installed.
  - c) Type IV systems are subject to an Operating Permit renewable every two (2) years.
  - d) In addition to the permit fees for system installations, the applicant shall reimburse the city for all costs incurred for the additional review and inspection services of the required Intermediate or Advanced Designer/Inspector. A minimum deposit of \$500.00 towards these costs shall be made at the time of application.

#### § 51.04 PERMITS.

- (1) *Permit Required.* No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any SSTS without first obtaining a permit for such work from the Department.
- a) 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 approved by the Department and accompanied by required site and design data, and permit fees.
  - b) Permits shall only be issued to the person doing the individual sewage treatment system construction.
  - c) Permit applications for a new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
  - d) Except for tank replacement, 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.
  - e) An As-Built Report complying with MN Rules Chapter 7080.2430, must be submitted to the City of North Oaks prior to obtaining a Certificate of Compliance for all new system installations.
- (2) *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.
- a) Application for an operating permit shall be made on a form approved by the Department.
  - b) 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.

#### § 51.05 APPLICATION AND INTERPRETATION.

- (1) Where the conditions imposed by any provision of this subchapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulations of any kind, then the regulations which are more restrictive or imposed higher standards or requirements shall prevail.

§ 51.06 VIOLATIONS AND PENALTIES.

- (1) *Authority.* The Sanitary Inspector shall have the authority to conduct inspections of any individual sewage treatment system which may possibly be an imminent health threat or a nuisance and may conduct inspections of any individual sewage treatment system which may possibly be deemed Noncompliant.
  - a) The owner of any lot upon which the system is found to be an imminent health threat, a nuisance, or otherwise not in compliance with this subchapter, including maintenance/pumping requirements, shall be given written notice thereof.
  - b) After receipt of a notice thereof, it shall be the responsibility of the owner to correct the defects within the time period(s) provided in the notice.
- (2) *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. Penalty, see § 10.99
- (3) *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, including actions seeking damages, filing of a Notice of Interest, 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.
- (4) *Effective Date.* This chapter shall take effect and be in force upon publication
- (5) *Repealed.* North Oaks Ordinance Chapter 50, Sections 50.01 through 50.21 is hereby repealed.