

**SUBSURFACE SEWAGE TREATMENT  
SYSTEM ORDINANCE  
DODGE COUNTY**

**COUNTY ORDINANCE NUMBER 4**

Effective Date  
March 1, 2010

# Dodge County SSTS Program Ordinance

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**DODGE COUNTY**  
**SUBSURFACE SEWAGE TREATMENT SYSTEMS**

**ORDINANCE NO. 4**

This is an ordinance authorizing and providing for sewage treatment and soil dispersal in areas of the county not served by municipal wastewater treatment systems. It establishes:

- 1) Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) incorporating by reference and future changes minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency,
- 2) Requirements for issuing permits for installation, alteration, repair or expansion of SSTS,
- 3) Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan,
- 4) Standards for upgrade, repair, replacement, or abandonment of SSTS,
- 5) Penalties for failure to comply with these provisions,
- 6) Provisions for enforcement of these requirements, and
- 7) Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Dodge County Comprehensive Land Use Plan and the Dodge County Zoning Ordinance.

**ARTICLE I      PURPOSE AND AUTHORITY**

**ARTICLE I, SECTION 1.0      PURPOSE AND INTENT**

**1.01      Purpose**

The purpose of this ordinance is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

**1.02      Intent**

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in DODGE COUNTY essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .
  
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.

- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

#### **ARTICLE I, SECTION 2.0 AUTHORITY**

This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, or successor rules.

#### **ARTICLE I, SECTION 3.0 EFFECTIVE DATE**

The provisions set forth in this Ordinance shall become effective on (March 1, 2010)

#### **ARTICLE II DEFINITIONS**

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

**As-Built:** Drawings and documentation specifying the final in-place location, elevation, size, and type of all system components. These records identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement.

**Authorized Representative:** An employee or agent of the Dodge County Environmental Services Department.

**Environmental Board of Adjustment:** A board with the authority to order the issuance of variances hear and decide appeals and review any order, requirement, decision, or determination as may arise in the administration of this Ordinance.

**Class V Injection Well:** A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

**Cluster System:** A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

**County:** Dodge County, Minnesota.

**County Board:** The Dodge County Board of Commissioners.

**Department:** The Dodge County Environmental Services Department or designated agent who is a qualified employee or licensee.

**Design Flow:** The daily volume of wastewater for which an SSTS is designed to treat and discharge.

**Environmental Board of Adjustment:** A board created pursuant to MN Statutes 394.27 with the authority to order the issuance of variances, hear and decide appeals or other business pursuant to this ordinance.

**Failure to Protect Groundwater:** At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500.

**Imminent Threat to Public Health and Safety:** At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.

**Landowner or Owner:** Any person who holds title to property, either individually or as a joint tenant, or tenant in common, to any land lying within the County. Where the term owner of land or landowner is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

**Malfunction:** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

**MPCA:** Minnesota Pollution Control Agency.

**Replacement Dwelling:** A dwelling that replaces an existing dwelling that is or will be moved.

**Road Right-of-Way:** Any interstate, United States, state, county, municipal, or township highway or road including any shoulder and drainage ditch alongside the road as defined by ownership, easement or similar conveyance.

**Sewage Disclosure Form:** A form provided by the Department to be completed by the seller of property at the time of sale or transfer of title, which discloses information about the ownership, location, and condition of sewage treatment on the property.

**Sewage Responsibility Form:** A form provided by the Department to be completed by the seller and buyer of property at the time of sale or transfer of title, which defines responsibility for required future inspection, repair, replacement, and maintenance of the sewage treatment system(s) on the property.

**SSTS:** Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.

**State:** The State of Minnesota.

**Transfer of Property:** The act of a party by which the title of the property is conveyed from one person to another. The sale or transfer of title, and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise. This shall include, but not be limited to, sales by deed and contract for deed.

## **ARTICLE III GENERAL PROVISIONS**

### **ARTICLE III, SECTION 1.0 SCOPE**

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

### **ARTICLE III, SECTION 2.0 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance. The County Environmental Services Department shall keep a current list of local jurisdictions within the County administering a SSTS program.

### **ARTICLE III, SECTION 3.0 ADMINISTRATION**

#### **3.01 COUNTY ADMINISTRATION**

The Dodge County Environmental Services Department shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the County shall review, revise, and update this Ordinance as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

#### **3.02 STATE OF MINNESOTA**

Where a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required.

SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.

### **3.03 CITIES AND TOWNSHIPS**

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

### **ARTICLE III, SECTION 4.0 LIABILITY**

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

### **ARTICLE III, SECTION 5.0 ENVIRONMENTAL BOARD OF ADJUSTMENT**

#### **5.01 Functions**

The Board, hereafter to be identified as the Environmental Board of Adjustment (EBOA) shall be created pursuant to MN Statutes 394.27. The Environmental Board of Adjustment shall grant variances pursuant to this Ordinance and make decisions on other issues as they may arise in the administration of this ordinance.

#### **5.02 Membership**

Ex-officio members of the Environmental Board of Adjustment will consist of the Dodge County Environmental Services Director, the Dodge County SSTS Coordinator, and the Dodge County Commissioner representing the district where the applicable request is located. The ex-officio members will be non-voting and serve in an advisory capacity only.

No one appointed to the Environmental Board of Adjustment shall have a conflict of interest. Conduct of members of the Environmental Board of Adjustment shall be consistent with the highest ethical standards and any appearance of impropriety shall be avoided.

#### **5.03 Appointments and Terms**

Environmental Board of Adjustment will consist of five members to be appointed annually by the Dodge County Board of Commissioners. The Dodge County Board of Commissioners may remove any member for nonperformance of duty or misconduct in office.

#### **5.04 Administration**

The Environmental Board of Adjustment shall elect a chair and vice-chair and appoint a secretary from among its members. It shall adopt rules for the transaction of its business and such rules may include filing of written briefs by the parties. The Environmental Board of Adjustment shall keep a public record of its transactions, findings, and determinations.

**5.05 Meeting Frequency**

The meetings of the Environmental Board of Adjustment shall be held at least once a year at the call of the chair and at such other times as the Environmental Board of Adjustment in its rules of procedure may specify. Meetings of the Environmental Board of Adjustment shall be conducted according to Robert’s Rules of Order.

**ARTICLE IV GENERAL REQUIREMENTS**

**ARTICLE IV, SECTION 1.0 RETROACTIVITY**

**1.01 All SSTS**

Except as explicitly set forth in Article IV, Section 1.02, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

**1.02 Existing Permits**

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration.

**1.03 SSTS on Lots Created After January 23, 1996**

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, rapidly permeable soils, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

**ARTICLE IV, SECTION 2.0 UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT**

**2.01 SSTS Capacity Expansions**

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

**2.02 Failure to Protect Groundwater**

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500,Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 2 years of receipt of a Notice of Noncompliance.

**2.03 Imminent Threat to Public Health or Safety**

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500,Subp.4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.

**2.04 Abandonment**

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

## **ARTICLE IV, SECTION 3.0 SSTS IN FLOODPLAINS**

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

## **ARTICLE IV, SECTION 4.0 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 the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

## **ARTICLE IV, SECTION 5.0 SSTS PRACTITIONER LICENSING**

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

Dodge County limits the license exemptions set forth in MN Rules Chapter 7083.0700 by not allowing unlicensed owners to construct a pressurized Subsurface Sewage Treatment System (SSTS). Dodge County may require any person seeking any exemption listed in 7083.0700 to attend MPCA certified SSTS construction training and/or sign and have on record at the Environmental Services Department an agreement indemnifying the county against claims due to the failure of the landowner to comply with any provision of this ordinance.

## **ARTICLE IV, SECTION 6.0 PROHIBITIONS**

### **6.01 Sewage Discharge to Ground Surface or Surface Water**

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

### **6.02 Sewage Discharge to a Well or Boring**

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

### **6.03 Discharge of Hazardous or Deleterious Materials**

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

## **ARTICLE V SSTS STANDARDS**

### **ARTICLE V, SECTION 1.0 STANDARDS ADOPTED BY REFERENCE**

The County hereby adopts by reference and future changes Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended or subsequently adopted. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

### **ARTICLE V, SECTION 2.0 AMENDMENTS TO THE ADOPTED STANDARDS**

#### **2.01 List of Adopted Standards**

- A. For the purpose of this ordinance Dodge County limits the license exemption by not allowing unlicensed owners to construct a pressurized Subsurface Sewage Treatment System.
- B. For the purpose of this ordinance Dodge County chooses to allow only Type I, Type II, Type III, and Type IV systems.
- C. For the purpose of this ordinance Dodge County requires a compliance inspection at the time of property transfer. If the county has a copy of a Certificate of Compliance on file and the date on the compliance inspection is less than 10 years old, a new compliance inspection of the system is not required. If the system is issued a "Notice of Noncompliance" the system must be installed, or an escrow account set up before the property is transferred.
- D. For the purpose of this ordinance Dodge County requires when replacing, in whole or in part, an existing dwelling the size of the system must be in compliance with MPCA sizing requirements.
- E. For the purpose of this ordinance Dodge County requires when adding a bedroom to an existing dwelling the size of the system must be in compliance with MPCA sizing requirements.
- F. For the purpose of this ordinance Dodge County requires a compliance inspection when living space is added to a dwelling over 120 sq ft and requires the system be upgraded according to Article IV, Section 2.02 or 2.03.

#### **2.02 Determination of Hydraulic Loading Rate and SSTS Sizing**

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

#### **2.03 Compliance Criteria for Existing SSTS**

SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.  
7080.1500, Subp.4

## **2.04 Holding Tanks**

Holding tanks may be allowed:

- (1) as replacements for existing failing SSTS where no other viable option exists,
- (2) For SSTS that pose an imminent threat to public health or safety,
- (3) For non-dwellings that have intermittent or very low water use,
- (4) For seasonal use; defined as a dwelling without a commercial use or occupation, which is occupied six (6) months or less

Holding tanks shall not be allowed for any other wastewater uses.

### Holding Tank Provisions:

- 1) The owner shall install a holding tank in accordance with Minnesota Rules Section 7080.2290.
- 2) The owner shall maintain a valid contract for disposal and treatment of the septage with a pumper, municipality, agency, or firm established for that purpose.
- 3) All owners of holding tanks shall be issued an operating permit (7082.0600, Subp.2A), which must include the minimum provisions listed in 7082.0600, Subp.2B, (1) through (8).

## **ARTICLE V, SECTION 3.0 VARIANCES**

### **3.01 Variance Requests**

A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures.

### **3.02 Affected Agency**

Variations that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

### **3.03 Environmental Board of Adjustment**

The Environmental Board of Adjustment shall have the authority to consider variances to horizontal setbacks from property lines, rights of way, structures, or buildings. Variations shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance where there are practical difficulties or particular hardship in meeting the

strict letter of this Ordinance. Variance requests to deviate from the design flow determination procedures in Minnesota Rules, Chapter 7081.0110 if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day, or to provisions in 7080.2150, Subp. 2 and 7081.0080, Subp. 2 through 5 regarding the vertical separation required beneath the treatment and dispersal soil system and saturated soil or bedrock from the required three feet of unsaturated soil material (except as provided in 7082.1700, Subp. 4D) must be approved by MPCA. Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

- A. Any property owner requesting relief from the strict application of the provisions in this Ordinance must complete and submit an Application for Variance to the Department on a form provided by the Department. The variance request must include, as applicable:
  1. A statement identifying the specific provision or provisions in the ordinance from which the variance is requested;
  2. A description of the reason that prevents compliance with the rule;
  3. The alternative measures that will be taken to achieve a comparable degree of compliance with the purposes and intent of the applicable provisions;
  4. The length of time for which the variance is requested;
  5. Cost considerations only if a reasonable use of the property does not exist under the term of the Ordinance; and
  6. Other relevant information requested by the Department as necessary to properly evaluate the variance request.
- B. The appropriate fee shall be paid at the time of submittal of the application to receive consideration by the Environmental Board of Adjustment
- C. Upon receipt of the variance application, the Department shall decide if a site investigation conducted by the Department will be necessary. After the necessary information has been gathered, the Department shall make a written recommendation to approve or deny the variance to the Environmental Board of Adjustment.
- D. The Environmental Board of Adjustment shall make the final decision after conducting a public hearing. The variance may be granted provided that:
  1. The condition causing the need for variance is unique to the property and was not caused by the actions of applicant;
  2. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to property values in the vicinity;
  3. The property owner would have no reasonable use of the land without the variance;
  4. The granting of the variance would not allow a prohibited use; and
  5. The granting of the variance would be in accordance with Minnesota Rules, Chapters 7080, 7081, and 7082.

- E. In granting a request for a variance, the Environmental Board of Adjustment may attach such conditions as it deems necessary to conform to the purpose and intent of this Ordinance.
- F. Any violation of the terms and conditions of a variance issued pursuant to this Ordinance, or any violation of any provision of this Ordinance relating to the specific issue of the variance, shall result in immediate revocation of the variance.
- G. Any variance granted shall automatically expire if the system is not installed within two years of the grant of the variance.
- H. An appeal from any order, requirement, decision, or determination of the Environmental Board of Adjustment in accordance with its policies and procedures.

## **ARTICLE VI SSTS PERMITTING**

### **ARTICLE VI, SECTION 1.0 PERMIT REQUIRED**

It is unlawful for any person to construct, install, modify, replace, or operate (perform as an operator) a SSTS without the appropriate permit from the Environmental Services Department, Dodge County, MN. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

### **ARTICLE VI, SECTION 2.0. SEWER PERMIT**

A sewer permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by an appropriately certified and/or licensed practitioner(s).

#### **2.01 Activities Requiring a Sewer Permit**

A sewer permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

#### **2.02 Activities Not Requiring a Sewer Permit**

A sewer permit is not required for:

- Installation or repair of the solid sewer pipe from the building to the septic or holding tank. Including sewer mains and collection systems installed in front of septic or holding tanks unless otherwise required by rule.
- Installation or repair of the solid sewer pipe from the septic tank to the first distribution or drop box.
- Repair or replacement of pumps, floats, or other electrical devices of the pump.
- Repair or replacement of baffles in the septic tank.

### **2.03 Sewer Permit Required to Obtain Building Permit**

For any property on which a SSTS permit is required, approval of a valid SSTS Sewer Permit application must be obtained before a building or zoning permit may be issued by the Department.

### **2.04 Conformance to Prevailing Requirements**

Any activity involving an existing system that requires a Sewer Permit shall require that the entire system be brought into compliance with this Ordinance.

### **2.05 Permit Application Requirements**

Sewer Permit applications shall be made on forms provided by the Environmental Services Department and signed by the applicant and an appropriately certified practitioner including the practitioner's certification number and date of expiration. The applications shall include the documents listed in items A through E below.

- A. Name, mailing address, telephone number.
- B. Property Identification Number and address or other description of property location.
- C. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730. A vertical soil verification must be completed by Dodge County or its authorized agent before the sewer permit is submitted to Dodge County for approval. The designer is required to contact the county, or its authorized agent, to verify the most restrictive boring indicated in the designer's field evaluation. If there is a dispute between the two verifying inspectors, the disputing parties must follow the dispute resolution procedure described in 7082.0700, Subp. 5.
- D. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- E. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- F. Indemnification statement to County.
- G. A certified statement from the person who conducted or will conduct the work.

### **2.06 Application Review and Response**

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The Department shall complete the review of the amended application. If the permit application is incomplete or does not meet the requirements of this ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

**2.07 Appeal**

The applicant may appeal the Departments decision to deny the Construction Permit in accordance with the County’s established policies and appeal procedures.

**2.08 Permit Expiration**

The Sewer Permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

**2.09 Transferability**

A Sewer Permit shall not be transferred to a new owner. The new owner must apply for a new Sewer Permit in accordance with this section.

**2.10 Suspension or Revocation**

The Department may suspend or revoke a Sewer Permit issued under this section for any false statements, misrepresentations of facts on which the Sewer Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Sewer Permit is obtained.

**2.11 Posting**

The Sewer Permit shall be posted on the property in such a location and manner so that the permit is visible and available for inspection until construction is completed and certified.

**ARTICLE VI, SECTION 3.0 OPERATING PERMIT**

**3.01 SSTS Requiring an Operating Permit**

An Operating Permit shall be required of all owners of new holding tanks, Type IV and Type V SSTS, MSTs, or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a holding tank or MSTs until the Environmental Services Department certifies that the MSTs or holding tank was installed in conformance with the approved plans, receives the final record drawings of the MSTs, and a valid Operating Permit is issued to the owner.

**3.02 Operating Permit Application Requirements**

- A. Application for an Operating Permit shall be made on a form provided by the Environmental Services Department including:
  - (1) Owner name, mailing address, and telephone
  - (2) Sewer Permit reference number and date of issue

- (3) Final record drawings of the treatment system
- (4) Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business

**B. Monitoring and Disposal Contract**

Owners of holding tanks shall provide to the Environmental Services Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).

**3.03 Department Response**

The Department shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

**3.04 Operating Permit Terms and Conditions**

The Operating Permit shall include the following (see Minnesota Rules, Chapter 7082.0600, Subp.2.B):

- A. System performance requirements
- B. System operating requirements
- C. Monitoring locations, procedures and recording requirements
- D. Maintenance requirements and schedules
- E. Compliance limits and boundaries
- F. Reporting requirements
- G. Department notification requirements for non-compliant conditions
- H. Valid contract between the owner and a licensed maintenance business
- I. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- J. Descriptions of acceptable and prohibited discharges.
- K. Other requirements as defined in county zoning ordinance or permit.
- L. Other requirements as defined by Department
- M. A “Homeowners Manual” shall be provided by the owner to all individual homes or businesses using a cluster system.

### **3.05 Permit Expiration and Renewal**

- A. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- B. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed in (60) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Article VI, Section 4.0.
- C. The Department shall notify the holder of an operating permit at least (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least (30) calendar days before the expiration date.
- D. Application shall be made on a form provided by the Department including:
  - (1) Applicant name, mailing address and phone number.
  - (2) Reference number of previous owner's operating permit.
  - (3) Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
  - (4) Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the County.
  - (5) Any revisions made to the operation and maintenance manual.
  - (6) Payment of application review fee as determined by the County.

### **3.06 Amendments to Existing Permits not Allowed**

The County may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

### **3.07 Transfers**

The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Article VI, Section 3.02 of this Ordinance. The Department shall not terminate the current permit until (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

### **3.08 Suspension or Revocation**

- A. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- B. Notice of suspension and the reasons for revocation shall be conveyed in writing to the owner.

- C. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Article VI, Section 4.0.
- D. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

### **3.09 Compliance Monitoring**

- A. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- B. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
  - (1) Owner name and address
  - (2) Operating Permit number
  - (3) Average daily flow since last compliance monitoring report
  - (4) Description of type of maintenance and date performed
  - (5) Description of samples taken (if required), analytical laboratory used, and results of analyses
  - (6) Problems noted with the system and actions proposed or taken to correct them
  - (7) Name, signature, license and license number of the licensed professional who performed the work

## **ARTICLE VI, SECTION 4.0 ABANDONMENT CERTIFICATION**

### **4.01 Purpose**

The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.

### **4.02 Abandonment Requirements**

- A. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
- B. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.

- C. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system within (60) calendar days of a system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification of the Department of an owner's intent to abandon a system is necessary.
- D. A report of abandonment certified by the licensed installation business shall be submitted to the Department. The report shall include:
  - (1) Owner's name and contact information
  - (2) Property address
  - (3) System construction permit and operating permit
  - (4) The reason(s) for abandonment
  - (5) A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.
  - (6) Completion of the SSTS Abandonment form

## **ARTICLE VII MANAGEMENT PLANS**

### **ARTICLE VII, SECTION 1.0 PURPOSE**

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

### **ARTICLE VII, SECTION 2.0 MANAGEMENT PLAN REQUIREMENTS**

#### **2.01 SSTS Requiring Management Plans**

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the sewer permit application for review and approval.

#### **2.02 Required Contents of a Management Plan**

Management plans shall include (*Minnesota Rules, Chapter 7082.0600, Subp.1*):

- A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- B. Monitoring requirements;
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- D. Other requirements as determined by the Department

#### **2.03 Requirements for Systems not Operated under a Management Plan (*Minnesota Rules, Chapter 7082.0100, Subp. 3.(L)*)**

SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

## **ARTICLE VIII COMPLIANCE MANAGEMENT**

### **ARTICLE VIII, SECTION 1.0 PUBLIC EDUCATION OUTREACH**

Programs shall be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

### **ARTICLE VIII, SECTION 2.0 COMPLIANCE INSPECTION PROGRAM**

#### **2.01 Department Responsibility**

It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections periodically to assure that the requirements of this Ordinance are met.

- A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- B. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system and to enforce this ordinance. The Department shall notify the owner of the Department's intent to inspect the SSTS at least (2) days in advance of the intended inspection.
- C. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- D. SSTS found not to be in compliance with 7080.1500, Subp. 4A or 7081.0080, Subp. 3 must be repaired or replaced within ten months or as directed under Minnesota Statutes, Chapter 145A. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise managed according to the operating permit. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced within two (2) years.

#### **2.02 New Construction or Replacement**

- A. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081.
- B. The installer or contractor hired by the permittee shall notify the Department on the **work day** preceding the day inspection is desired, prior to the completion and covering of the SSTS. The installation and construction of the Subsurface Sewage Treatment System (SSTS) shall be in accordance with the permit requirements and application design. If any component is covered before being inspected and

approved by the Department, it shall be uncovered if directed by the Department. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction. Inspections shall be conducted at least once during the construction of the Subsurface Sewage Treatment System (SSTS) at such time as to ensure that the system has been constructed per submitted and approved design.

- C. If the installer or contractor hired by the permittee provides proper notice as described above and the Department does not appear for an inspection within two hours after time set, the installer or contractor hired by the permittee may complete the installation. The installer or contractor hired by the permittee shall then file a signed As-Built, including photographs of the system prior to covering, with the Department within five working days. The As-Built shall include a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects. The As-Built design must be submitted on County forms available in the Department.
- D. A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for (five) years, shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
- E. The certificate of compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements.
- F. Certificates of compliance for new construction or replacement shall remain valid for (5) years from the date of issue unless the Department finds evidence of noncompliance.

### **2.03 Existing Systems**

- A. Compliance inspections shall be required when any of the following conditions occur:
  - (1) Prior to adding living space to an existing dwelling including 4-season porches but not including 3-season porches, decks, kennels, shops, garages, additions less than 120 square feet, or additions and other structures that do not provide year-round living space to a dwelling. The size of the system must be in compliance with MPCA sizing requirements. In those times of the year when the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the Department within 15 days.
  - (2) When replacing, in whole or in part, an existing dwelling. The size of the system must be in compliance with MPCA sizing requirements. In those times of the year when the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the Department within 15 days.
  - (3) When adding a bedroom to an existing dwelling. The size of the system must be in compliance with MPCA sizing requirements. In those times of the year when

the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the Department within 15 days.

- (4) When a written complaint is filed with the Department. Complaints must be submitted in writing and signed by the person making the complaint;
  - (5) When a discharge to the road right-of-way is observed during construction within the road right-of-way. All properties having a direct discharge to the road right-of-way will constitute an imminent threat to public health or safety and will need to be upgraded within 10 months of the notification by the Department. The County or Township will not compensate landowners for required repair or replacement of septic systems that are failing or that are located in the road right-of-way.
  - (6) Prior to the sale or transfer of property.
  - (7) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system;
- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
- (1) Watertightness assessment of all treatment tanks including a leakage report;
  - (2) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock.
  - (3) Sewage backup, surface seepage or surface discharge including a hydraulic function report.
- C. The certificate of compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements and state rule. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions and state rule with which the SSTS does not comply.
- D. The certificate of compliance or notice of noncompliance must be submitted to the Department, the person requesting the compliance report, and any other governing authority, no later than (15) calendar days after the date the inspection was performed.
- E. Certificates of compliance for existing SSTS shall remain valid for (three) years from the date of issue unless the Department finds evidence of noncompliance.

## **2.04 Transfer of Properties**

- A. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
- (1) A compliance inspection must be conducted prior to the sale or transfer of any property.

- (2) The compliance inspection must be performed by a licensed inspection business following procedures described in Article VIII, Section 2.03 of this ordinance.
  - (3) The findings of the compliance inspection and other relevant information must be disclosed at the time of sale or transfer of title or property on a “Sewage Disclosure Form” provided by the Department. If the Sewage Disclosure Form reveals that the SSTS is failing, a “Sewage Responsibility Form”, provided by the Department, must be signed by the seller and the buyer prior to the sale or transfer of title of the property.
  - (4) If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation and inspection of a complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to (125%) of a written estimate to install and inspect a complying SSTS provided by a licensed and certified installer, or the amount escrowed shall be equal to (110%) of the written contract price for the installation of a complying SSTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance to release the escrow funds.
- B. An inspection need not be completed if the sale or transfer involves the following circumstances:
- (1) The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
  - (2) The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, and as amended from time to time.
  - (3) The property is being refinanced by the owner.
  - (4) The property has been issued a “Certificate of Compliance” within the last 10 years, and is on file in the Department.
  - (5) The sale or transfer is to the seller’s spouse or ex-spouse only. The sale or transfer may be by deed, through joint tenancy, of testamentary nature, trust document, or by foreclosure or cancellation of contract for deed.
  - (6) The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of May 1, 2006. This subsection applies only to the original vendor and vendee on such a contract.
  - (7) Any dwellings or other buildings that are connected to a municipal wastewater treatment system or are connected to a shared community system with operating agreements and monitoring plans. Operating agreements and monitoring plan results for the community system must be up to date and in compliance with the Department.
- C. All property transfers subject to this ordinance occurring during the period between November 15th and April 15th, when SSTS compliance cannot be determined due to

frozen soil conditions, shall require an escrow agreement to assure the inspection of a complying SSTS and installation of a new SSTS if inspection deems the SSTS to be failing. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to (125%) of a written estimate to inspect and install a complying SSTS provided by a licensed and certified inspector and installer, or the amount escrowed shall be equal to (110%) of the written contract price for the inspection and installation of a complying SSTS provided by a licensed and certified inspector and installer. A compliance inspection must be completed by June 1 by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the Department shall provide the escrow agent a copy of the Certificate of Compliance to release the escrow funds.

- D. Neither the issuance of permits, certificates of compliance, nor notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

## **ARTICLE IX      ENFORCEMENT**

### **ARTICLE IX, SECTION 1.0    VIOLATIONS**

#### **1.01    Cause to Issue a Notice of Violation**

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

#### **1.02    Notice of Violation**

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B. A list of specific violation(s) of this Ordinance
- C. Specific requirements for correction or removal of the specified violation(s);
- D. A mandatory time schedule for correction, removal and compliance with this ordinance.

#### **1.03    Issuance of Citations**

- A. As specified herein, individuals occupying the designated County positions are authorized to issue citations in lieu of arrest or continued detention for a petty

misdemeanor or misdemeanor violation of this ordinance.

- (1) Zoning Administrator
- (2) Building Inspector
- (3) Code Enforcement Officer
- (4) Qualified Employee

**B. Additional Authority**

Except as otherwise provided by statute, only a peace officer and a part-time peace officer may take a person into custody as permitted by Minn. Stat. §629.34.

**C. Fines**

Fines shall be paid within 30 day. If they are not, they may be assessed along with property taxes to the subject property.

**1.04 Cease and Desist Orders**

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

**ARTICLE IX, SECTION 2.0 PROSECUTIONS**

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.

**ARTICLE IX, SECTION 3.0 STATE NOTIFICATION OF VIOLATION**

In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

**ARTICLE IX, SECTION 4.0 COSTS AND REIMBURSEMENTS**

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the County Board, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Finance Director shall extend the cost as assessed and charged on the tax roll against said real property.

All costs associated with the inspection, design, construction, repair, replacement, alteration or extension of on-site sewage treatment systems shall be the responsibility of the current landowner, unless otherwise provided for in this Ordinance.

## **ARTICLE X      RECORD KEEPING**

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

## **ARTICLE XI     ANNUAL REPORT**

The department shall provide an annual report of SSTS permitting activities to the MPCA by the date specified by MPCA.

## **ARTICLE XII    FEES**

From time to time, the Dodge County Board shall establish fees and fines for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the department. Fees may not be pro-rated for portions of a year, and fees may not be refundable either in whole or in part unless otherwise authorized by the Department.

## **ARTICLE XIII   INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

## **ARTICLE XIV    SEVERABILITY**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid such finding of invalidity shall not affect other provisions or applications of this Ordinance.

**ARTICLE XV    ORDINANCE REPEALED**

The DODGE COUNTY Sewage and Wastewater Treatment Ordinance No. 3 for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed.

**ARTICLE XVI    ADOPTION**

The DODGE COUNTY Subsurface Sewage Treatment Program Ordinance No. 4 is hereby adopted by the Dodge County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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**Chairperson, Dodge County Board of Commissioners**

**ATTEST:**

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**EFFECTIVE DATE:** \_\_\_\_\_, 20\_\_