



ARTICLE II

SEWAGE TREATMENT

Footnotes:

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Editor's note—Ord. No. 50, Second Series, adopted Nov. 5, 2014, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 74-19—74-42, pertained to similar subject matter, and derived from Ord. No. 61F, §§ 1—10, adopted Feb. 16, 2005; Ord. No. 61G, §§ 1—11, adopted Oct. 18, 2006.

Sec. 74-19. - Purpose and intent.

The purpose of the sewage and wastewater treatment and disposal standards shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS) and septage disposal, including the proper location, design, construction, operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes §§ 145A.05, 115.55 and Minnesota Rules chapter 7080 through 7083 as amended, that may pertain to sewage and wastewater treatment in the city.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-20. - Applicability.

This article shall apply to those sites, properties or facilities which are licensed, permitted, or otherwise regulated by city ordinance, and/or located within the city.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-21. - Authority.

The ordinance from which this article is derived is adopted pursuant to the authorization contained in Minn. Stats. §§ 145A.05, 115.55, and Minnesota Administrative Rules Chapter 7082.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-22. - Administration.

This article shall be administered by the city building department. The term "department" where used in this article, means the city building department.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-23. - Minnesota rules adopted.

Minnesota Administrative Rules Chapters 7080 through 7083, along with any future amendments relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this article as if fully set forth herein.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-24. - System abandonment.

Septic tanks that are no longer intended to be used must be abandoned. Septic tanks must be pumped and removed, crushed, or filled in with sand. A septic system, or component thereof, that is no longer intended to be used must also be abandoned in accordance with Minnesota [Administrative] Rules Chapter

7080.2500. The contractor must also fill out a Minnesota SSTS abandonment reporting form and submit a copy to the city.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-25. - Enforcement.

- (a) Violation of any condition imposed by the city on a license, permit or variance, or any false statement shall be guilty of a misdemeanor, punishable as provided in section 1-14.
- (b) Work conducted without a permit or inspections shall be deemed an Imminent Public Health and Safety Threat and shall be discontinued within 24 hours. Any person performing SSTS work, or installed an SSTS without the required permit shall be guilty of a misdemeanor, punishable as provided in section 1-14.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-26. - Permits.

- (a) No person shall install, alter, or extend any sewage treatment system in the city without first applying for and obtaining a permit from the building department and, at the same time, paying a fee as listed in the fee schedule determined by resolution by the city council. When all the requirements are met a permit will be issued. Such permit shall be valid for a period of 12 months from the date of issuance.
- (b) Work on a septic system shall only be performed by a Minnesota certified SSTS person with the appropriate business license. Any person performing work on a septic system without the required licenses or in violation of this article is guilty of a misdemeanor, punishable as provided in section 1-14.
- (c) Permit fee shall be doubled for any work conducted without first obtaining a permit.
- (d) A full septic design meeting the requirements of Minnesota [Administrative Rules] Chapter 7080 or Chapter 7081 must be submitted before a building permit for new construction is approved. The septic design and house plans must indicate the same number of bedrooms. In the event there is a discrepancy in the number of bedrooms, the building permit will not be issued until the discrepancy is resolved to the satisfaction of the building department.
- (e) Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
- (f) When weather does not allow a full site evaluation to be completed, a design of the worst case scenario shall be submitted. Worst case scenario shall be a mound system, septic tanks and lift station. When weather permits, a full site evaluation and a new design may be submitted to the building department for review.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-27. - 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 requires operational oversight. Application for an operating permit shall be made on a form provided by the department or by the state. The owner of holding tanks installed after the effective date of this article shall provide the department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-28. - Treatment required.

All sewage generated, in unsewered areas shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-29. - Soil treatment area.

For lots platted after April 1, 1996, a design shall locate space for two soil treatment areas. All lots platted after January 1, 1998, shall have a tested soil treatment area suitable for two type I systems (standard systems) as defined by Minnesota [Administrative] Rules Chapter 7080 and 7081. The area must be large enough to accommodate two systems. The area shall be at least 5,000 square feet for each system unless approved by the building official, and must be protected by fencing to keep construction traffic off.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-30. - Type I systems (standard systems).

- (a) Type I systems shall take priority for new construction and on upgrades where those systems can be reasonably installed.
- (b) Type I systems shall be defined as systems constructed in unaltered soils and are trenches, pressure beds, at-grades, or mound systems.
- (c) Type I systems shall be designed according to Minnesota [Administrative Rules Chapter] 7080.2200.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-31. - Type II systems.

- (a) Floodplain areas MN [Minnesota Administrative Rules Chapter] 7080.2270.
- (b) Privies MN [Minnesota Administrative Rules Chapter] 7080.2280.
- (c) Holding tanks MN [Minnesota Administrative Rules Chapter] 7080.2290.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-32. - Type III systems.

As defined in Minnesota Chapter 7080.2300.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-33. - Type IV systems.

As defined in Minnesota [Administrative Rules] Chapter 7080.2350. Type IV systems shall be designed by a Minnesota SSTS certified intermediate designer (less than 2,500 gpd) or advanced designer.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-34. - Type V systems.

As defined in Minnesota [Administrative Rules] Chapter 7080.2400. Type V systems shall be designed by a Minnesota SSTS certified advanced designer with a licensed professional engineer.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-35. - Inspections.

The permittee shall notify the city prior to the completion and covering of the subsurface sewage treatment system (SSTS). The installation and construction of the SSTS shall be in accordance with the permit requirements and the approved design. Inspections will be made during the construction of the SSTS to assure that the system has been constructed per approved design.

- (1) A test pit is required to verify the depth of redoximorphic features prior to the installation of the drainfield. The pit shall be provided by the contractor. The test pit must be wide enough to allow a safe environment for the inspector. The pit shall also be in a location approved by the inspector.
- (2) The inspector shall verify soil separation between the bottom of the drainfield and any restrictive layer, water table or redoximorphic features.

- (3) No part of the system shall be covered until it has been inspected and approved by the inspector, unless prior arrangements have been made.
- (4) Proposals to alter the permitted construction will require an amended design be submitted to the building department for review.
- (5) It shall be the responsibility of the property owner or authorized agent to schedule an inspection on the workday preceding the day inspection is desired.
- (6) The installer shall complete a signed as-built drawing indicating the location and setbacks of all tanks and soil treatment area. The location of the manhole covers on the septic tanks must be noted by measuring from two points of the structure to the center of the cover. As-built must be submitted to the city inspector at the time of inspection.
- (7) If proper notice is given and the inspector does not appear for an inspection within two hours after the time is set, the installer may complete the installation. The installer shall then file a signed as-built, including photographs of the system prior to covering, with the city within five working days. The as-built shall include a certified statement that the work was installed in accordance with the approved design and permit conditions, and that it was free from defects.
- (8) Upon satisfactory completion and final inspection of the system, the inspector shall issue a certificate of compliance. If upon inspection the inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this article, the inspector shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-36. - 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 article.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-37. - Prohibited systems.

Graveless pipe, drip systems and warrantee systems are prohibited within the city.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-38. - Conflict resolution.

Subsurface sewage treatment systems regulated under this article, conflicts and other technical disputes over new construction, replacement, and existing systems will be reviewed by the building official. Soils conflicts will be resolved following [Minnesota Administrative Rules Chapter] 7082.0700 Subp. 5.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-39. - Operation guarantee.

Neither the issuance of a permit nor the inspection of a system shall constitute any warranty or guarantee of operation of the system.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-40. - Minimum qualification.

Site evaluation, system design, installation, construction, alteration, extension, repair, inspection, and system pumping and servicing shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of this city. Any work performed on a septic system without the required licenses or permits is in violation of this article and is guilty of a misdemeanor, punishable as provided in section 1-14.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-41. - Site evaluation and design requirements.

The following are site evaluation and design requirements for septic systems:

- (1) Minnesota SSTS Rules must be followed.
- (2) At least one additional bedroom shall be added in the design of a septic system with an unfinished basement.
- (3) Minimum of three soil borings are to be conducted within the primary treatment area, and one soil borings in the secondary treatment area.
- (4) Minimum of one percolation test is to be conducted within the primary treatment area. The percolation test shall be conducted near the center of the drainfield location.
- (5) The designer shall include the direction and percent of slope on site evaluation, along with elevation of the drainfield.
- (6) For lots platted after April 1, 1996, a design shall locate space for a second soil treatment area.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-42. - Minimum septic tank capacity for dwellings, and pump tank sizes, and other tank requirements.

- (a) Septic tank capacity for dwellings must be sized according to MPCA 7080.1930 Table V.
- (b) 4 or more bedrooms also require two compartments, or multiple tanks.
- (c) Pressurized systems require a separate 1,000 gallon pump tank.
- (d) The pump tank may be reduced in size by 50 percent if approved by the building official. Reduction in size will not be permitted due to financial reasons.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-43. - Sewer pipe.

The building sewer pipe extending from the house to the tank shall not be less than four inches in diameter and must meet the strength requirements of Schedule 40 plastic pipe, and no 90 degree ells shall be permitted. The pipe shall be supported or sleeved in such manner so that there is no deflection during backfilling or settling of the soil. Schedule 40 plastic pipe is also required from the septic tank to another tank or to the distribution medium.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-44. - Setback requirements.

Setback from buildings, property lines and wells shall be in accordance with the requirements of Minnesota [Administrative] Rules Chapter 7080.2150.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-45. - Setback reduction.

Setback from detached accessory buildings or garages with no basements, on the same property may be reduced by 50 percent if approved by the building official.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-46. - Variances.

- (a) Variances for setback to a property line must be approved by the city council.
- (b) Variances for holding tanks are required by the city council except for the replacement of an existing holding tank.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-47. - Septic tank maintenance.

- (a) The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years measure or remove the accumulations of floating materials at the top of each septic tank, along with the sludge, which includes the solids denser than water. Whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle, or the bottom of the scum layer is less than three inches above the bottom of the bottom of the outlet baffle, the owner or the owner's agent shall have the tank pumped. Pumping of the tank must be completed by a MPCA certified pumper.
- (b) Failure to have the septic tanks cleaned when the system is found to require cleaning shall be cause for the city to provide for the cleaning service, and provide the property owner with an advance notification of the date the system will be cleaned. The cost of this service shall be assessed to the property owner.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-48. - Compliance inspection.

An SSTS compliance inspection is required:

- (1) For a new or replacement SSTS.
- (2) Before the sale or property transfer within the city.
- (3) When adding a bedroom.
- (4) When a parcel having an existing system undergoes development, subdivision, or split.
- (5) In shoreland management areas: When a building permit is required for building, remodeling, alterations, additions or a variance is received in a shoreland management area (any part of the property within the shoreland management area) between December 1st and May 1st the city may issue a permit or variance immediately with the requirement that a compliance inspection be completed by June 1st and the applicant submits a certificate of compliance within 15 days. If a system is deemed noncompliant and is not an imminent public health threat, a property owner has ten months to bring the system into compliance. If the owner fails to get a compliance inspection on the septic system or to bring the system into compliance after the required ten months after receiving notice of a failing system, the owner is in violation of city ordinance and is guilty of a misdemeanor and must bring the septic system into compliance. If the owner does not bring the septic system into compliance within the time required by code, a stop work order will be posted and no work or inspections for the building will be permitted until the septic system is brought into compliance.
- (6) If an existing system (constructed prior to April 1, 1996) is not an immediate public health threat, the tank is watertight and provides at least two feet of soil separation, the system does not need to be upgraded, repaired or replaced or its use discontinued, as long as the system is not located in the shoreland area, wellhead protection areas (200 feet from any public water supply well, that is any well serving 25 persons or more for 60 days of the year) or serving as a food, beverage, or lodging establishment. The three foot rule applies in those circumstances with the 15 percent reduction in separation permitted by this article.
- (7) Certificates of compliance or notices of noncompliance shall be issued on the state pollution control agency's (MPCA) inspection form for existing septic systems. Copies shall be provided to the property owner and city within 15 days.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-49. - Allowable reduction for existing systems.

Compliance inspection; 15 percent vertical separation reduction. Minnesota Administrative Rules 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 interpretations. The 15 percent reduction is permitted on all septic system constructed after April 1, 1996.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-50. - Failing septic systems and septic systems which pose an imminent public health threat.

- (a) A failing SSTS that is failing to protect groundwater shall be upgraded, replaced or its use discontinued within ten months. The building department will give consideration to weather conditions as it applies to compliance dates. If the system is not upgraded or replaced within ten months and can't be installed due to weather conditions, then money shall be placed in escrow until a new system can be installed or repairs can be made. A septic design by a certified septic professional must be submitted to the building department for review, and a permit issued prior to any repair, except for restriction of discharge.
- (b) Any SSTS which poses an imminent threat to public health and safety shall be brought into compliance with this article within a period of 90 days. Discharge from the tank must be restricted immediately and regular pumping of the tanks by a MPCA licensed septic professional must be done to prevent the discharge of effluent until the repairs are made. If the system is not upgraded or replaced within 90 days and can't be installed due to weather conditions, then money shall be placed in escrow until a new system can be installed or repairs can be made. A septic design by a certified septic professional must be submitted to the building department for review, and a permit issued prior to any repair, except for restriction of discharge.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-51. - Escrow for a new or replacement septic system.

From December 1st through May 1st escrow for a new or replacement septic system may be held at 125 percent of the cost of a new septic system. At least two septic system bids are required to determine the cost of a new or replacement system; the larger of the two bids must be used to determine the escrow amount.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-52. - Change in use or condition of the system has changed or been altered.

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.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-53. - Holding tanks.

- (a) Holding tanks shall not be used as a sanitary system for new residential construction or for improvements greater than 50 percent of the assessed value of the structure at the time of the application for the improvement. Subsequent improvements shall count towards the 50 percent value limit for improvement.
- (b) Holding tanks shall only be used as a corrective action for sewage disposal for preexisting uses when a standard treatment system or other systems cannot be installed.
- (c) Holding tanks must have a visual or audio alarm for the prevention of overflow.
- (d) The homeowner of a holding tank shall provide the building department a copy of a contract with a licensed sewage maintenance business for monitoring and removal of the holding tank contents.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-54. - Floodplain.

An SSTS shall not be located in a floodway or floodplain. The location within the flood fringe is permitted, provided that the design complies with this article and all rules and statutes.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-55. - 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.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-56. - Septage disposal.

No person shall dispose the contents of any septic tank, privy, or cesspool in any manner within the city without a site evaluation conducted by a city inspector and written permission from the department.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-57. - Prohibit surface discharge.

Surface discharge of sewage from SSTS is prohibited. Unless issued a national pollution discharge elimination system permit by the MPCA.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-58. - Subject to change.

The requirements of this article are intended to be comparable to the environmental protection agency (EPA), Minnesota pollution control agency (MPCA), and the Minnesota department of health (MDH) standards. Should this article differ from other agency standards or should EPA, MPCA, or MDH standards change, the more strict standards shall apply. Any fee pertaining to this article may be changed by resolution of the city council.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-59. - Misdemeanor.

Any person who fails to comply with the provisions of this article may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore as provided in section 1-14 of the City Code. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-60. - Injunctive relief.

In the event of a violation or a threat of violation of this article, the department may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations; and the city attorney may institute a civil action.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-61. - Civil action.

In the event of a violation of this article, the city may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the city attorney may institute such action.

(Ord. No. 50, Second Series, 11-5-2014)

Sec. 74-62. - Effective date.

This article shall be effective immediately upon passage by the city council.

(Ord. No. 50, Second Series, 11-5-2014)

Secs. 74-63—74-66. - Reserved.



East Bethel City Hall

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Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

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