

# MILLE LACS COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE

## ARTICLE ONE: PURPOSE AND AUTHORITY

- 101 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes §115.55, Minnesota Statutes §145A.01 through §145A.08, Minnesota Statutes §375.51, and Minnesota Administrative Rules Chapters 7080, 7081, and 7082. All statutory references contained herein assume that they may be amended from time to time and such amendments are adopted by reference.
- 102 PURPOSE. The purpose of this ordinance is to establish the following:
- (1) Minimum standards for and regulation of SSTS in unsewered, incorporated and unincorporated areas, of Mille Lacs County; and
  - (2) Permit requirements for installation, alteration, repair or expansion of SSTS; and
  - (3) Requirements for all SSTS permitted under the revised Minnesota Administrative Rules, Chapters 7080 -7082, to be operated under an approved management plan; and
  - (4) Standards for upgrade, repair, replacement, or abandonment of SSTS; and
  - (5) Provisions for enforcement of these requirements; and
  - (6) Penalties for failure to comply with these provisions.
- 103 INTENT. It is intended by Mille Lacs County that this Ordinance will promote the following:
- (1) The protection of lakes, rivers and streams, wetlands, and groundwater in Mille Lacs County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County in perpetuity.
  - (2) 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.
  - (3) 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.

(4) The regulation of privy vaults and other non-water carried sewage collection and storage facilities.

104 EFFECTIVE DATE. The provisions set forth in this ordinance shall become effective on June 19, 2018.

## ARTICLE TWO: GENERAL PROVISIONS

201 DEFINITIONS. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have as defined in Minnesota Statutes and give this ordinance it's most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

AS-BUILT: Drawings and documentation specifying the final in-place location, elevation, size, and type of all system components, distance(s) and location(s) of all system components in relation to pertinent improvements, property lines, water bodies, and other items as required. These records must identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement.

BEDROOM: For the sole purpose of estimating design flows from dwellings, a room that is designed or used for sleeping.

CERTIFICATE OF COMPLIANCE: A written document issued by the County certifying that a system is in compliance with applicable requirements at the time of inspection.

COUNTY: The Mille Lacs County Board of Commissioners or their designee.

LOT: A parcel of land in a plat recorded in the office of the county recorder or registrar of titles, or a parcel of land created and conveyed using a specific legal description.

LOT LINE ADJUSTMENT: The adjustment or relocation of a lot line between two (2) or more lots, parcels, or tracts, where an additional lot parcel or tract is not created.

MPCA: The Minnesota Pollution Control Agency.

NOTICE OF NONCOMPLIANCE: A written document issued by the County giving notice that the SSTS in question is not in compliance with applicable requirements at the time of inspection.

SALE OR TRANSFER OF PROPERTY: The act by which a party conveys title from one entity to another. The sale 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, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

SSTS: Either an individual or a mid-sized subsurface sewage treatment system.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in the Mille Lacs County Development Ordinance, and other similar items.

202 SCOPE. This ordinance regulates the siting, design, installation, alteration, operation, maintenance, monitoring, and management of all SSTS within the identified jurisdiction including but not necessarily limited to: individual SSTS, cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage within the identified jurisdiction 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.

203 JURISDICTION. The regulations herein governing SSTS shall apply to all areas of the County, except those held in trust by the United States on behalf of the Mille Lacs Band of Ojibwe and cities/townships that have adopted and enforce SSTS regulations on their own behalf.

204 ADMINISTRATION.

(1) 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 (SDS) permit from the Minnesota Pollution Control Agency (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 SDS permit is required.

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

(2) County

The County shall administer the SSTS program and all provisions of this ordinance. 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) Cities and Townships

Any jurisdiction within the County that regulates SSTS must, at a minimum, comply with the standards and requirements of this ordinance. The standards and ordinance of the jurisdiction may be more restrictive than this ordinance.

205 VALIDITY. The validity of any part of this ordinance shall not be affected by the invalidity of any other parts of this ordinance where the part can be given effect irrespective of any invalid part or parts.

206 LIABILITY. Any liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agent, its employees, agents or servants thereof 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 THREE: GENERAL REQUIREMENTS

301 RETROACTIVITY. Permits issued prior to the effective date of this ordinance shall remain valid, under the terms and conditions of issuance, until they expire. Installation of a system permitted under prior standards may commence provided commencement occurs prior to the expiration of the permit.

302 UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT.

(1) SSTS Capacity Expansions

The applicant of a permit to construction the addition of a bedroom to an existing structure has ten (10) months to upgrade, repair, or replace the existing system, provided the existing system is not compliant for the number of bedrooms identified in the permit, and not found to be an imminent threat to public health or safety.

Expansion of any existing SSTS shall include any system changes that are necessary to bring the entire system into compliance with the prevailing provisions of this ordinance at the time of the expansion.

(2) Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Administrative Rules §7080.1500, Subpart 4. B. shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this ordinance within ten (10) months of receipt of a Notice of Noncompliance.

(3) Imminent Threat to Public Health or Safety

The owner of a SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Administrative Rules, §7080.1500, Subpart 4. A. shall, within ten (10) days of receipt of a Notice of Noncompliance, convert the existing septic tank to a water tight holding tank.

If the septic tank cannot be utilized as a holding tank, it must be replaced within ten (10) days and the new tank shall be utilized as a holding tank until the failing components are upgraded, repaired, replaced, or abandoned. The County may grant an extension of up to thirty days in the event that inclement weather or site conditions prohibit access by trucks and equipment to install the replacement tank.

Further, the owner shall then upgrade, repair, replace, or abandon the failing system components within the same construction season, or if the receipt of the Notice of Noncompliance occurs within the time period of November 1 to April 15, then such change, repair, or replacement must be completed by June 1 of the calendar year immediately following.

(4) Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Administrative Rules Chapter 7080.

- 303 SSTS IN FLOODPLAINS. An SSTS shall not be located in a floodway, and wherever possible, the location of a SSTS within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location of a SSTS within the flood fringe is allowed if the requirements in Minnesota Administrative Rules §7080.2270 and all relevant local requirements are met.
- 304 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.
- 305 LICENSURE. No person shall engage in design, installation, alteration, repair, maintenance, operation, pumping, or inspection of SSTS without an appropriate and valid license and/or certification issued by the MPCA in accordance with Minnesota Administrative Rules Chapter 7083 except as exempt in the same Chapter.

Individuals who obtain a signed site evaluation and design report from a licensed design business may construct their own system to serve a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual.

Individuals who choose to install their own system as noted above are responsible for fulfillment of all applicable requirements in Minnesota Administrative Rules Chapter 7080, all local requirements, and the installer's responsibilities as defined in Minnesota Administrative Rules §7083.0760, Subpart 2. Furthermore, the execution of an indemnification agreement will be required at the time of application for the necessary construction permit.

306 PROHIBITIONS. It is unlawful for any person to maintain, occupy, or use any structure intended for human occupancy, or any structure equipped with facilities that would facilitate the discharge of sewage, that does not have a compliant wastewater treatment system in accordance with the provisions of this Ordinance.

It is unlawful for any person to construct, maintain, or use any SSTS regulated under this ordinance that results in the surface discharge of sewage unless a National Pollutant Discharge Elimination System permit has been issued by the MPCA.

Systems prohibited by Minnesota Administrative Rules Chapter 7080 are prohibited by the adoption of these provisions.

#### ARTICLE FOUR: SSTS STANDARDS

401 STANDARDS ADOPTED BY REFERENCE. The County hereby adopts and incorporates by reference Minnesota Administrative Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt additional or more restrictive local standards that are in compliance with Minnesota Statute §115.55.

402 LOCAL AMENDMENTS TO ADOPTED STANDARDS. The following provisions are local amendments to those standards found in Minnesota Administrative Rules:

- (1) All new and upgraded SSTS for individual dwellings located on parcels of record created prior to June 1, 2015 shall be sized for a Classification I dwelling.
- (2) Clean outs shall be provided on each lateral with only one sweep in the pipe, and placed within an insulated waterproof container flush with the finished ground surface.

- (3) With exception of holding tanks, no designs will be accepted during the period between November 1<sup>st</sup> and April 15<sup>th</sup> of the subsequent year, unless the County determines that weather and site conditions are appropriate for accurate soil verifications.
- (4) For uses not defined in Minnesota Administrative Rules, the following holding tank capacities are required:
  - a. Detached accessory structures with plumbing and/or bathroom facilities: A minimum of one (1) 500 gallon holding tank

Any use of a holding tank will require the property owner to enter into and comply with the standards of a holding tank agreement supplied by the County.
- (5) Compliance inspections for existing systems shall include a site sketch with all setbacks noted, size of tanks and drainfield, and soil borings (unless two borings have already been completed by different inspectors).
- (6) When available, structures used for human occupancy shall be connected to a municipal/public sewer system and may not utilize an SSTS for the treatment and dispersal of sewage. Connection to an available municipal/public system must occur within ten (10) years of that system being available for connection, unless the existing SSTS is found to be noncompliant or an imminent public health threat, in which case it shall be immediately connected to the municipal system. The SSTS must then be abandoned consistent with Minnesota Administrative Rules.
- (7) Type III Systems as described in Minnesota Administrative Rules §7080.2300 deviating from the standards described in Minnesota Administrative Rules §7080.2220 Subpart 2. A. must be designed with thirty-six (36) inches of clean sand meeting the requirements in Minnesota Administrative Rules §7080.2220 Subpart 3. C.
- (8) Holding tanks may be utilized as a compliant wastewater treatment system in accordance with the provisions of this Ordinance, provided that the property owner to enter into and comply with the standards of a holding tank agreement supplied by the County.
- (9) New lots created after January 23, 1996 shall have a minimum of two (2) soil treatment and dispersal areas that support systems as described in Minnesota Administrative Rules §7080.2200 to §7080.2230 or site conditions described in §7081.0270 Subparts 3 to 7 as applicable, or successor rules.

New lots created after June 1, 2015 unable to meet these provisions must be designed in one of the following manners:

- a. Holding tanks with two (2) times the minimum storage capacity; annual reporting of pumping records shall be required, or
- b. A full system designed using the appropriate contour loading rate based on the soil type, structure and depth to saturated soils. In no case will the use of a contour loading rate of twelve (12) be allowed and a minimum of six (6) inches of unsaturated soil is required. To determine the appropriate contour loading rate, refer to the worksheet entitled “Effluent Absorption and Contour Loading Rates for Determining Absorption Area Size and Configuration Using Detailed Soil Descriptions” attached as Appendix A to this ordinance.
  - i. The County will allow additional perforation spacing (3.5 to 5 feet) per Minnesota Administrative Rules §7080.2050 Subpart 4E Table VI: “Maximum Number of Perforations per Pressure Distribution Lateral” or successor rules; and
  - ii. The County will allow all four (4) classifications for design flow in accordance with Minnesota Administrative Rules, §7080.1860 Table IV: Design Flow, or successor rules.

New lots created after June 1, 2015 shall be deed restricted to limit the system design as noted above. Such deed restriction shall be prepared by the County and filed against the property in in the Mille Lacs County Recorder’s Office.

403 **LOADING RATE.** Minnesota Administrative Rules, §7080.2150 Subpart 3E, Table IX and Table IXa, are both adopted by reference and can be used to size SSTS infiltration areas.

404 **SETBACKS.** On-site sewage treatment systems must be setback from the ordinary high water level in accordance with the following:

Natural Environment Lake:	150 feet
Recreational Development Lake:	75 feet
General Development Lake:	50 feet
Wild River:	150 feet
Remote River:	150 feet
Scenic River:	100 feet
Forested river:	100 feet



Transition River Segments: 100 feet

Recreational River: 75 feet

Agricultural, Urban and Tributary River: 75 feet

405 COMPLIANCE CRITERIA, EXISTING SSTS. SSTS built after March 31, 1996 or located in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under Minnesota Administrative Rule §7080.1100, Subpart 84 shall have a three-foot vertical separation to the periodically saturated soil and/or bedrock. Existing systems that have greater than or equal to 30.6” vertical separation to the bottom of the drainfield may be considered compliant under this ordinance. Additionally, Type IV systems that were permitted with reduced vertical separation shall be deemed compliant provided they meet the permitted reduction. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

All other system compliance criteria shall be as defined in Minnesota Administrative Rules §7080.1500 Subpart 1 through Subpart 6.

406 MANAGEMENT PLANS. Management plans are required for all new or replacement SSTS. Existing SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids every three years if the accumulation meets the limit described in Minnesota Administrative Rules §7080.2450.

407 VARIANCES. A property owner may request a variance from the standards specified in this ordinance in accordance with the procedure described in the Mille Lacs County Development Ordinance, Article 12.

The Board of Adjustment shall have the authority only to consider variances to horizontal setbacks from property lines, rights of way, structures, or buildings.

Variances 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.

#### ARTICLE FIVE: SSTS PERMITTING

501 PERMITS REQUIRED. It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without a permit. A permit shall be obtained from the County prior to the installation, construction, replacement, modification, alteration, repair, rejuvenation, remediation, 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 appropriately certified and/or licensed practitioner(s).

502 CONSTRUCTION PERMIT APPLICATION REQUIREMENTS. A permit shall be obtained by the property owner or an agent of the property owner, from the County prior to the installation of a new SSTS, the replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system.

Permit applications shall be made on forms provided by the County, and signed by the applicant or their designee and the system designer. The application shall include the documents listed below:

- (1) Mille Lacs County Application for SSTS Permit.
- (2) Site Evaluation Report described in Minnesota Administrative Rules §7080.1730.
- (3) Design Report described in Minnesota Administrative Rules §7080.2430.
- (4) Management Plan described in Minnesota Administrative Rules §7082.0600.
- (5) Type II Holding Tank Service Agreement, for systems utilizing a holding tank as described in Minnesota Administrative Rules §7080.2290.
- (6) Type IV and V Operating permit as described in Section 503 of this ordinance.
- (7) Application fee set by the Mille Lacs County Board of Commissioners.

If there is a change in size due to a change in the home design, the changed design forms must be submitted to and approved by the County before installation. A revised set of home plans must also be submitted for the office prior to the issuance of a Certificate of Compliance.

For all systems Minnesota Administrative Rules §7080.1720 Subpart 4 requires three soil observations per site. New construction requires the submittal of soil observations for an alternate site. Percolation tests are required for soil borings completed without the use of a pit.

If the system location changes, soils will have to be verified by the County for the new location. Verification of soils at the new location will require payment of the re-inspection fee payable before or at the time of verification.

503 APPLICATION REVIEW. The County shall review a permit application and supporting documents within fifteen (15) days from the date of receipt of the application to determine completeness. Incomplete applications will be denied, and returned to the applicant with a statement of the reasons for denial.

Upon satisfaction that the proposed work will conform to the provisions of this ordinance, the County shall issue a written permit authorizing construction of the SSTS as designed within the timeframe allowed by statute.

If the permit application does not meet the requirements of this ordinance the County shall deny the application. A notice of denial shall be provided to the applicant, with a statement of the reasons for denial.

In the event that for any reason 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 review.

504 APPEAL. The applicant may appeal the decision to deny the Construction Permit in accordance with the procedure described in the Mille Lacs County Development Ordinance, Article 12.

505 PERMIT VALIDITY. A construction permit is valid for one (1) year from the date of issuance.

The County may grant a six (6) month extension of the permit if the construction has commenced prior to the original expiration date of the permit and significant progress has been made.

The County may suspend or revoke a permit issued under this section for any false statements, misrepresentations of facts on which the permit was issued, or unauthorized changes to the original system's design, layout, or function. A notice of, and the reasons for, 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 permit is obtained.

506 OPERATING PERMIT. An operating permit shall be required for all Type IV, and V systems and any system installed in accordance with Minnesota Administrative Rules Chapter 7081. Upon issuance of the operating permit, the owner shall comply with the parameters set forth by the permit. Operating permit parameters must meet or exceed Minnesota Administrative Rule §7082.0600 Subpart 2.

When a property is sold or transferred the County shall issue a new operating permit in the new owner's name and the new property owner shall comply with the parameters set forth in the permit.

SSTS with required operating permits located on properties acquired by financial institutions through the foreclosure process shall not be considered noncompliant due to a lack of monitoring. Upon sale of the foreclosed property, the new owner must comply with the requirements of the existing operating permit.

All operating permits for Type III systems existing at the time of the adoption of this provision shall be considered null and void.

### ARTICLE SIX: COMPLIANCE

601 NONCONFORMING SYSTEMS. Mille Lacs County shall require reconstruction of existing nonconforming sewage systems whenever a property is sold or transferred, or when a permit or variance to add a bedroom is required to a property.

Programs to upgrade nonconforming systems implemented by the County include the following:

- (1) A systematic review of existing records to determine which systems in the jurisdiction are nonconforming and requiring reconstruction when necessary.
- (2) A systematic on-site inspection program including all properties where adequate record of conformance does not exist, identifying nonconforming or illegal systems and requiring reconstruction when appropriate.
- (3) A notification or education program that is oriented toward convincing substantial numbers of property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment systems, if nonconforming; or
- (4) Other programs found to be acceptable to the Commissioner of the Minnesota Department of Natural Resources, when impacting shoreland districts.
- (5) A notification or education program for new landowners informing them of the system type, operating permit and management plan requirements, and/or applicable requirements.

602 NEW CONSTRUCTION OR REPLACEMENT. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Administrative Rules and the provisions of this ordinance.

It is the responsibility of the SSTS installer to notify the County, during the hours of operation of County offices, at least 24 hours before any required inspection. The installer shall provide the County with the permit and property identification numbers at this time.

Inspections shall take place during the hours of operation of County offices. The installer shall be present at the time of inspection. Any sewage treatment component covered before approval shall be uncovered at the discretion of the County.

If, for any reason, the installer fails to comply with the provisions of this ordinance, and by doing so necessitates the execution of subsequent inspections, a re-inspection fee will be assessed in an amount set by the Mille Lacs County Board of Commissioners for each subsequent inspection.

The following inspections are required, as applicable:

- (1) Soil Verification.
- (2) Tank Inspection.
- (3) Soil Treatment System Inspection.
- (4) Final Inspection.

If the County is not able to provide inspection within twenty-four (24) hours of the requested inspection time the installer may seek approval to cover the system. If approval is granted, date-stamped photographs of the entire uncovered system must be provided with the required as-built form.

603 **CERTIFICATES OF COMPLIANCE.** The satisfactory completion of construction and necessary inspections as specified by this ordinance shall be documented by issuance of a Certificate of Compliance, certifying that the construction of the system was completed in conformance to the approved design documents. Certificates of Compliance for new systems and/or new system components are valid for five (5) years.

No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued.

A completed as-built, on a form provided by the County, is required before the issuance of a Certificate of Compliance in accordance with Minnesota Administrative Rule §7083.0760. The County reserves the right to refuse any as-built that does not accurately convey the distance(s) and location(s) of all system components, pertinent improvements, property lines water bodies or other items as required. The County reserves the right to refuse future inspections and permits should the as-built not be submitted.

604 **COMPLIANCE INSPECTIONS REQUIRED.** In all areas within the County's jurisdiction, a Compliance Inspection is required:

- (1) Prior to the issuance of a permit or variance to add a bedroom to a structure; or
- (2) For all variances or permits for new construction in the shoreland and wild and scenic river districts; permits issued for re-roofing, siding or window/door replacement are exempt from this provision provided that there is at least one previous compliance inspection on file with the County since the installation of the SSTS; or
- (3) Prior to the sale or transfer of property, unless explicitly exempt below:
  - a. The sale or transfer of property in which the affected tract is devoid of structures.
  - b. The sale or transfer of property in which the affected tract is connected exclusively to a municipal wastewater treatment system.
  - c. The sale or transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes §272.115.

Compliance inspections shall be conducted by a MPCA certified and licensed professional.

Compliance inspection forms are required to be submitted by the MPCA licensed inspector within 15 days of the inspection, on forms provided by the MPCA.

Compliance inspections may be conducted from November 1 to April 15. If the sale or transfer of property necessitating the inspection is to occur during this period, the sellers of the property may sign an agreement, on a form provided by the County, to subject the property to a compliance inspection. This agreement must be signed by the affected parties, notarized, and submitted to the County.

#### ARTICLE SEVEN: ENFORCEMENT

- 701 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 Statutes. Each day that a violation exists shall constitute a separate offense.
- 702 NOTICE OF VIOLATION. The County shall issue a Notice of Violation to any person determined to be violating provisions of this ordinance. The notice of violation shall contain:

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

The County shall transmit the Notice of Violation by U.S. Mail, and the Notice shall be deemed received three business days after the Notice was placed in the U.S. Mail. Failure of actual receipt of a Notice of Violation that has been served by depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding under provision 703.

- 703 PROSECUTION. 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 it shall be the duty of the County Attorney to commence such civil action. It shall be the duty of the County Attorney and County Sheriff to perform such duties as may be necessary to enforce the provisions of this ordinance.
- 704 STATE NOTIFICATION OF VIOLATION. In accordance with state law, the County 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 EIGHT: DISPUTE RESOLUTION

The County shall be the deciding authority on disputes with or between licensed businesses for SSTS design or compliance purposes. It shall be at the businesses cost to hire a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector to present information to the County, if deemed necessary, for a final decision. The County will render findings of fact for any final decision rendered.

#### ARTICLE NINE: 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 governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

### ARTICLE TEN: SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

### ARTICLE ELEVEN: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

### ARTICLE TWELVE: REPEALER

This ordinance repeals the Mille Lacs County Code of Ordinances, Chapter 3 – Public Health, Article 3 – Subsurface Sewage Treatment Systems (SSTS) ordinance adopted May 19, 2015, Document Number 390423, and all amendments thereto.



Appendix A: Effluent Absorption and Contour Loading Rates for Determining Absorption Area Size and Configuration Using Detailed Soil Descriptions

Table Dk. Effluent absorption and contour loading rates for determining absorption area size and configuration using detailed soil descriptions.\*

USDA Soil Classification Texture	Structure and Grade	Absorption Loading Rate (gpd/ft²)		Contour Loading Rate (gpd/ft)†							
		Effluent Treatment Level		0-3% Slope		4-7% Slope		8-10% Slope		>10% Slope	
		Cl	A, A-2, B, B-2‡	Horizon Depth (in.)‡	Horizon Depth (in.)	Horizon Depth (in.)	Horizon Depth (in.)	Horizon Depth (in.)	Horizon Depth (in.)	Horizon Depth (in.)	Horizon Depth (in.)
very coarse sand, coarse sand, loamy very coarse sand, or loamy coarse sand	single grain#	LR**	1.0	≥6-12	≥6-12	≥6-12	≥6-12	≥6-12	≥6-12	≥6-12	≥6-12
	> 35% coarse fragments < 35% coarse fragments	LR	2.0	6	8	8	8	8	8	8	8
sand, loamy sand	single grain#	0.5†	1.0	5	6	6	7	7	8	8	8
	> 35% coarse fragments < 35% coarse fragments	0.8	1.6	3.5	4.5	4.5	4.5	4.5	4.5	4.5	5
fine sand, loamy fine sand, very fine sand, loamy very fine sand	single grain or weak†	0.6	1.0	3	3.5	3.5	3.5	3.5	3.5	3.5	4
	weak to strong non-platy†† massive††	0.4	0.8	3	3	3.5	3.5	3.5	3.5	3.5	4
coarse sandy loam, sandy loam	moderate to strong non-platy††	0.6	1.0	4.5	5	5	5.5	5.5	5.5	5.5	6
	massive or weak††	0.5	0.8	4	4.5	4.5	4.5	4.5	4.5	4.5	5
fine sandy loam, very fine sandy loam, loam	moderate to strong non-platy††	0.6	0.8	3.5	4	4	4	4	4	4	4
	massive or weak††	0.4	0.6	3	3.5	3.5	3.5	3.5	3.5	3.5	4
silt loam	moderate to strong non-platy††	0.5	0.8	3.5	3.5	3.5	3.5	3.5	3.5	3.5	4.5
	massive or weak††	0.4	0.6	3	3	3	3	3	3	3	3.5
sandy clay loam, clay loam, silty clay loam *	moderate to strong non-platy††	0.4	0.6	3	3	3	3	3	3	3	3.5
	moderate to strong non-platy††	0.2	0.3	3	3	3	3	3	3	3	3.5

- \* Only applies to original soil horizons with < 50% coarse fragments (particle sizes having > 2.00 mm nominal diameters, i.e. gravel or coarser). Absorption area surfaces must not be in contact with soil horizons having ≥ 50% coarse fragments.
- † Estimated rates for ISTS. For soil conditions not included in the table, e.g. non-original soil, < 6 in., ≥ 50% coarse fragments, firmer consistence, etc., evaluation of soil morphology and contour loading rate by a licensed Professional Soil Scientist (PSS) who is also an MPC-A-licensed SSTS designer (Designer) is required. Rates projected using hydraulic conductivities measured by a licensed PSS-Designer supersede table estimates.
- ‡ Pressure distribution required.
- § Unsaturated.
- ¶ Residential strength septic tank effluent with up to 170 mg BOD<sub>5</sub>/L, 60 mg TSS/L, and 25 mg O&G/L.
- ‡ Additionally pretreated septic tank effluent with up to 25 mg CBOD<sub>5</sub>/L and 30 mg TSS/L.
- # Non-cemented, loose to very friable consistence.
- \*\* LR = Liner required. Use clean sand for liner, to separate distribution media from soil, and its associated absorption loading rate (1.0 gpd/ft<sup>2</sup>).
- †† Very friable to friable consistence.
- ‡‡ Very friable to firm consistence.
- 4:1 slope required for mound down-slope toe.