

**ORDINANCE NO. 14-09, SECOND SERIES**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE TO REGULATE  
SUBSURFACE SEWAGE TREATMENT SYSTEMS AND MAKING TECHNICAL  
AMENDMENTS TO CHAPTER 17, SECTIONS 3.2 DEFINITIONS, 4.5 BUILDING  
STANDARDS AND SECTION 7.7 SANITATION STANDARDS**

**THE CITY COUNCIL OF THE CITY OF PEQUOT LAKES DOES ORDAIN THAT:**

SECTION 1. Pequot Lakes City Code, Chapter 15, Utilities, is renamed and amended to include a new Article 3, Subsurface Sewage Treatment Systems, as follows:

**CHAPTER 15 – UTILITIES; PRIVATE SEWAGE DISPOSAL**

\* \* \* \*

**ARTICLE 3. SUBSURFACE SEWAGE TREATMENT SYSTEMS**

**Section 15-3.1. PURPOSE AND AUTHORITY**

The purpose of this Article regulating Subsurface Sewage Treatment Systems (SSTS), as defined in Minnesota Rule 7080.1100, is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) ), as defined in Minnesota Rule 7080.1100, and Midsized Sewage Treatment Systems (MSTS) ), as defined in Minnesota Rule 7081.0020, including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; 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, Sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Pequot Lakes Comprehensive Plan and the Pequot Lakes Land Use (Zoning) Ordinance, City Code Chapter 17.

**Section 15-3.2. INTENT**

The City intends that this Article will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in the City of Pequot Lakes essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City;
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; and
4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

### **Section 15-3.3. JURISDICTION**

The jurisdiction of this Article shall include all property within the municipal boundaries of the City of Pequot Lakes, Minnesota.

### **Section 15-3.4. SCOPE**

This Article regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's 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 City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Article or by a system that has been permitted by the MPCA.

### **Section 15-3.5. ADMINISTRATION**

1. The Pequot Lakes Planning and Zoning Department shall administer the SSTS program and all provisions of this Article.
2. The City's duties and responsibilities include, but are not be limited to, the following:
  - A. Review all applications for SSTS;
  - B. Issue all permits required in this Article;
  - C. Inspect all work regulated in this Article;
  - D. Investigate all complaints regarding SSTS;
  - E. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable;
  - F. Enact enforcement provisions of this Article as necessary;
  - G. Refer unresolved violations of this Article to the City Attorney;

- H. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents;
- I. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program; and
- J. Submit annual reports to MPCA as required.

**Section 15-3.6. STATE ADMINISTRATION**

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

**Section 15-3.7. LIABILITY**

The City's involvement in administration of this Article does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Article or by reason of any standards, requirements, or inspections authorized by this Article hereunder.

**Section 15-3.8. ALL SSTS**

Except as explicitly set forth in Section 15-3.10, all provisions of this Article shall apply to any SSTS regardless of the date it was originally permitted.

**Section 15-3.9. EXISTING PERMITS**

Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

**Section 15-3.10. 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 Type 1 systems as defined by Minnesota Rule 7080.2200.

### **Section 15-3.11. UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT**

1. 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 Article at the time of the expansion.
2. Bedroom Addition: Any addition to a structure that includes bedroom(s) that requires a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class I sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.
3. Failure to Protect Groundwater: An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
4. Imminent Threat to Public Health or Safety: An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
5. Abandonment: Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

### **Section 15-3.12. 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 Rule 7080.2270 and all relevant local requirements are met.

### **Section 15-3.13. 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 a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

### **Section 15-3.14. SSTS PRACTITIONER LICENSING**

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, 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 Rule 7083.0700.

2. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the City before such inspection occurs is required.

**Section 15-3.15. PROHIBITIONS**

1. **Occupancy or Use of a Building without a Compliant SSTS:** It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Article.

2. **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 Article 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.

3. **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 Rule 4725.2050, or any other excavation in the ground that is not in compliance with this Article.

4. **Discharge of Hazardous or Deleterious Materials:** It is unlawful for any person to discharge into any treatment system regulated under this Article any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

**Section 15-3.16. ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE**

1. Adoption of Rule by Reference:

A. The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Section 2.17(B), except as otherwise expressly modified by this Article.

- B. When “2006 version of Minnesota Rules Chapter 7080” is utilized, the reference is to the rules effective April 3, 2006, otherwise the City is referencing the current rules in effect.
- C. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.

2. Alternative Local Standards for New and Existing SSTS: The City hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

### **Section 15-3.17. MINIMUM STANDARDS**

The following is a list of minimum standards applicable to SSTS:

1. In no land use district shall a land use permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Section 15-3.24(3).
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1,500 gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rule 7080.1930.
5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
6. Soil pits shall be required during the construction inspection. The soil pit shall be excavated at the time of the inspection. The soil pit shall be dug by a backhoe or other acceptable method and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an

elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified.

7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

**Section 15-3.18. COMPLIANCE CRITERIA FOR EXISTING SSTS**

For an SSTS built before April 1, 1996, and outside of areas designated as “SWF” – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

**Section 15-3.19. HOLDING TANKS**

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

**Section 15-3.20. VARIANCE**

A property owner may request a variance from the standards as specified in this Article pursuant to Article 11 of the City’s Land Use (Zoning) Ordinance.

**Section 15-3.21. STATE AGENCY VARIANCE REQUESTS**

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. No permits will be issued by the City until all required State Agency variances have been approved.

**Section 15-3.22. PERMIT REQUIREMENTS**

1. Activities Not Requiring a SSTS Permit: A SSTS permit is not required for minor repairs or replacements of system components that do not 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 design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.
2. Activities Requiring a SSTS Permit: A SSTS permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to

construct, install, modify or replace a SSTS without the appropriate permit from the SSTS including 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. The issuing of any permit, variance, or conditional use under the provisions of this Article shall not absolve the applicant of responsibility to obtain any other required permit.

3. Permit Requirements: SSTS Permit applications shall be made on forms provided by the City and signed by the applicant or applicant's agent, and must include the following information and documentation:

- A. Applicant name, mailing address, telephone number, and email address;
- B. Property Identification Number, property address and legal description of property location;
- C. Site Evaluation Report, which shall be made on forms provided by Crow Wing County;
- D. Design Report, which shall be made on forms provided by Crow Wing County;
- E. A management plan, as defined by Minnesota Rule 7082.0600; and
- F. Any additional information that may be required by the City to assure compliance with this Article.

4. Application Review and Response: The City shall review a permit application and supporting documents according to Article 11 of the City's Land Use (Zoning) Ordinance.

5. Appeal: The applicant may appeal any decision of the City in accordance with Article 11 of the City's Land Use (Zoning) Ordinance.

6. Permit Expiration: A SSTS Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A SSTS Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A SSTS Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the City or a licensed inspection business, which is authorized by the City and independent of the owner and the SSTS installer.

7. Transferability: A SSTS Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

8. Suspension or Revocation: The City may suspend or revoke a SSTS Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS 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 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 SSTS Permit is obtained.

9. SSTS Assessment Requirements: For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:

- A. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
- B. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

### **Section 15-3.23. OPERATING PERMIT**

- 1. An Operating Permit shall be required for the following SSTS:
  - A. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
  - B. Holding Tanks;
  - C. SSTS serving three or more connections;

- D. Type 4 and Type 5 SSTS;
  - E. SSTS that exceed a daily flow of 2,500 gallons per day; or,
  - F. MSTs designed under Minnesota Rules Chapter 7081.
2. Operating Permits shall be a signed agreement between the City and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
  3. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
  4. Owners of holding tanks shall provide the City upon request 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 and prevents an illegal discharge in accordance with Minnesota Rule 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, subd. 3(b)(3).
  5. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
  6. An Operating Permit must be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 15-3.11(5).
  7. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with this section. The City shall not terminate the current permit until 90 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 City may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
  8. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the City on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
  9. The City 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.

10. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

11. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

#### **Section 15-3.24. COMPLIANCE INSPECTION PROGRAM**

1. Department Responsibility: It is the responsibility of the City, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Article are met.

- A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- B. The City shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
- C. No person shall hinder or otherwise interfere with the City's employees or agents in the performance of their duties and responsibilities pursuant to this Article. Refusal to allow reasonable access to the property by the City shall be deemed a separate and distinct offense.
- D. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the City between November 1 and April 30, at the City's sole discretion, provided the required information is submitted to the City by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Article.

2. New Construction or Replacement:

- A. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the City's requirements.
- B. It is the responsibility of the SSTS owner or the owner's agent to notify the City 24 hours prior to the installation inspection.
- C. If the installer provides proper notice and the City does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built

drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.

- D. A Certificate of Installation for new SSTS construction or replacement shall be issued by the City within 30 days of inspection if the City has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
- E. The Certificate of Installation 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 requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
- F. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
- G. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the City finds evidence of noncompliance.

### 3. Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
  - (1) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
  - (2) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
  - (3) 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.
  - (4) At any time as required by this Article or the City deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

- 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 including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subpart 4B.
    - (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 requirements of this Article. 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 with which the SSTS does not comply. A construction permit application must be submitted to the City if the required corrective action is not a minor repair.
  - D. The Certificate of Compliance or notice of noncompliance must be submitted to the City 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 City finds evidence of noncompliance.
4. Transfer of Property. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
- A. A current Certificate of Compliance, as provided by Section 15-3.23(3).
  - B. A winter agreement, as provided by Section 15-3.24(1)(D).
  - C. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Article.

- D. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Section 15-3.24(1)(D), the buyer shall be responsible for the necessary upgrading of said SSTS.

5. Commercial SSTS

- A. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
- B. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Article is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
- C. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Article.

6. Vertical Separation Reduction: Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 15-3.17.

**Section 15-3.25. ENFORCEMENT**

Enforcement of this Article shall follow the standards in Article 12 of the City's Land Use (Zoning) Ordinance.

**Section 15-3.26. STATE NOTIFICATION OF VIOLATION**

The City 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 maintainer that is performed in violation of the provisions of this Article. The City shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

**Section 15-3.27. RECORD KEEPING**

The City 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, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

**Section 15-3.28. ANNUAL REPORT**

The City shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

**Section 15-3.29. FEES**

From time to time, the City Council shall set fees for activities and services undertaken by the City pursuant to this Article, by resolution. Fees shall be due and payable at a time and in a manner to be determined by the City.

**Section 15-3.30. DISPUTE RESOLUTION**

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

SECTION 2. Pequot Lakes City Code Chapter 17 – Land Use (Zoning) and Subdivision Regulations, Article 3. – Rules and Definitions, Section 17.3-2. – Definitions, is hereby amended as follows:

**Section 17-3.2. DEFINITIONS**

- 128. **ISTS.** Individual sewage treatment system, as that term is defined in Minnesota Rule 7080.1100.
- 219. **SSTS.** Subsurface Sewage Treatment System, as that term is defined in Minnesota Rule 7080.1100.

SECTION 3. Pequot Lakes City Code Chapter 17 – Land Use (Zoning) and Subdivision Regulations, Article 4. – General Provisions, Section 17-4.5. – Building Standards, is hereby amended to read as follows:

**Section 17-4.5. BUILDING STANDARDS**

- 6. SSTS shall conform to the requirements of Chapter 15, Article 3 of the City Code.

SECTION 4. Pequot Lakes City Code Chapter 17 – Land Use (Zoning) and Subdivision

Regulations, Article 7. – Performance Standards, Section 17-7.7. – Sanitation Standards, is hereby amended to read as follows:

2. SSTS shall conform to the requirements of Chapter 15, Article 3 of the City Code.

SECTION 5: This Ordinance shall take effect following its passage and publication.

Passed by the City Council of the City of Pequot Lakes, Minnesota, this 2<sup>nd</sup> day of December, 2014.

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Nancy Adams, Mayor

ATTEST:

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Sandra Peine, City Clerk

Publication Date: Summary Publication on December 11, 2014

VOTE:        Adams - Aye            Akerson – Aye            Gardner - Aye  
                 Pederson - Aye            Sjoblad - Aye