

LAC QUI PARLE COUNTY SEWAGE AND WASTEWATER TREATMENT ORDINANCE

An ordinance authorizing and providing for sewage treatment: establishing minimum standards for and regulation of individual sewage treatment systems (ISTS) within the incorporated and unincorporated areas of the County of Lac qui Parle except if an incorporated area which has itself adopted standards that comply with Minn. Statute 115.55 and are at least as strict as this ordinance; incorporating by reference minimum standards and requirements established by Minnesota Statutes and rules of the Minnesota Pollution Control Agency; requiring permits for installation, alteration, repair or extension of ISTS; imposing penalties for failure to comply with these provisions; providing for enforcement of these requirements; and promoting the health, safety and welfare of the public pursuant to Minnesota Statutes Chapters 115, 145A, 375, 394, and 471, specifically 115.55, 145A.05, 375.51, 394.21 through 394.37, and 471.82; and in furtherance of county policy stated in the "Comprehensive Plan Policy" and the County Shoreland Zoning Ordinance.

The County Board of Lac qui Parle County, Minnesota, does ordain:

SUBDIVISION 1. PURPOSE AND INTENT

The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septic disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate to prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

SUBDIVISION 2. GENERAL PROVISIONS

2:10 STANDARDS ADOPTED BY REFERENCE. The county hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315 as now constituted along with any future amendments adopted after September 22, 1998.

2:20 PERMITS. No person shall install, alter, repair, or extend any individual sewage treatment system in the County without first applying for and obtaining a permit from the Lac qui Parle County Environmental and Zoning Office and at the same time paying a fee as listed in the fee schedule of the Zoning Ordinance. Such permit for construction shall be valid for a period of 12 months from the date of issuance.

2:30 LICENSE REQUIREMENTS. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1.

2:40 FAILING SEPTIC SYSTEMS. A notice of noncompliance shall be issued and copies provided to the property owner and to the County within 30 days under the following conditions:

- A. A failing ISTS shall be upgraded, replaced or its use discontinued within one year. The Department will give consideration to weather conditions as it establishes compliance dates.
- B. An ISTS posing in imminent threat to public health or safety shall be upgraded, replaced, or its use discontinued, within an appropriate time no greater than 10 months.

2:50 ADDITIONAL SOIL TREATMENT AREA REQUIREMENTS. On all lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

2:60 DISCLOSURE OF ISTS STATUS AND CONDITION. Requirements of disclosure are that, prior to signing an agreement to sell or transfer real property, a seller must disclose to a buyer the status and location of septic system. The seller must disclose this information to the buyer in writing.

2:70 COMPLIANCE INSPECTIONS. Compliance inspections shall be conducted by a registered ISTS professional prior to construction of a new bedroom addition or a new home is built or an existing home is moved to a new location. These homes may be placed on a new site or used as a replacement.

SUBDIVISION 3. MORE RESTRICTIVE STANDARDS

None.

SUBDIVISION 4. ENFORCEMENT

4:10 Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both, as defined by law.

4:20 In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

SUBDIVISION 5. EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption and publication pursuant to law.

Passed and Adopted by the Lac qui Parle County Board of Commissioners
this 21st day of January 1999.

LeRoy Jans - Vice Chair

Merril Johnson, Chairperson
County Board of Commissioners

Stantan Bjorgan

Stantan Bjorgan,
Lac qui Parle County Auditor