

CITY OF WOODLAND CODE OF ORDINANCES
CHAPTER 7
BUILDING, HOUSING, AND SSTS REGULATIONS

CHAPTER 7. BUILDING AND HOUSING REGULATIONS

SECTION 700 BUILDING CODE

Section 700.01, Subd. 1. Codes adopted by reference. The Minnesota State building Code, pursuant to Minnesota Statutes, 16B.59 to 16B.75, includes all of the referenced amendments, rules and regulations and is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 700.01, Subd. 2. Building Code Optional Chapters. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality;

1. Chapter 1306, Special Fire Protection Systems
2. Chapter 1335, Flood Proofing Regulations, parts 1335.0600 to 1335.1200.

Section 700.02 Application, Administration and Enforcement. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the incorporated limits of the City, and extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1.

The Public Works Department shall be the Zoning Administrator of the City. The City's Building Inspector will be the Administrative Authority. A Minnesota Certified Building Official and the Zoning Administrator designated by the city shall enforce this code.

The Appointing Authority shall designate the Building Official for the City.

700.03 Permits, Inspections, Fees and Surveys

Subd. 1. Permits, Inspections and Fees. Permits, inspections and collections of fees shall be as provided in Chapter 1 of the Uniform Building Code, 1997 Edition, except as amended by Minnesota Rules 1305.0106 and 135.0107, and except as otherwise provided in this Code. Plumbing and mechanical permit fees shall be assessed for work governed by this Code in accordance with Ordinance 300, Subd. 305.02. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, Section 16B.70.

Subd. 2. Permit required. No person, firm, or corporation will erect, alter, construct, enlarge, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or any portion of it, without a valid building permit issued by the city. No building permit or other permit pertaining to the use of land or buildings will be

issued unless such land or building is designed and arranged to conform to the provisions of the zoning chapter.

Three copies of the building permit application and three copies of accompanying documents must be submitted to the City, including proof that the applicant contacted all property owners within 500 feet of the applicant's property prior to the application date, to familiarize them with the proposed construction, and provide the property owners within 500 feet the contact information for the applicant, and explain that a copy of the permit application and accompanying documents will be available for inspection at the Woodland City Hall. A building permit shall be issued no sooner than ten (10) business days after the date of application.

Subd. 3. Surveys required.

- (a) Every application for building permit will be accompanied by a certified site survey (excluding interior remodels, re-roofs, re-siding and general maintenance) at a scale and in quantities deemed necessary by the Zoning Administrator. Because the survey will be used to determine whether an application is in conformance with city code, it will be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit and/or land alteration permit will authorize only land alterations identified on a survey. Surveys will include all information as deemed necessary by the Zoning Administrator to provide for the enforcement of this chapter and the zoning chapter. An original signature is required on the certificate of survey. The survey shall provide the following information unless otherwise approved in writing by the Zoning Administrator:
1. Graphic scale of not less than one inch to 100 feet and north arrow;
 2. Legal description of property;
 3. Dimensions and bearing of front, rear, and side property lines;
 4. Parcel size in acres and square feet;
 5. Location and dimensions of all the existing improvements, including but not limited to; buildings, structures, retaining walls or timbers, riprap, seawall, steps, parking areas, driveways, storage areas, utilities, septic systems and wells; including but not limited to sanitary and storm manholes, hydrants, catch basins, power poles, phone boxes, fences, and any encroachments;

6. Location and dimension of all proposed buildings and structures;
7. Outside dimensions of proposed structure(s) including decks, porches, retaining walls (include elevations at bottom of footing and top of wall), stoops, stairs, cantilevers, fireplaces, bay and bow windows, egress window wells;
8. Impervious surface calculations - existing and proposed - % and square footage;
9. "Building pad" setbacks on the survey according to the ordinance provisions and show the closest distance between the buildings and front lot line(s), side lot line(s), rear lot line(s), Ordinary High Water Level, elevation of 929.4 feet above sea level, and shoreline improvements, including but not limited to riprap, seawall, or retaining timber;
10. Distance between principal buildings and accessory buildings and structures, and shoreline improvements;
11. Delineate all wetland, OHWL of Lakes, easements, driveways;
12. delineate location of new/proposed ISTS with alternate site (as required);
13. Location of all easements of record including but not limited to tree preservation, wetland conservation, cross-access, etc.;
14. Topographic contours at 2 foot intervals of existing and proposed elevations;
15. Lowest floor level, first floor elevation, top of block, and garage slab:
16. Indication of direction of surface water drainage by arrows and impervious surface calculations for the lot or parcel;
17. Tree removal, tree preservation and grading plan if required by the city;
18. Wetland boundaries with ordinary high water level and 100-year flood elevation if applicable;
19. Driveway grade (minimum 0.50 percent, maximum ten percent);

20. All trees in excess of six inches in diameter (diameter measured at four feet above grade);
 21. Wetland buffer areas and wetland or lake setback dimensions;
 22. Location and type of erosion and sediment control measures to be installed by permit holder; and
 23. Other information as required by the city.
- (b) Applicants for all new structures will provide to the city an as-built foundation survey upon completion of work to the foundation unless exempted in writing by the Zoning Administrator. The as-built foundation survey prepared by a Minnesota Registered Land Surveyor will certify both the final (front, side, rear, lakeshore and wetland) setbacks of the structure being built, and the elevations at which the new structure exists. Failure to provide a foundation survey upon foundation completion will result in the builder continuing with construction at the builder's own risk.

Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans. The foundation survey will be submitted to the city and on-site before proceeding with the framing or further construction. Inspection is done and approved by the building official.

- (c) Applicants for all new structures and additions will provide to the city an as-built survey, prepared by a Minnesota Registered Land Surveyor and submitted to the city for review and approval upon the completion of all buildings and all additions to the buildings, unless exempted in writing by the Zoning Administrator. The as-built survey will certify both the final (front, side, rear, lake and wetland) setbacks of the structure being built, and the elevations at which the new structure exists. The city reserves the right to withhold the certificate of occupancy for a dwelling until final as-built survey has been submitted and approved.
- (d) Applicants for all new structures and additions will provide to the city an as-built grading survey, signed by a licensed engineer or land surveyor and certified that the grades and elevations are in conformance with the city approved grading plan and that permanent iron monuments are in place at each lot corner, upon completion of work unless exempted in writing by the Zoning Administrator. The as-built grading survey will certify the final topography of the site and verify the drainage patterns existing upon completion of work and provide hardcover calculations. The city reserves the right to withhold the certificate of occupancy

for a dwelling until final grading addresses all problems that may be detrimental to adjacent properties.

- (e) In the event that weather or other conditions prevent the completion of an as-built survey at the time the Certificate of Occupancy is requested, the city may issue a Temporary Certificate of Occupancy provided that applicant provide a \$2,500 escrow fee to ensure completion of the as-built survey. The escrow fee shall be returned to the permit applicant, without interest upon successful completion and submission to the city.
- (f) Surveys will include all information as deemed necessary by the Zoning Administrator and City Engineer to provide for the enforcement of this chapter and the zoning chapter. Specific provisions of this ordinance may be waived by written waiver by the Zoning Administrator based on the scope and duration of the specific construction project.

Subd. 4 Work Started Without Permit. Where work for which a permit is required is started or proceeded with before obtaining a required permit, the fee to be paid for the permit will be the greatest of: (1) double the ordinary building permit fee specified by City ordinance, (2) \$100.00, or (3) an amount equal to the sum of all administrative costs in connection with the granting of the permit and in connection with the granting of any variance, conditional use permit, or rezoning necessary for the granting of the permit.

Subd. 5 Appeal. The owner of the property in question may, by written request to the Council, appeal the payment of the fee required by this Section. The appeal must state any reasons the owner may have for objection to the payment required by the Zoning Administrator and any mitigating circumstances or other facts relating to imposition of the fee. The Council will hear the request at a regular meeting of the Council and will consider any written or oral information presented by the owner and by the Zoning Administrator. After consideration of such information, the Council may:

- (a) Uphold the fee imposed by the Zoning Administrator.
- (b) Determine that no additional fee should be paid under this Section and that the owner should be required to pay only the normal building permit fee.
- (c) Reduce the additional fee to some amount less than the amount imposed by the Zoning Administrator, but not less than the normal building permit fee.

The Council's decision will be based upon its conclusions regarding the owner's intentions, the owner's knowledge of the requirement of a building permit, the nature of the improvements, the extent to which the owner proceeded with the

improvements (both before and after notification from the City) and any other facts or circumstances related to the severity of the violation.

Subd. 6 Surcharge. In addition to the permit fee required by item A above, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes, 1984, Section 16B.70.

700.04 Moving Permits. No building or structure may be moved into the City or within the City without a permit from the City. A fee equal to the normal building permit fee, based on the value of the building as determined by the Building Inspector, must be paid for the permit if issued.

700.05 Duration of Permit. In addition to the expiration provisions of Section 106, Subd. 106.4.4 of the UBC, every permit issued under this Section will expire and become void one year after the date it is issued, unless the expiration date of the permit is extended by resolution of the Council.

700.06 Completion of Roof and Exterior. The roof and all exterior surfaces of any building (including all commercial, residential and accessory buildings) must be completely finished with exterior building materials permitted by the SBC and this Code within 12 months after the issuance of a building permit for any new construction, alteration, remodeling, addition or relocation. If a building is damaged by fire or by other casualty or cause and the roof or exterior finishes are damaged or destroyed, they shall be completely restored or replaced with exterior building materials permitted by the SBC and this Code as soon as reasonably possible, and in any event within 12 months after they are damaged or destroyed.

SECTION 705 SUBSURFACE SEWAGE TREATMENT SYSTEMS

705.01 Purpose. This ordinance is enacted to provide minimum standards for the regulation of subsurface sewage treatment systems (SSTS) including: their proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair for the purpose of protecting surface water and groundwater from contamination by human sewage and waterborne household wastes; the protection of the public's health and safety; and the elimination and prevention of the development of public nuisances, pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080, 7081 and 7082 as amended that may pertain to sewage and wastewater treatment. 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 ordinance or by a system that has been permitted by the MPCA.

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

705.02 Objectives. The principal objectives of this Ordinance are as follows:

Subd. 1. The protection of lakes, wetlands, and groundwater essential to the promotion of public health, safety, welfare.

Subd. 2. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

Subd. 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.

Subd. 4. The appropriate utilization of privy vaults and other non-water carried SSTS.

Subd. 5. The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through technical assistance and education, plan reviews, inspections, SSTS surveys and complaint investigation.

705.03 Definitions.

Subd. 1. "City". The City of Woodland and its designated agent who shall be a qualified employee or licensee.

Subd. 2. SSTS. Subsurface Sewage Treatment System as defined in Minn. R. 7080.1100, subp. 82.

Subd. 3. ISTS. An individual sewage treatment system as defined in Minn. R. 7080.1100, subp. 41.

Subd. 4. MSTS. A Midsized Subsurface Sewage Treatment System as defined in Minn. R. 7081.0020, subp. 3.

Subd. 5. Other Establishment. Any private or public structure, other than a dwelling, that generates sewage having characteristics other than residential-type waste or has an average waste flow greater than 2,000 gallons per day and discharges to a SSTS.

Subd. 6. "Owner". The fee owner(s) and, if applicable, the contract-for-deed purchaser. Ownership interests shall be determined by reference to the records of Hennepin County. The owner of each lot served by a SSTS is responsible for the lawful operation and maintenance of each SSTS.

Subd. 7 System Types.

(a) Type I system. A SSTS designed according to Minn. R. parts 7080.2200 to 7080.2240, as may be amended.

- (b) Type II system. A SSTS designed according to Minn. R. parts 7080.2250 to 7080.2290, as may be amended.
- (c) Type III system. A SSTS designed according to Minn. R. 7080.2300, as may be amended.
- (d) Type IV system. A SSTS designed according to Minn. R. 7080.2350, as may be amended.
- (e) Type V system. A SSTS designed according to Minn. R. 7080.2400, as may be amended.

705.04 Standards Incorporated by Reference. This Ordinance hereby incorporates by reference Minnesota Rules Chapter 7080 and 7081, as may be amended.

705.05 Administration by the City.

Subd. 1. The City shall have the following duties and responsibilities:

- (a) To review all applications for SSTS.
- (b) To issue all required permits.
- (c) To conduct construction inspections and to perform all necessary tests to determine its conformance with this Ordinance.
- (d) To investigate complaints regarding SSTS.
- (e) To conduct compliance inspections and to issue Certificates of Compliance or Notices of Noncompliance where appropriate.
- (f) To issue Stop Work Orders and Notices of Violation pursuant to this Ordinance.
- (g) To take complaints to the Municipal or County Attorney for violations of this Ordinance.
- (h) To maintain proper records for SSTS including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts, complaints on noncompliance, compliance inspections, site evaluations, applications and exhibits, variance requests, issued permits, Certificates of Compliance, and enforcement proceedings.
- (i) To submit annual reports to the MPCA to demonstrate enforcement of this Ordinance per Chapter 7082.0040 Subpart 5.

Subd. 2. Neither the issuance of permits, Certificates of Compliance nor Notices of Noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is

or has been designed and installed in compliance or non-compliance with the provision of these standards and regulations.

705.06 Permitting.

Subd. 1 Required Permits. A permit from the City is required before any SSTS in the City is installed, replaced, abandoned, altered, repaired, rejuvenated or extended, or if the addition of a bedroom to an existing home is proposed. Installation, replacement, alteration, repair, or extension of a SSTS or the addition of a bedroom to an existing home shall not begin prior to the receipt of a permit from the City for each specific installation, replacement, alteration, repair or extension pursuant to this Ordinance. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance. Upon request of an inspector, permits shall be provided by the permittee at the time of inspection.

Subd. 2. Permits Not Required. Permits shall not be required for the following activities:

- (a) Repair or replacement of pumps, floats or other electrical devices of the pump.
- (b) Repair or replacement of baffles in the septic tank.
- (c) Installation or repair of inspection pipes and manhole covers.
- (d) Repair or replacement of the line from the building to the septic tank.
- (e) Repair or replacement of the line from the septic tank or pump chamber to the distribution box or lines.

Subd. 3. Permit Application. All applications for a SSTS permit shall include the following information:

- (a) Name and address of property owner.
- (b) Property identification number.
- (c) Legal description of the property.
- (d) SSTS Designer name, address, telephone number and State MPCA license number; (or City qualified employee name and number).
- (e) SSTS Installer name, address, telephone number and MPCA license number.
- (f) Site evaluation report on forms approved by the City.
- (g) System design with full information including applicable construction information on forms approved by the City.
- (h) The location of at least one designated additional soil treatment area that can support system as described in Minn. R. parts 7080.2200 through 7080.2230 or site conditions

described in Minn. R. 7081.0270, subps. 3 through 7, on lots created after January 23, 1996.

- (i) A management plan as described in Minn. R. 7082.0600 and this ordinance; and
- (j) Any other information requested pertinent to the process.

Subd. 4. Operating Permit. An operating permit is required for all treatment systems installed under Minn. R. 7080.2290 (holding tanks), Minn. R. 7080.2350-2400 (Type IV & V Systems), and Minn. R. ch. 7081 (MSTS). Sewage shall not be discharged to a treatment system requiring an operating permit until the City certifies that the treatment system was installed in substantial conformance with the approved plans, receives the final record drawings of the SSTS, and a valid operating permit is issued to the owner.

The operating permit shall be valid for twelve months and renewed by the expiration date. The City shall review all required monitoring data submitted from the previous year and the renewal application before approving any subsequent operating permits. An operating permit shall include:

- (a) A detailed description of the operation, maintenance, and monitoring, reporting and compliance limits and boundaries necessary to ensure both continued system performance as designed and protection of public health and the environment for the life of the system;
- (b) A requirement that the person responsible for monitoring notify the City when monitoring plan requirements are not met;
- (c) A disclosure of the location and condition of the additional soil treatment and dispersal system;
- (d) A stipulation of acceptable and prohibited discharges; and
- (e) The signatures of the system designer and owner.

Subd. 5 Operating Permit Compliance Monitoring.

- (a) Performance monitoring of a SSTS with an Operating Permit shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the Operating Permit.
- (b) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:

1. Owner name and address;
2. Operating permit number;
3. Average daily flow since last compliance monitoring report;
4. Description of type of maintenance and date performed;
5. Description of sample taken (if required), analytical laboratory used, and results of analyses;
6. Problems noted with the system and actions proposed or taken to correct them; and
7. Name, signature, license and license number of the licensed professional who performed the work.

705.07 License requirements. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in the City must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements.

705.08 Application Review and Determination. If after consideration of the application for a permit, the City determines that the proposed work complies with provision of this Ordinance, the City shall issue a written permit granting preliminary approval authorizing initiation of the work as proposed. If the City determines that the proposed work will not comply with the provisions of this Ordinance, the City shall deny the permit application. The permit application may be revised or corrected and resubmitted to the City for reconsideration.

705.09 Variances. Variances to wells and water supply lines require approval from the Minnesota Department of Health. The City may grant variances to the technical standards and criteria of Minnesota Rules, Chapter 7080 or this Ordinance. However, the City is prohibited from granting variances to:

- (a) Minn. R. 7080.2150, subp. 2.
- (b) Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTs serving existing dwellings or other establishments.
- (c) Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

All requests for a variance shall be requested in writing to the City on forms approved by the City.

705.10 Periodically Saturated Soil Disagreements.

- (a) If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart.
 - 1. The disputing parties must meet at the disputed site in an attempt to resolve differences.
 - 2. If the provision does not resolve the differences, then
 - (i) Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.
 - (ii) If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the City. The City shall take into consideration all information and opinions rendered and make a final judgment. The City shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.
- (b) If a documented discrepancy arises on the depth of the periodically saturated soil between a SSTS licensed business and the City for SSTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.
 - 1. A representative of the City and the licensed business must meet at the disputed site in an attempt to resolve differences.
 - 2. If the provision does not resolve differences, then the SSTS licensed business may obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.
 - 3. If still unresolved, the City shall take into consideration all information and opinions rendered and make a final judgment. The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.
- (c) Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the City and all other parties involved.

705.11. Construction Inspections

Subd. 1. Requirements. Compliance inspections shall be conducted by the City anytime a SSTS is installed, replaced, altered, repaired, or extended. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. If any SSTS

component is covered before being inspected by the City, it shall be uncovered if so ordered by the City. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the City prior to construction. Inspections shall be conducted at least once during the construction that is prior to covering of the SSTS to assure that the system has been constructed per the submitted and approved design.

Subd. 2. Inspector. Compliance inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by the City.

Subd. 3. Request for Inspection. It shall be the duty of the permittee to notify the City of the date and time the inspection is requested at least 24 hours (excluding weekend days and holidays) preceding the requested inspection time. If the permittee provides proper notice as described above and the City does not appear for an inspection within two hours after the time scheduled, the permittee may complete the installation and submit an As-built for the system.

Subd. 4. Access to Premises and Records. Upon the request of the City, the applicant, owner, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance. If entry is refused, the City shall have recourse to the remedies provided by law to secure entry. No person shall hinder or otherwise interfere with the City in the performance of their duties and responsibilities pursuant to the enforcement of this Ordinance. Refusal to allow reasonable access to the City shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

Subd. 5. Stop Work Orders. Whenever any SSTS work is being done contrary to the provisions of this Ordinance, the City may order the work stopped by verbal or written notice served upon the installer or the owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the City.

Subd. 6. As-builts. As-builts shall be submitted to the City within five (5) working days of completion of the work on the SSTS on forms provided or approved by the City. The As-built shall include photographs of the system prior to covering and a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects. If an As-built is not submitted, the City may require the uncovering of the system for inspection.

Subd. 7. Inspection Reports. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the City following an inspection or review of As-builts submitted in accordance with Subd. 6. A Certificate of Compliance or Notice of Noncompliance shall include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file with the City.

- (a) Certificates of Compliance issued by the City for new construction and replacement shall be valid for five (5) years from the date of the compliance inspection or As-built certification unless the City or licensed inspector identifies the system as an Imminent Public Health Threat.

- (b) Notices of Violation may be issued with Notices of Noncompliance when the Health Authority determines that new construction, replacement or repairs are not in compliance with this Ordinance.

705.12 Maintenance Inspections.

Subd. 1. Inspection; classification. For purposes of insuring continued proper use and maintenance of all systems, the City will cause each system to be inspected by and as often as the maintenance inspector deems appropriate, but in all cases at least once every two years. This applies to all systems in the City, including those operated under a management plan. Such maintenance inspections are not performed for the specific purpose of determining system compliance, as described in Minn. R. 7080.1500, and a certificate of compliance will not be issued as a result of such maintenance inspections. However, if the maintenance inspector determines, based on the maintenance inspection, that a system is non-compliant, the City may issue a certificate of non-compliance.

Subd. 2. Right of Entry. The maintenance inspector shall have the free right of entry onto every property in the City at all reasonable times, for purposes of inspecting its system to determine the need for septic tank maintenance in accordance with Minn. R. 7080.2450. Failure of any party to grant the City access for this purpose shall be grounds to classify any system as not in compliance with this section. The City Attorney will thereafter take such action as is necessary to enable the maintenance inspector to perform the inspection and to enforce all the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080 and 7081, and to assess the cost thereof against the property.

Subd. 3. Inspection Report. Within 7 days after the inspection of each system, the maintenance inspector will provide the results of said inspection in writing to the owner of the system, with a copy to the City. The report will contain measurements of the scum, water level and sludge in the septic tank and a statement as to the condition of the baffles in the tank if the system is already in use. The report will include orders for pumping, cleaning or other maintenance as appropriate.

Subd. 4. Pumping. The maintenance inspector will require each septic tank or holding tank to be pumped for the removal of septage whenever measurement of the tank indicates that the top of the sludge layer in the tank or any compartment thereof is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Total sludge and scum volume must not be greater than 25% of the tank's liquid capacity. In addition, the maintenance inspector will require all holding tanks to be pumped as frequently as necessary to prevent overflowing, and will require that non-compliant systems be regularly pumped to limit or eliminate effluent discharge until satisfactory repairs have been completed, and a certificate of compliance has been issued. Pumping of tanks must be performed by a licensed maintenance business. Licensed maintenance businesses must abide by the requirements described in Minn. R. 7083.0770, subp. 2. All written reports required by Minn. R. 7083.0770, subp. 2 must be provided to the homeowner and the City within 30 days after any maintenance work is performed.

705.13 Existing Systems.

Subd. 1. Requirements. The City shall require a compliance inspection of an existing system whenever:

- (a) The City deems a compliance inspection necessary, including, but not limited to, upon receipt of information of a potential SSTS failure or Imminent Health Threat.
- (b) An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, the governing municipality may issue a building permit immediately with the contingent requirement that a compliance inspection of the existing SSTS shall be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

Subd. 2. Inspector. Only the City or Licensed Inspector, shall conduct an inspection when a compliance inspection is required for an existing SSTS.

Subd. 3. SSTS built before April 1, 1996, outside of areas designated as shoreland areas or wellhead protection areas must have at least two feet of vertical separation between the bottom of the soil infiltrative surface and the periodically saturated soil and/or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 4. SSTS built after March 31, 1996, or SSTS located in a shoreland area or wellhead protection area must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the City, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

Subd. 5. Abandonment of Existing Systems. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited.

Abandonment shall be completed in accordance with Minn. R. 7080.2500.

Subd. 6. Inspection Reports. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the City within 30 calendar days of inspection.

Subd. 7. Certificates of Compliance issued by a licensed SSTS Inspector for an existing system shall be valid for three (3) years from the date of the compliance inspection unless the City or licensed inspector identifies the system as an Imminent Public Health Threat.

Subd. 8. A Notice of Noncompliance shall be issued in the following circumstances and the conditions noted in violation of this Ordinance shall be remedied as follows:

- (a) A SSTS determined to be failing shall be upgraded, replaced, or repaired in accord with Minnesota Rules Chapter 7080 or 7081, within three (3) years, or its use is discontinued. The City, at its discretion, may grant an extension of an additional two (2) years.
- (b) A SSTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within 10 months. The City will give consideration to weather conditions in determining compliance dates. If a SSTS is determined to be a public health nuisance by the City, the City may order the owner of the SSTS to cease use immediately and not allow use of the SSTS until it is corrected in accordance with the recommendations of the City.

705.14 Violations.

Subd. 1. Cause to Issue a Notice of Violation. Noncompliance with this Ordinance by an applicant, permittee, installer or other person, as determined by the City, shall constitute a violation.

Subd. 2. Serving a Notice of Violation. The City shall serve, in person or by mail, a Notice of Violation upon any person determined to be not in compliance with this Ordinance.

Subd. 3. Contents of a Notice of Violation. A Notice of Violation shall contain the following:

- (a) A statement documenting the findings of fact determined through inspections, reinspection or investigation.
- (b) A list of specific violation or violations of this Ordinance.
- (c) The specific requirements for correction or removal of the specified violation(s).
- (d) A mandatory time schedule for correction, removal and compliance with this Ordinance.

Subd. 4. Notification of MPCA. The City shall in accordance with state law notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed person or any pumping by a licensed pumper performed in violation of the provisions of this Ordinance.

705.15 Additional Standards for Health and Environmental Protection.

Subd. 1. Siting of a SSTS. Notwithstanding any state or federal requirements, the separation distance from a SSTS to a Type 3, 4, 5 or 6 wetland shall be no less than fifty (50) feet.

Subd. 2. SSTS in Flood Plains. No permit shall be issued for SSTS located in a floodway and wherever possible, located 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 of Minn. R. 7080.2270 and all relevant local requirements are met.

705.16 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 to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures.

705.17 Holding Tanks. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this ordinance cannot be feasibly installed:

- (a) As a replacement for an existing failing SSTS;
- (b) For a SSTS that poses an imminent threat to public health or safety; or
- (c) For use with buildings with limited water use.

705.18 Determination of Hydraulic Loading Rate and SSTS Sizing. Table IX from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions and Table IXa from Minn. R. 7080.2150, subp. 3(E) entitled Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.

705.19 Administration. The provisions of this section will be administered by the City Clerk, who shall serve as the City, and the maintenance inspector, who together shall coordinate all permit applications and inspection services. The City will consult with and/or retain a professional engineer as appropriate with respect to review and evaluation of technical matters including system design and installation as provided herein.

705.20 Enforcement.

Subd. 1. Any person, firm, corporation or other entity 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. Each day in violation may constitute a separate violation.

Subd. 2. In the event of a violation of this Ordinance, in addition to other remedies, the City or Municipal Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

705.21 Fees. The City shall from time to time establish fees for activities undertaken by the City pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the City.

705.22 Severability. If a provision or application of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

Section 3. Effective date. This ordinance shall become effective as of the date of publication by summary ordinance.

SECTION 710 MANUFACTURED HOME REGULATIONS

710.01 Manufactured Home. For purposes of this Section, a “manufactured home” means any unit defined by Minnesota Statutes, Section 327.31, which is designed or can be used for living or sleeping purposes. No manufactured home may be used as an accessory building.

710.02 Registration. Except for a manufactured home which complies with all requirements of this City’s zoning code, no camper, trailer, mobile home or manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours without first registering with the Clerk, giving names, ages, addresses and occupation of each occupant of such manufactured home and the proposed length of stay of such manufactured home, and obtaining a permit from the Clerk under this Section. At the time of making the application, the applicant must pay a fee in the amount set forth in Section 305.02.

710.03 Inspection. It is the duty of the Building Inspector to inspect each manufactured home within 24 hours after notification by the Clerk’s office that application has been made by occupant. The purpose of the inspection is to determine whether information furnished on the application for permit is true.

710.04 Fire Law Inspection. The Building Inspector or his authorized representative will inspect the camper, trailer, mobile home or manufactured home and the surrounding premises to ascertain that all local and State fire laws are complied with before a permit is issued.

710.05 Required Utilities. No manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours unless there is available during 24 hours of each day to the occupants of the manufactured home, running water, and toilet facilities on the property upon which the manufactured home is parked.

710.06 Waste Disposal. It is unlawful to permit waste water from sinks, showers, or other fixtures in manufactured homes to be deposited on any street, public path, right-of-way or any lot within the City.

710.07 Public Right of Way. No manufactured home may be parked or kept anywhere at any time in any public street, right-of-way or public ground in the City.

710.08 Temporary Occupancy. The Clerk may issue a permit for temporary occupancy of a camper, trailer, mobile home, or manufactured home subject to the following conditions:

(a) All other requirements of this Section 710 must be met.

(b) The unit is located on property on which a permanent residence is under construction but cannot yet be lawfully occupied, the permit may be issued to the person who will occupy the permanent residence until the permanent residence is ready for occupancy.

(c) Except as provided in Subsection 710.08(b), the temporary occupancy may be for a period of no more than 16 days in any calendar year.

710.09 Exception. This Section does not apply to a manufactured home which meets the requirements of the City's zoning code.