

CHAPTER FOUR

SEWAGE AND WASTEWATER TREATMENT ORDINANCE

An Ordinance relating to, and regulating the construction, design, location, and use of on-site sewage treatment systems for the purpose of promoting and protecting the public health, safety, order, convenience, prosperity, and general welfare of Lent Township.

LENT TOWNSHIP does ordain as follows:

SECTION 1. TITLE

This Ordinance shall be known, cited and referred to as the LENT TOWNSHIP SEWAGE AND WASTEWATER TREATMENT ORDINANCE except as referred to herein, where it shall be known as “this Ordinance.” The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within Lent Township, Chisago County, Minnesota.

SECTION 2. PURPOSE AND INTENT

The purpose of the Sewage and Wastewater treatment Ordinance shall be to provide minimum standards for and regulation of on-site sewage treatment systems and septage 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 health and safety, and eliminate or 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.

SECTION 3. DEFINITIONS

Unless specifically defined herein, words or phrases used in this Ordinance shall be interpreted with the same meaning they have in common usage. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. All words and terms wherever they occur in this Ordinance shall have the same meaning as set forth in Section 3 of the Lent Township Zoning Ordinance, Chapter Two, Lent Township Land Use Regulations.

SECTION 4. GENERAL PROVISIONS

4.01 Standards Adopted by Reference

Lent Township hereby adopts Minnesota Rules Parts 7080.0010 to 7080.0315, 7080.0179, and 7080.0910, hereby incorporated by reference into this Ordinance, as now constituted and from time to time amended.

4.02 Permits

No person shall install, alter, repair or extend any on-site sewage treatment system in the Township without first applying for and obtaining a permit from the Township. At the same time, paying a fee as listed in the fee schedule as established by resolution of Town Board. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

4.03 License Requirements

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

4.04 Failing On-Site Sewage Treatment Systems

A Notice of Noncompliance shall be issued and copies provided to the property owner within thirty (30) days under the following conditions;

A. An on-site sewage treatment system posing an imminent threat to public health or safety shall be upgraded, replaced or repaired, or its use discontinued, within an appropriate time no greater than sixty (60) days.

B. A failing on-site sewage treatment system which is not an imminent threat to public health, that receives a notice of noncompliance shall be upgraded or its use discontinued within one (1) year after receiving such notice from the permitting authority.

4.05 Additional Soil Treatment Area Requirements

On all lots there shall be ten thousand (10,000) square feet of area tested and suitable for a standard on-site sewage treatment system to provide for a primary as well as a secondary system to be installed.

4.06 Point of Sale Requirements

No owner of a dwelling located within Lent Township, which is not served by public sewer, shall sell such dwelling by conveyance or contract for conveyance without providing for an inspection of the on-site sewage treatment system by the Zoning Administrator, or other appropriate agency, prior to the time of sale.

A. Time of sale shall mean when a written purchase agreement is executed by the buyer, or in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.

B. At the time of inspection the Zoning Administrator shall determine if a system is compliant, failing or an imminent health threat. Upgrade shall be required as follows:

1. Imminent health threats shall be upgraded, replaced, repaired, or use discontinued, within sixty (60) days.
2. An existing system with less than twelve (12) inches of separation from saturated soil to the bottom of the soil treatment unit shall be upgraded upon sale of the property or not more than one (1) year after notice of noncompliance from the permitting authority, whichever is sooner.
3. An existing system with more than twelve (12) inches but less than twenty-four (24) inches to saturated soil will not be required to be upgraded if the system was installed with a valid permit, unless there is less than twelve (12) inches of separation from saturated soil.
4. An existing system with twenty-four (24) inches but less than thirty-six (36) inches to saturated soil would be considered compliant and not be required to be upgraded.

4.07 Performance Systems and Other Systems

The utilization of “other systems” as provided by Minnesota Rule Part 7080.0178 and “performance systems” as provided by Minnesota Rules Part 7080.0179, may be allowed as a conditional use pursuant to the procedures and standards set forth within the various Chapters of the Lent Township Land Use Regulations.

SECTION 5. MORE RESTRICTIVE STANDARDS

5.01 Septic Tank Capacity

Minnesota Rules Chapter 7080 are hereby modified by the following more restrictive standards.

Amend 7080.0130 Subpart 3(A) Table II to read:

2 or less bedrooms	1,000 Gallon Tank
3-4 bedrooms	1,500 Gallon Tank
5-6 bedrooms	2,000 Gallon Tank
7-9 bedrooms	2,500 Gallon Tank

5.02 Imminent Health Threats

Time frame for imminent health threats will be sixty (60) days instead of ten (10) months.

SECTION 6. INSPECTION REQUIREMENTS

6.01 Application

The following provisions shall apply to all new or replacement installations.

6.02 Trench Systems

A. Observation pit.

Prior to the installation of a trench-type system an observation pit must be dug for purposes of viewing the soil profile. The observation pit may be the tank pit. This will help in preventing trench systems being placed in saturated or anaerobic soil conditions.

B. Tank Inspection.

The top of tanks must be exposed for viewing tank levelness, tank depth, and pipe connections. Manhole risers and inspection pipes must be in place. Tank size stamp must be visible.

C. Rockbed Inspection.

Laterals and drop boxes must be exposed for purposes of viewing connections, lateral sizes, and lateral lengths. Inspection pipes must be in place. All distribution pipes must be left uncovered for inspection unless the distribution pipe is before an existing tank. Final approval will not be issued until pump and alarm, if required, are wired and system is fully operational. Geotextile fabric may be placed on the system after rockbed approval.

6.03 Holding Tanks

A. The top of tanks must be exposed for viewing tank levelness, tank depth, and pipe connections. Manhole risers and inspection pipes must be in place. Tank size stamp must be visible. Final approval will not be issued until alarm, if required, is wired and system is fully operational.

6.04 At-Grade and Mound systems

A. Scarification.

Soil surface must be prepared in the following manner: all vegetation longer than two (2) inches is to be cut and removed from the site. Soil surface is to be roughened to a depth of eight (8) inches and not moved more than one foot from its original location. The plastic limit of the soil must not be exceeded; if the soil can be rolled into a wire one-eighth (1/8) inch or less the moisture content of the soil is too high for installation of an on-site sewage treatment system. If weather is threatening you must call the Zoning Administrator for approval to cover the scratch without an inspection.

B. Rockbed inspection.

Rockbed must be level, laterals and manifold must be exposed for viewing connections, inspection pipes must be in place. All distribution pipes must be left uncovered for inspection unless the distribution pipe is before an existing tank. Geotextile fabric may be placed on the system after rockbed approval.

C. Tank inspection.

The top of tanks must be exposed for viewing tank levelness, tank depth, and pipe connections. Manhole risers and inspection pipes must be in place. Tank size stamp must be visible.

D. Final inspection.

Fill cover depth on the system must be as follows: a twelve (12) inch loamy sand cap at center of rockbed; six (6) inches at rockbed edges. Six (6) inches of topsoil (not peat) must be placed over entire system. Therefore, the total depth of soil at the center of the rockbed will be eighteen (18) inches and twelve (12) inches at the rockbed edges. A vegetation cover must be established. Hay or some other form of protective covering must be placed on the system to protect seed. Final approval will not be issued until pump and alarm are wired and system is fully operational.

6.05 Reuse of Septic Tanks or Holding Tanks

Tanks being reused must meet all criteria stated in Minnesota Rules Chapter 7080 and Lent Township On-site sewage Treatment System Ordinance. Tanks must be exposed for viewing.

6.06 Inspection for Point of Sale

The following requirements shall be met before conducting an Inspection for Point of Sale:

A. The area to be inspected shall be free of snow.

B. The septic tank or holding tank shall be pumped-out and the distribution box open.

C. The soil shall be unfrozen or thawed to allow soil borings when necessary.

D. Access shall be provided to the dwelling unit if necessary to check for alarm, etc.

SECTION 7. ADMINISTRATION AND ENFORCEMENT

7.01 Administering Officer

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Board and have those authorities, duties and powers granted pursuant to the this ordinance and the procedures and requirements of Chapter Six (6), Lent Township Land Use Regulations.

7.02 Fees and Administrative Charges

In order to defray the costs associated with administrative requests and actions, the Township shall charge fees and administrative costs for applications and other administrative actions as established within this Ordinance and Chapter Six (6), Lent Township Land Use Regulations

7.03 Variances from Lent Township Land Use Regulations

A. No variance shall be granted from any provisions of this Ordinance.

B. Where a variance has been requested pursuant to any other Chapter of the Lent Township Land Use Regulations, the application for variance must clearly demonstrate whether a conforming on-site sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of any nonconforming sewage treatment system.

7.04 Violations and Penalties

A. Any firm, person or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law.

B. Any firm, person or corporation who violates any of the provisions of this Ordinance shall be guilty of an administrative offense and shall be subject to the administrative penalties established in Chapter Six (6) of the Lent Township Land Use Regulations.

C. Each day that a violation continues to exist shall constitute a separate offense.

D. In the event of a violation or threatened violation of any of the terms of this ordinance, the Township may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations.

E. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

7.05 Other Actions

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

7.06 Date of Effect

This Ordinance shall be in full force and effect after its approval and publication as provided by law.

Passed and approved this 16th day of January, 2007, by the Lent Township Board of Supervisors.

Gene Olson

Gene Olson, Chairman

ATTEST:

Roxanne Kahler

Roxanne Kahler, Township Clerk

Published in the *Chisago County Press* January 25, 2007.

Published in the *East Central Minnesota Post Review* January 24, 2007.

Amendments

Amendment 04-001 passed and approved August 21, 2007, by the Lent Township Board of Supervisors.

Amendment 04-002 passed and approved May 20, 2008, by the Lent Township Board of Supervisors.