

**LAKE COUNTY ORDINANCE #11**

**an**

**ORDINANCE REGULATING THE CONSTRUCTION  
OF INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

**ARTICLE I**

**STATUTORY AUTHORIZATION**

This Ordinance is adopted pursuant to authorization granted in Minnesota Statute, Ch. 104, 105, 115, 116, and 394.

**ARTICLE II**

**POLICY**

The improper design, location, installation, use, and maintenance of individual sewage treatment systems adversely affects the public health, safety, and general welfare not only by contributing to pollution of surface and ground waters, but also by creating a nuisance condition. Therefore, it is in the best interests of the public health, safety, and welfare to provide for acceptable standards for design, construction and placement of individual sewage treatment systems. The Legislature of Minnesota has delegated responsibility to the counties to regulate subdivision, use, and development of lands in unincorporated areas and thus preserve the economic and natural environmental values of the land, and provide for the wise utilization and protection of waters and related land resources. This responsibility is hereby reaffirmed by Lake County.

**ARTICLE III**

**STATEMENT OF PURPOSE**

To achieve the policies described in Articles I and II, and to:

- A. Regulate the design, construction, and maintenance of individual sewage treatment systems.
- B. Require minimum lot area for individual sewage treatment systems.
- C. Provide for variances from the minimum standards and criteria; the County Commissioners of Lake County, Minnesota, do ordain:

**ARTICLE IV**

**JURISDICTION**

The jurisdiction of this Ordinance shall include all lands not served by municipal sewer in Lake County, Minnesota.

**ARTICLE V**

**ABROGATION AND GREATER RESTRICTIONS**

This Ordinance supersedes all provisions of the existing Lake County Ordinance Number 1, entitled "The Public Health Code of Lake County, Minnesota - 1972", and any amendments thereof. Notwithstanding the provisions of Minnesota Statutes, Section 396.05, this Ordinance shall not require approval or be subject to disapproval by any town or town board. However, this article does not prohibit a town from adopting regulations which are more restrictive than those required by this Ordinance.

**SECTION I - DEFINITIONS**  
(See also Compliance Standards)

- A. Administrator shall mean the Director of the Lake County Planning and Zoning Department
- B. Individual sewage treatment system. A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal. Included within the scope of this definition are septic tank/soil absorption systems, privies, chemical-type toilets, and any other device that is designed to receive and treat sewage or human excreta.
- C. Department shall mean the Lake County Planning and Zoning Department.
- D. Board of Adjustment shall mean the Lake County Board of Adjustment.
- E. County Board shall mean the County Board of Commissioners of Lake County.
- F. Person shall mean any individual, partnership, firm, public or private corporation, association, subdivision or agency of the state, or any other legal entity.
- G. Inspector shall mean any person authorized by the Administrator to conduct inspections of individual sewage treatment systems.

**SECTION 2 - SANITARY DISPOSAL REQUIRED**

- A. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use, or assembly without

adequate facilities for sanitary and safe disposal of all human excreta, sewage and all liquid wastes that could offer a hazard to the public health or create objectionable nuisance conditions.

- B. No individual sewage treatment system or other means of sewage or excreta disposal shall be maintained or used on property having available a municipal sewer within 500 feet of the property line.
- C. Where a municipal sewer is not available, all sewage shall be disposed of in a properly constructed and maintained individual sewage treatment system installed in accordance with these regulations and construction standards; provided that any existing individual sewage treatment system maintained in accordance with Section 2 of this regulation may continue in use. All repairs, replacements, or relocations of such existing systems must be made by a licensed installer in accordance with these regulations and construction standards.
- D. All individual sewage treatment systems shall be so constructed, maintained, and operated that there is: (1) no access to sewage by flies, rodents, or other vectors of disease, or by persons or domestic pets; (2) no unlawful pollution of any stream or other body of water; (3) adequate isolation to protect wells or other sources of water supply from contamination; and (4) freedom from objectionable nuisance conditions.
- E. All individual sewage treatment systems shall be located wholly upon the property served, except that under certain conditions, where suitably executed and recorded easements or right-of-way agreements exist, this provision may be waived.
- F. Nothing in this section shall prevent the construction of licensed sewage treatment plants in accordance with approved plans, discharging treated effluent to an approved outlet, and operated in such a manner that there is no menace to the public health, or unlawful pollution of waters of the State.

### SECTION 3 - LICENSING

- A. No person shall install, construct, or excavate for individual sewage treatment systems within Lake County without first obtaining a license to carry on such occupation from the Department.
- B. All new applicants for a license or applicants who have not held a current license for two or more years shall be required to demonstrate their knowledge of the requirements of this regulation and standards by satisfactorily passing a written test or other means acceptable to the Department prior to issuance of a license.
- C. As a condition of licensure each licensee shall, at least once every three years, attend a seminar approved by the Department or submit proof of attendance at a seminar approved by the

Department on individual sewage treatment systems.

- D. Such license may be refused or revoked by the Administrator for cause. Any installation, construction, alteration, or repair of sewage treatment systems by a licensee in violation of the provisions of this code or refusal on the part of the licensee to correct such defective work performed by such licensee shall be cause for revocation or of refusal to renew a license. Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing before the Board of Adjustment to show cause why such license should not be revoked or refused. Notice of the time, place, and purpose of such hearing shall be delivered in writing to the holder of the license under challenge.
- E. Application for such license shall be made annually on or before January 1 on the form furnished by the Department. Such application shall contain the name of a person, firm, or corporation making application and the address of the person, firm partners, or corporate officers.
- F. The application shall be accompanied by a license fee which shall be established by the Lake County Board of Commissioners. Licenses shall expire on December 31, next following the date of issue.
- G. Licensure not required for owner-installed systems when owners provide proof of attendance at an approved seminar within the past three years.

**SECTION 4 - PERMITS**

- A. No person shall install any individual sewage treatment system, or alter, extend or repair an existing individual sewage treatment system without first obtaining an appropriate permit from the Department and providing evidence of current (three-year) training. The application shall be submitted and approved prior to initiating any construction on the premises.
- B. An application for a permit shall be made in writing on forms furnished by the Department and shall be signed by the owner or his agent. Each application shall state thereon the correct legal description and parcel code of the property and shall be accompanied by careful sketches or plot plans of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to compliance with the minimum standards of this regulation. A complete plan shall include the location, size, and design of all parts of the system to be installed. The application shall also show the present or proposed location of water supply facilities for both the applicant's property and adjacent properties. The application shall further list the name of the person installing the system or provide evidence (if owner installed) that the owner has had approved training

within the past three (3) years, and shall provide such further information as may be required by the Department.

- C. Permits shall be issued only for properly completed applications, accompanied by the appropriate fee. If, after consideration of the application for permit and the accompanying plans and information, the Department determines the work contemplated will comply with the provisions of this regulation, a permit will be issued. If, after consideration of the application for a permit and the accompanying plat or sketch, the Department determines the work contemplated will not comply with the provisions of this regulation, the Department shall refuse to issue a permit. It shall be the responsibility of the applicant to show that complying systems are to be placed on subject property.
- D. Where unusual or uncorrectable conditions prohibit or postpone standard construction as prescribed in this regulation, a special permit may be issued to construct and maintain a temporary sewage disposal system. The permit will be issued with the agreement that if, at any time in the future, the operation of the system becomes a nuisance or is otherwise unsatisfactory, the special permit shall expire and the use of the system will be discontinued on thirty days notice from the Administrator.
- E. The construction authorized pursuant to the approved application, the accompanying plat or sketch, and the permit therefor shall not be altered or modified in any of the essential details without the written consent of the Department.
- F. All permits shall expire one year after issue unless the work contemplated and authorized thereby is in actual progress. In no case shall a permit be extended more than six (6) months.

#### SECTION 5 - LAND REQUIREMENTS

- A. No individual sewage treatment system shall be installed on a parcel of land less than one-half ( $\frac{1}{2}$ ) acre in size, or the lot size required by the applicable zoning ordinance for lots created after February 1, 1976.
- B. No individual sewage treatment system shall be installed on a parcel of land where: 1. the soil or ground conditions make the land unsuitable. 2. it may create a hazard to the public health; or 3. it may contaminate the waters of the state. Suitability of soil and ground conditions shall be determined by an adequate number of test holes, as needed due to nature of soil and topography, and testing may include conducting soil percolation tests in a manner approved by the Department.

#### SECTION 6 - INSPECTIONS

- A. The Department shall make such inspection or inspections as are necessary to determine compliance with this regulation.

No part of any individual sewage treatment system shall be covered until it has been inspected and accepted by the Inspector. It shall be the responsibility of the applicant to provide 24-hour notice to the Department for inspection or reinspection, and it shall be the duty of the Department to make the indicated inspection as promptly as possible to determine that construction is being carried out in accordance with the provisions of this Ordinance.

- B. It shall be the duty of the owner or occupant of the property to give the Administrator free access to the property at reasonable times for the purpose of making such inspections. No system shall be used or placed in service until inspected or otherwise approved by the Department. If, upon inspection, the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this regulation, he shall give the applicant notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated and reinspected.

#### **SECTION 7 - VARIANCES**

The Board of Adjustment may grant individual variances from these regulations where it is determined that no substantial health hazard is likely to occur therefrom and where unnecessary hardship might result in strict compliance with these regulations. Requests shall be filed on appropriate forms with the Administrator. Hearing shall be held within 45 days of receipt of application and fee.

#### **SECTION 8 - APPEALS**

Whenever the Department shall refuse to issue a permit or shall revoke a permit under the provisions of this regulation, the Department, upon demand, shall make a written statement of the reasons for such refusal or revocation; whereupon the person making application may appeal to the Board of Adjustment. The appeal shall be heard at the next regularly scheduled meeting of the Board of Adjustment following receipt of a written request prepared by the appellant which shall state specifically the question which the appellant desires to have passed upon by the Board. Upon the hearing of such appeal, if such Board be satisfied that the work contemplated will conform to the true intent and meaning of this regulation or that any provision of this regulation has been misconstrued or wrongly interpreted by the Department or that the mode of construction or the materials proposed to be used are equally as good as those contemplated by this regulation, then such Board may order the issuance of a permit or reinstatement of a revoked permit. The applicant shall have the further right to appeal to the District Court for hearing on such revocation upon filing said appeal not later than 30 days after receiving notice of denial from the Board of Adjustment.

**SECTION 9 - COMPLAINTS AND INVESTIGATIONS**

Signed complaints of violations of this Ordinance shall be accepted by the Department. Investigations shall be commenced by giving the offending property owner written notification of the complaint. The Department shall be responsible to follow up notification with an on-site inspection within 30 days. If inspection of the offending property confirms the violation or shows no corrective action has been taken as a result of the written notice, the staff Administrator shall pursue the violation in accordance with the enforcement provisions of the Ordinance.

The Administrator, in pursuing the terms of enforcement herein, shall utilize the Health Officer of Lake County or others to furnish expert advice and, if necessary, testimony with regard to the condition of the offending property.

**SECTION 10 - DESIGN AND CONSTRUCTION STANDARDS**

Except as specifically stated below, all design and construction specifications for an individual sewage treatment system shall be in conformity with the standards promulgated by the Minnesota Pollution Control Agency identified as Minnesota System Rules, Chapter 7080, "Individual Sewage Treatment Systems Standards", and the current "Onsite Sewage Treatment Manual", developed by the University of Minnesota Agricultural Extension Service and Minnesota Pollution Control Agency, which shall serve as the technical manual for design purposes. The documents shall be on file with the Department.

**SECTION 11 - SEVERABILITY**

Should any section, subsection, sentence, clause, or phrase of this regulation be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this regulation in its entirety or any part thereof other than that so declared to be invalid.

**SECTION 12 - ENFORCEMENT, VIOLATIONS & PENALTIES**

- A. The Administrator shall be responsible for the enforcement of this Ordinance. Whenever the Administrator has reason to believe that a violation of any provisions of this Ordinance has occurred, he may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of this Ordinance alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that the necessary corrective action to be taken within a specified time. Any such notice shall become final unless, no later than five (5) days after the date such notice is served, the person or persons named therein request in writing a hearing before the Board of Adjustment.
- B. Any person who shall violate any provision of this Ordinance shall, upon conviction, be punishable by a fine not to exceed

\$500. Each day the violation continues to exist shall constitute a separate offense.

- C. This Ordinance, in addition to other remedies, may be enforced by injunction, action to compel compliance, or other appropriate action to prevent, restrain, correct or abate violations.

**SECTION 13 - EFFECTIVE DATE**

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

**PUBLIC HEARING HELD BY LAKE COUNTY: MAY 4, 1980**

**ADOPTED BY LAKE COUNTY BOARD OF COMMISSIONERS: MAY 4, 1980**

**EFFECTIVE DATE: JUNE 1 1980**

**AMENDED 1990**

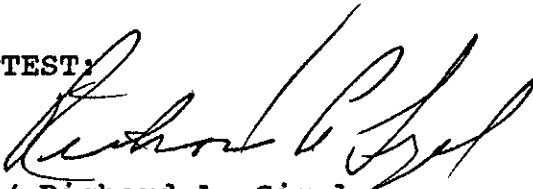
**PUBLIC HEARING HELD BY COUNTY BOARD: MAY 1, 1990**

**ADOPTED BY RESOLUTION: MAY 1, 1990**

**EFFECTIVE DATE OF AMENDMENT: MAY 2, 1990**

/s/Robert N. Nelson, Chairman  
Lake County Board of Commissioners

ATTEST:

  
/s/ Richard A. Sigel  
Clerk of the Board



DOC. NO. \_\_\_\_\_  
OFFICE OF REGISTRAR OF TITLES  
STATE OF MINNESOTA, } SS.

County of Lake

I hereby certify that the within  
instrument was filed in this office the  
8th day of May 1990  
at 3:50 P. M. and was duly  
registered in Book \_\_\_\_\_ of Register  
of Titles page \_\_\_\_\_

*Robert Miller*

Registrar of Titles

By \_\_\_\_\_  
Deputy

DOC. NO. 118958

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA, } SS.  
COUNTY OF LAKE

I hereby certify that the within instru-  
ment was filed for record in this office  
on the 8th day of May  
A.D. 1990 at 3:50 o'clock  
P. M., and was duly recorded in book  
21 of Misc records page 522

*Robert Miller*

County Recorder

By \_\_\_\_\_  
Deputy