

ORDINANCE NO. 2003-09

**AN ORDINANCE AMENDING CITY CODE SECTION 401 AND REPEALING
ORDINANCE 97-3A AND ORDINANCE 98-7 REGARDING SEPTIC SYSTEMS**

The City Council of the City of Dayton, Minnesota ordains as follows:

SECTION 1. REPEAL. Ordinance 97-3A and Ordinance 98-7 are hereby repealed in their entirety.

SECTION 2. AMENDMENT. The Dayton City Code Section 401 is hereby amended by adding the underlined text and removing the struck text:

CHAPTER 401 INDIVIDUAL SEWAGE TREATMENT SYSTEM STANDARDS

401.01 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 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's health and safety, and to 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.

401.02 General Provisions

Subdivision 1. Standards Adopted by Reference. The City hereby adopts by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315 ~~0020~~ and 7080.0060 to 7080.0176, (and 7080.0919), as allowed under the terms of this Ordinance.

Subdivision 2. Definitions. The terms shall be interpreted as defined in Minnesota Rules 7080.0020 DEFINITIONS.

Subdivision 3. Permits.

a. No person shall install, alter, repair or extend any individual sewage treatment system in the City except in compliance with this code and without first applying for and obtaining a permit from the building official and at the same time paying a fee as listed in the fee schedule of the Zoning Ordinance. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

b. No person shall cover any portion of any ISTS which is being constructed, altered or repaired unless in compliance with written inspection policies as developed and maintained from time to time by the City's Building Official.

c. Any structural activity, such as remodeling, which, in the opinion of the City Building Official, will add effluent to an ISTS shall be considered activity which constitutes construction, alteration or repair of an ISTS.

d. For the purposes of this code, a person responsible for violations hereof shall include the contractor performing any activity and shall also include the owner(s) of the parcel upon which the activity is being performed.

Subdivision 4. 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.

Subdivision 5. Failing Septic Systems Notification and Requirements. A Notice of Noncompliance shall be issued and copies provided to the property owner and to the City within 30 days under the following conditions:

a. A failing ISTS shall be upgraded, replaced or its use discontinued within ten (10) years, unless it is inspected by a licensed inspector and not found to be an imminent threat to public health and safety. The system may continue to be used until it is found to be an imminent threat to health and safety.

b. An ISTS 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 10 months.

Subdivision 6. Additional Soil Treatment Area Requirements.

a. On all lots created after the effective date of this ordinance, and on all lots which are existing on the effective date of this ordinance, and on all undeveloped lots, which are not connected to Sanitary Sewer or will not be connected to Sanitary Sewer prior to issuance of a Certificate of Occupancy shall include at least one (1) additional designated soil treatment area which can support a standard soil treatment system.

b. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection ~~aef~~of the additional soil treatment area shall be approved by the building official and may include, but is not limited to, such things as snow fencing, permanent fencing and silt fencing.

c. No building permit shall be issued for construction on any property within the City until at least two (2) soil treatment areas have been identified and protected on all parcels for which a building permit is applied for.

Subdivision 7. Power to Enter Property. The City building official or person selected and appointed by him to do so, shall have the power to, between sunrise and sunset, enter such property reported to him or other property upon which written complaints have been made to him of individual sewage disposal systems which constitute a health hazard, to examine any vault, privy, cesspool, septic tank or private sewage disposal system, entry to be made upon showing of proper credentials.

401.03 Minimum Setback Distances

a.	Any well water supply	50 ft
b.	<u>Septic drainfield to shallow well, less than 50 feet deep</u>	<u>100 ft</u>
c.	Water under pressure	10 ft
d.	Wetlands	75 ft
e.	Property Lines	10 ft
f.	<u>Septic drainfield setback to building</u>	<u>20 ft</u>
g.	<u>Septic tank setback to building</u>	<u>10 ft</u>

401.04 More Restrictive Standards

Subdivision 1. Section ~~7.080.0130~~ 7080.0130, subpart 3(A) is hereby modified requiring at least two (2) septic tanks with a minimum capacity of 1,000 gallons.

Subdivision 2. Section ~~7.080.0160~~ 7080.0160, subpart 1(c) is modified to require a minimum dosing tank of 1,000 gallons.

Subdivision 3. Section ~~7.080.0910~~ 7080.0910 specifying alternative and experimental systems shall be utilized only on existing developed lots with existing septic systems which have failed. Systems designed or installed in a slope greater than twelve (12%) percent shall be considered experimental on any lot.

Subdivision 4. All waste waters discharged into the septic system shall be metered on all non-single family uses

401.05 On-Site Sewage System Inspection, Maintenance and Repair.

Subdivision 1. Maintenance, Inspection and Cleaning.

a. The owner of any individual sewage treatment system shall have the septic tank(s) properly pumped, cleaned and inspected on a regular basis, but in no case less than once every 3 years.

b. A licensed pumper must be retained by the owner for pumping, cleaning, inspection, maintenance, and repair.

Subdivision 2. Maintenance Report Form.

a. Each property owner shall, at their sole expense, provide for inspection and maintenance of the system.

b. The property owner shall be responsible for ensuring that a completed Maintenance Report Form to be returned to the City by their septic pumper certifying that their septic system has been pumped, inspected and cleaned at least once every three years. Maintenance Report Forms will be available at City Hall and/or on the City website.

c. In the event a septic pumper fails to complete the Maintenance Report Form and return it to the City as required herein, the City, pursuant to Minnesota Statutes, section 429.101, the City shall provide written notice to the property owner and- After providing a second written notice, the failure to submit documentation of pumping and inspection of a septic system shall be considered a violation of this ordinance and subject to the Criminal Penalties and/or Civil Remedies outlined in Section 401.06, the Enforcement Section of this ordinance. City shall may provide for the property owner's septic system to be pumped, cleaned and evaluated and for all costs related hereto to be assessed against the property benefited.

Subdivision 3. Cleaning and Evaluation.

a. Evaluation of the on-site sewage tank and system shall be made by a licensed inspector or pumper. A listing of licensed pumpers is available from the MPCA and will also be available from the City.

b. The above-described system maintenance shall include, but not be limited to, pumping and cleaning of the septic tank, evaluation of the condition of the tank, baffles and system, and an examination of the drain field for evidence of system failure.

c. For ISTS having inspection openings, the inspection should also include the following measurements:

i. The distance between sludge and the bottom of outlet baffles.

ii. The distance between scum and the bottom of outlet baffles.

d. Where there is less than 12 inches between the sludge and the bottom of the outlet baffles, or where the scum line is found less than 3 inches above the bottom of the outlet baffles, this condition shall be noted on the inspection report.

e. The owner shall require remedial activity to take place to correct deficiencies wherever found.

Subdivision 4. Failing Systems.

a. Upon inspection, if the system is found to be failing or creating a health hazard, the owner of the property shall have the system pumped and repaired or replaced pursuant to a schedule as determined by the City Building Inspector. Section 401.02 of this code regarding failing systems shall be followed.

b. In the event the property owner fails to comply with the pumping schedule or have the system repaired or replaced, the the failure to submit documentation of pumping, inspection, repair or replacement of a failing septic system shall be considered a violation of this ordinance and subject to the Criminal Penalties and/or Civil Remedies outlined in Section 401.06, the Enforcement Section of this ordinance. The City pursuant to Minnesota Statutes, Section 429.101 shall may provide for the property owner's septic system to be pumped and repaired or replaced and for all costs related thereto to be assessed against the property benefited.

Subdivision 5. Costs

a. Any on-site inspection and/or pumping conducted or contracted by the City shall be invoiced to the property owner in an amount established by resolution of the City Council.

b.. Pursuant to Minnesota Statutes, Section 429.101, the City Council hereby authorizes the City Staff to certify any unpaid costs or charges imposed pursuant to this Ordinance to the County Auditor for collections as other taxes.

401.065 Enforcement

Subdivision 1. Criminal Penalty.

a. 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 except as noted below.

b. First pumping and/or inspection violation. Any person who fails to conduct required ISTS pumping or inspection shall be guilty of a petty misdemeanor, punishable by a fine, as defined by law, for the first violation only.

c. Additional pumping and/or inspection violation(s). After a first violation, if the violation fails to be taken care of within a set period of time, regardless of whether the City pursues the charges of petty misdemeanor, a property owner who fails to conduct a required ISTS pumping or inspection shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

d. Any person who fails to repair and resolve a failing septic system which is an imminent health hazard or is approaching the status of an imminent health hazard shall be guilty of a misdemeanor, punishable by a fine or imprisonment or both as defined by law.

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

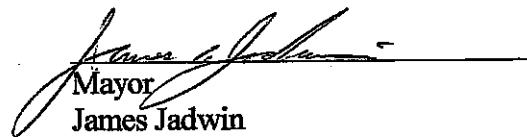
Subdivision 3. Permits. No building permit, certificate of occupancy, license, or other permit shall be issued for the construction, ~~upon~~-use or occupancy of any parcel of property within the City of Dayton unless the requirements of this chapter are met with respect to said parcel of property.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective from and after its passage and publication in accordance with law.

Motion by Huff-Larson, second by Jacobs. Ayes: All, Nays: None


APPROVED this 8th day of July, 2003, by the Dayton City Council.

City of Dayton



Mayor
James Jadwin

Attest:



City Clerk
Sandra Borders

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