

LE SUEUR COUNTY ORDINANCE

ORDINANCE PROVIDING FOR THE INSPECTION OF INDIVIDUAL SEWAGE TREATMENT SYSTEMS WITHIN THE GERMAN-JEFFERSON SUBORDINATE SERVICE DISTRICT

WHEREAS Le Sueur County (herein after known as the County) is obligated under state law to regulate subsurface sewage treatment systems (SSTS) in unincorporated portions of the County;

WHEREAS the County has incrementally advanced its regulation of SSTS to meet growing development pressures in the County, particularly in shoreland areas;

WHEREAS the County established the German-Jefferson Subordinate Service District (herein after known as the District) to address an area with a high density of known and suspected wastewater concerns within the County;

WHEREAS the wastewater concerns within the District have the potential to impact public health and water quality;

WHEREAS the County adopted interim SSTS standards to address known problems within the District;

WHEREAS a voluntary SSTS inventory program was initiated within the District on March 29, 2011 that resulted in participation of 51% of households in the District;

WHEREAS the voluntary inventory program validated the County's wastewater concerns within the District; and

WHEREAS an inspection process is the necessary next step in the incremental approach to addressing wastewater concerns within the District by creating a complete inventory and a timeline for compliance.

NOW THEREFORE, the Le Sueur County Board hereby ordains:

SECTION 1. Purpose. The German-Jefferson Subordinate Service District was established for the purpose of addressing wastewater issues around German and Jefferson Lakes. The purpose of this Ordinance is to establish an inspection process in order to inventory the wastewater treatment systems within the District and create a timeframe for compliance.

SECTION 2. Definitions.

Certificate of Compliance: A document, written after a compliance inspection, from a Certified Inspector, certifying that an ISTS is in compliance with the applicable requirements of Minnesota Rules, Chapters 7080 to 7083, as amended and Section 17 of the Le Sueur County Zoning Ordinance at the time of the inspection.

Certified Inspector: An individual, or a qualified employee, certified under Minnesota Rules Chapter 7083, as amended.

Compliance Inspection: An evaluation, investigation, inspection, or other process for the purpose of issuing a certificate of compliance or notice of noncompliance.

Department: The Le Sueur County Department of Environmental Services.

District: The German-Jefferson Subordinate Service District established by the Le Sueur County Board.

Inspection Report: A Certificate of Compliance or Notice of Noncompliance, together with the Le Sueur County Certification Form, signed and sworn by an Inspector.

Inspector: An individual qualified to review proposed plans and inspect on-site sewage treatment systems and who has been issued a license from the Agency.

Jefferson-German lakes Septic Inventory Project-JGSIP: The voluntary Jefferson German Lakes Septic Inventory Project (JGSIP) initiated in 2011 by Le Sueur County within the boundaries of the German-Jefferson Subordinate Service District.

Licensed Business: A business that designs, installs or maintains, repairs, pumps, operates, or inspects SSTS.

MPCA: Minnesota Pollution Control Agency; referred to as “the Agency” throughout this Ordinance.

Notice of Noncompliance: A document written and signed by a certified inspector after a compliance inspection that gives notice that a SSTS is not in compliance as specified under Minnesota Rules 7080.1500, as amended.

Subsurface Sewage Treatment System (SSTS): Either an individual subsurface sewage treatment system (ISTS) or a midsized subsurface sewage treatment system (MSTS) as defined in Chapters 7080 and 7081.

Subsurface Sewage Treatment System, Individual (ISTS): As defined in Minnesota Rules, Chapter 7080, subpart 41, as amended from time to time.

Subsurface Sewage Treatment System, Midsized (MSTS): As defined in Minnesota Rules, Chapter 7081, subpart 4, as amended from time to time.

SECTION 3. Permits Required.

It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any zoning permit, variance, or

conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

SECTION 4. Inspection and Report Required. No later than December 15, 2015, all SSTS's within the District shall be inspected by a Certified Inspector and an Inspection Report shall be furnished to the Le Sueur County Environmental Services Department. The inspection shall be completed at each property owner's sole expense.

SECTION 5. Exemptions from Inspection. No Compliance Inspection is required for an SSTS that:

1. Has a valid Certificate of Compliance issued after April 1, 2008; or
2. Was inspected as part of the JGSIP.
3. Sign Waiver for Compliance Inspection of an Existing Septic System.

SECTION 6. Inspector Requirements. All Compliance Inspections must be performed by an Inspector. In accordance with Minnesota Rules Chapter 7082.0700, as amended from time to time.

SECTION 7. Inspection Report Requirements. The Inspection Report must include and follow the instructions on the most current version of the Minnesota Pollution Control Agency's Compliance Inspection Form for existing Subsurface Sewage Treatment Systems (SSTS).

SECTION 8. Administrative Search Warrant. The County reserves the right to seek an administrative search warrant after **December 31, 2015**, to perform a Compliance Inspection of any property within the District for which an Inspection Report, signed Waiver or Certificate of Compliance has not been provided.

SECTION 9. Service Charge Against Uninspected Properties. The County reserves the right to impose a service charge of \$1,000 pursuant to Minnesota Statute Section 375B.09 for any property for which an Inspection Report or Certificate of Compliance has not been provided.

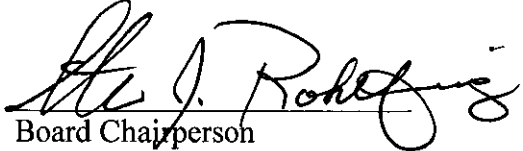
SECTION 10. Compliance Deadline. No later than **December 31, 2017**, all non-compliant SSTSs shall be upgraded, repaired, or replaced in compliance with Minnesota Rules Chapter 7080, as amended Section 17 of the Le Sueur County Zoning Ordinance.

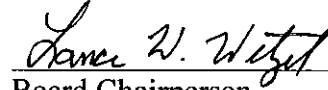
SECTION 11. Penalties. Any property owner who has failed to upgrade, repair, or replace a non-compliance SSTS by **December 31, 2017** shall be guilty of a misdemeanor. Any person or entity who violates any provision of this Ordinance or makes any false statement in any document required to be submitted under this Ordinance shall be guilty of a misdemeanor.

SECTION 12. Severability. In the event any provision or part of this Ordinance is determined to be void or unenforceable by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 13. Effective Date. This Ordinance shall be effective immediately upon passage.

Adopted April 7, 2015


Board Chairperson
German Jefferson Sewer District Board


Board Chairperson
Le Sueur County Board of Commissioners

ATTEST:


County Administrator