

LE SUEUR COUNTY ORDINANCE NO. _____

**ORDINANCE PROVIDING FOR THE CONTINUOUS COMPLIANCE OF
SUBSURFACE SEWAGE TREATMENT SYSTEMS WITHIN 350 FEET OF GERMAN
LAKE (MN DNR LAKE NUMBER 40006300) AND JEFFERSON LAKE (MN DNR
LAKE NUMBER 40009200)**

The Le Sueur County Board of Commissioners hereby ordains:

SECTION 1. Purpose. The purpose of this Ordinance is to establish a rigorous compliance program for the inspection and enforcement of established standards for wastewater treatment systems within the area surrounding German and Jefferson Lakes to ensure continuous compliance.

SECTION 2. Effective Date. This Ordinance shall take effect on **January 1, 2021.**

SECTION 3. Statutory Authority. This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes, including but not limited to, Section 115.55, Section 145A.05, and Section 394.21 to 394.27, as amended.

SECTION 4. Definitions.

Certificate of Compliance: A document, written after a compliance inspection, from a Minnesota Certified and Licensed SSTS Inspector, certifying that an SSTS 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 as amended.

Cluster System: An SSTS under some form of common ownership or operation that collects wastewater from three or more dwellings or structures and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or structures.

Compliance Inspection: An evaluation, investigation, inspection, or other process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

Compliance Area: All parcels lying wholly or partially within 350 feet of the Ordinary High Water Level (OHWL) of German Lake and Jefferson Lake as identified in the Compliance Area Map in Exhibit A through F and as defined as ***First Tier Properties*** or ***Recreational Properties***.

Department: The Le Sueur County Department of Environmental Services.

Existing Ordinance: Section 17 of the Le Sueur County Zoning Ordinance.

First Tier Property: First Tier Property shall mean any parcel of land not served by a municipal sanitary sewer that:

- a. Has a structure within 350 feet of the OHWL of German or Jefferson Lake that is connected to an SSTS, or
- b. Has an SSTS located within 350 feet of the OHWL of German or Jefferson Lake, or
- c. Has an SSTS alternative site within 350 feet of the OHWL of German or Jefferson Lake, or
- d. Is a currently vacant residential lot that would meet the above conditions if a structure were constructed.

Holding Tank: A tank for storage of sewage until it can be transported to a point of treatment and dispersal as defined in Minnesota Rules, Chapter 7080.1100, subpart 40, as amended.

Inspection Report: A Certificate of Compliance or Notice of Noncompliance signed and certified by a Minnesota Certified and Licensed SSTS Inspector.

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

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

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

Notice of Noncompliance: A document, written after a compliance inspection, from a Minnesota Certified and Licensed SSTS Inspector, certifying that an SSTS is not 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, as amended.

Ordinary High Water Level (OHWL): Ordinary high water level of surface water has the meaning given in Minnesota Statutes, Section 103G.005, subdivision 14.

Recreational Property: Recreational Property shall mean any Campground, Organized Group Camp, Planned Unit Development, Golf Course, Resort, or other similar uses as those terms are defined in the Le Sueur County Zoning Ordinance that is not served by a municipal sanitary sewer. All SSTS on Recreational Properties shall be subject to mandatory compliance inspections, regardless of whether the SSTS is located within 350 feet of the OHWL of the Regulated Lake. Including:

- a. A currently vacant lot that would meet the conditions if a structure were constructed.

Regulated Lake: Regulated Lake shall mean German Lake (MN DNR lake number 40006300 in Le Sueur County) and Jefferson Lake (MN DNR lake number 40009200 in Le Sueur County).

Subsurface Sewage Treatment System (SSTS): Either an individual subsurface sewage treatment system (ISTS) or a mid-sized subsurface sewage treatment system (MSTS) as defined in Minnesota Rules, Chapters 7080 and 7081, as amended.

Subsurface Sewage Treatment System, Individual (ISTS): A subsurface sewage treatment system as defined in Minnesota Rules, Chapter 7080.1100, subpart 41, as amended.

Subsurface Sewage Treatment System, Mid-sized (MSTS): A subsurface sewage treatment system as defined in Minnesota Rules, Chapter 7081.0020, subpart 4, as amended.

Type I System: A subsurface sewage treatment system as defined in Minnesota Rules, Chapter 7080.2200; a Type I System utilizes trenches and seepage beds, mounds, at-grade systems, or gray water systems that meet or exceed the design and performance requirements of Minnesota Rules, Chapter 7080.

SECTION 5. Application. The County's Existing Ordinance conforms to Minnesota Rules, Chapter 7082 and applies to all properties. All provisions of the Existing Ordinance, to the extent they are not modified by this Ordinance, shall remain in full force and effect within the Compliance Area. This Ordinance is in addition to the minimum requirements of the Existing Ordinance and shall apply only to properties within the Compliance Area.

SECTION 6. Continuous Compliance. A valid Certificate of Compliance is required at all times. It is unlawful for any person to maintain, occupy, or use any structure intended for habitation without a valid Certificate of Compliance or a Permit for the repair or replacement of a non-compliant SSTS.

SECTION 7. Inspector Requirements. All Compliance Inspections shall be performed by a Minnesota Certified and Licensed SSTS Inspector, as defined in Minnesota Rules, Chapter 7082.0700. No Inspector or Licensed Business who previously designed, installed, or inspected the SSTS may submit an Inspection Report for that SSTS for purposes of this Ordinance until the SSTS has been independently inspected.

SECTION 8. Certificate of Compliance. Certificates of Compliance for a new SSTS shall be valid for 5 years. Certificates of Compliance for an existing SSTS shall be valid for 3 years unless evidence of noncompliance is determined.

SECTION 9. SSTS Compliance. All compliant SSTSs shall meet the standards in the Existing Ordinance as it may be amended, specifically three feet of vertical separation and tank integrity verification, as well as all requirements under Minnesota Rules, Chapter 7080 for an ISTS and Chapter 7081 for an MSTS and Section 17 of the Le Sueur County Zoning Ordinance.

SECTION 10. Cluster System Compliance. Every component of a Cluster System shall be compliant prior to the issuance of a Certificate of Compliance. In addition to the standards for an SSTS or MSTs, Cluster Systems shall meet the following standards:

- a. Written agreement between all landowners of the parcels served by the Cluster System to allow system-wide inspection and maintenance on all parcels served by the Cluster System.
- b. Documentation of all service performed in the past three years in accordance with the Management Plan and Minnesota Rules, Chapter 7082.0600 for SSTS or all service performed in the past three years in accordance with the Operation and Maintenance Plan and Minnesota Rules, Chapter 7080.2450 and Chapter 7081.0290 for an MSTs shall be submitted to the Department prior to the issuance of a new Certificate of Compliance.

SECTION 11. Existing Holding Tanks. For properties with existing holding tanks, if a Type I SSTS can be installed without a variance, one shall be installed within one (1) year of the following events:

- a. Transfer of the property.
- b. Issuance of a land use permit.

SECTION 12. Effect of New Regulations. No system shall be “grandfathered” based on new County or state regulations and standards. All existing systems shall be upgraded, repaired, or replaced in order to meet all performance and design standards for SSTS within the Compliance Area prior to the issuance of a Certificate of Compliance.

SECTION 13. Compliance Period.

- a. An SSTS that is determined not to be protective of groundwater, in accordance with Minnesota Rules, Chapter 7080.1500, Subpart 4.B and Minnesota Rules, Chapter 7080.0080, Subpart 4 or otherwise fails to meet any standard of this Ordinance and Minnesota Rules, Chapter 7080 for an SSTS or Chapter 7081 for an MSTs, shall be upgraded, repaired, replaced, or abandoned by the landowner in accordance with the provisions of the Existing Ordinance, as amended.
- b. An SSTS that is determined to be an imminent threat to public health or safety, in accordance with Minnesota Rules, Chapter 7080.1500, Subpart 4.A and Minnesota Rules, Chapter 7081.0080, Subpart 3, shall be upgraded, repaired, replaced, or abandoned by the landowner in accordance with the provisions of this Section within ten (10) months of the date of a Notice of Noncompliance or of the provisions of the Existing Ordinance, whichever occurs first.
- c. All operational deficiencies shall be corrected immediately.

SECTION 14. Variances. No variances shall be granted from this Ordinance.

SECTION 15. Inspection Program. The Department shall send notice of the impending expiration of a Certificate of Compliance 90 days before expiration. The failure of any

landowner to receive notification or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made.

SECTION 16. Administrative Search Warrant. The County reserves the right to seek an administrative search warrant to perform a Compliance Inspection of any property within the Compliance Area for which a valid Certificate of Compliance does not exist, at the landowner's expense. Any costs incurred by the County in performing a Compliance Inspection, which are not reimbursed, may be assessed as a special assessment against the property upon which the SSTS was located.

SECTION 17. Enforcement. This Ordinance shall be administered and enforced by the Department or assigned agent.

SECTION 18. Violations and Penalties.

- a. Any landowner who fails to upgrade, repair, or replace a non-compliant SSTS but continues to maintain, occupy, or use any structure for habitation without a valid Certificate of Compliance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by the Minnesota State Statutes.
- b. 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 and upon conviction thereof, shall be punishable as defined by the Minnesota State Statutes.
- c. Each day that a violation exists shall constitute a separate offense.

SECTION 19. 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.

Adopted _____, 20__

Board Chairperson
Le Sueur County Board of Commissioners

ATTEST:

County Administrator

Exhibit A

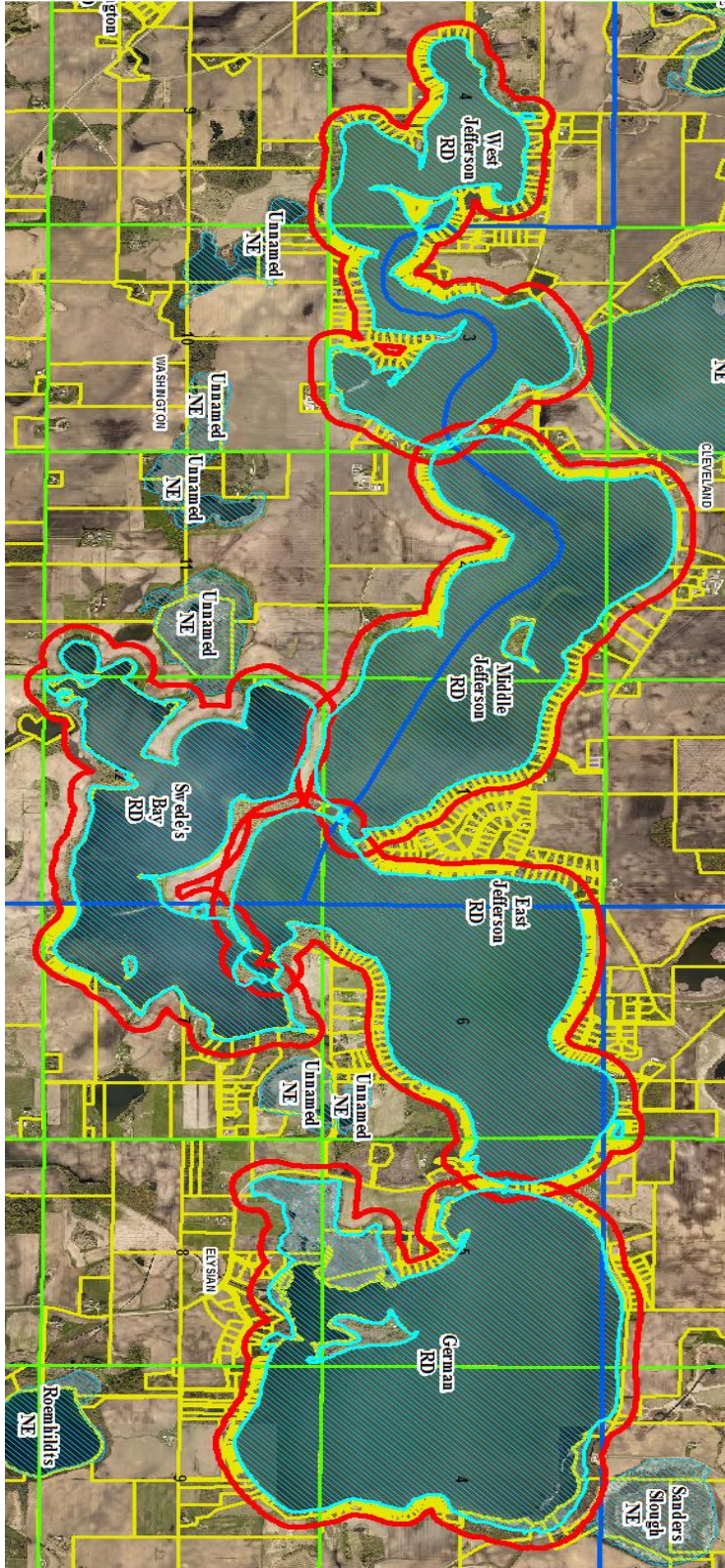


Exhibit B- German

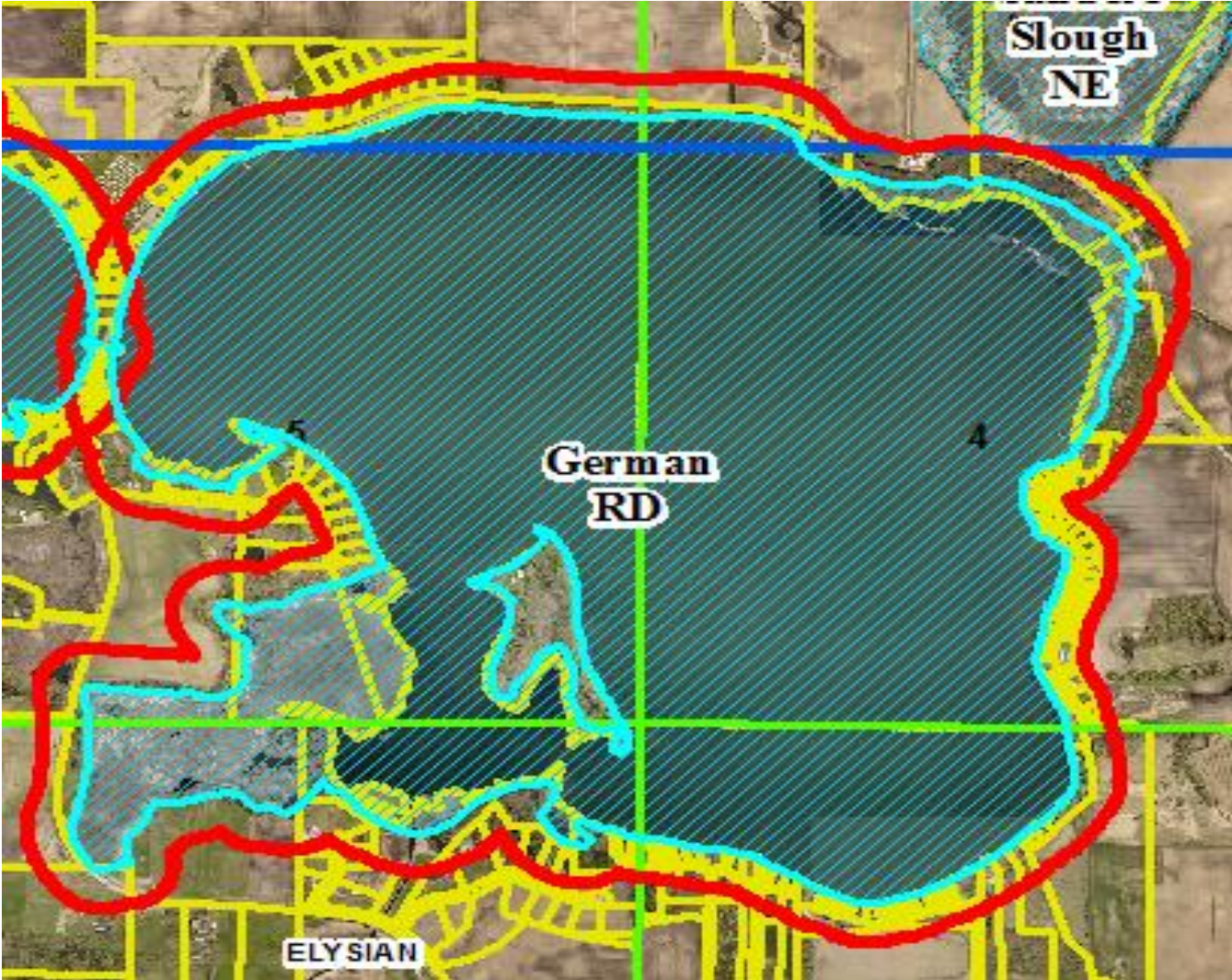


Exhibit C- East Jefferson

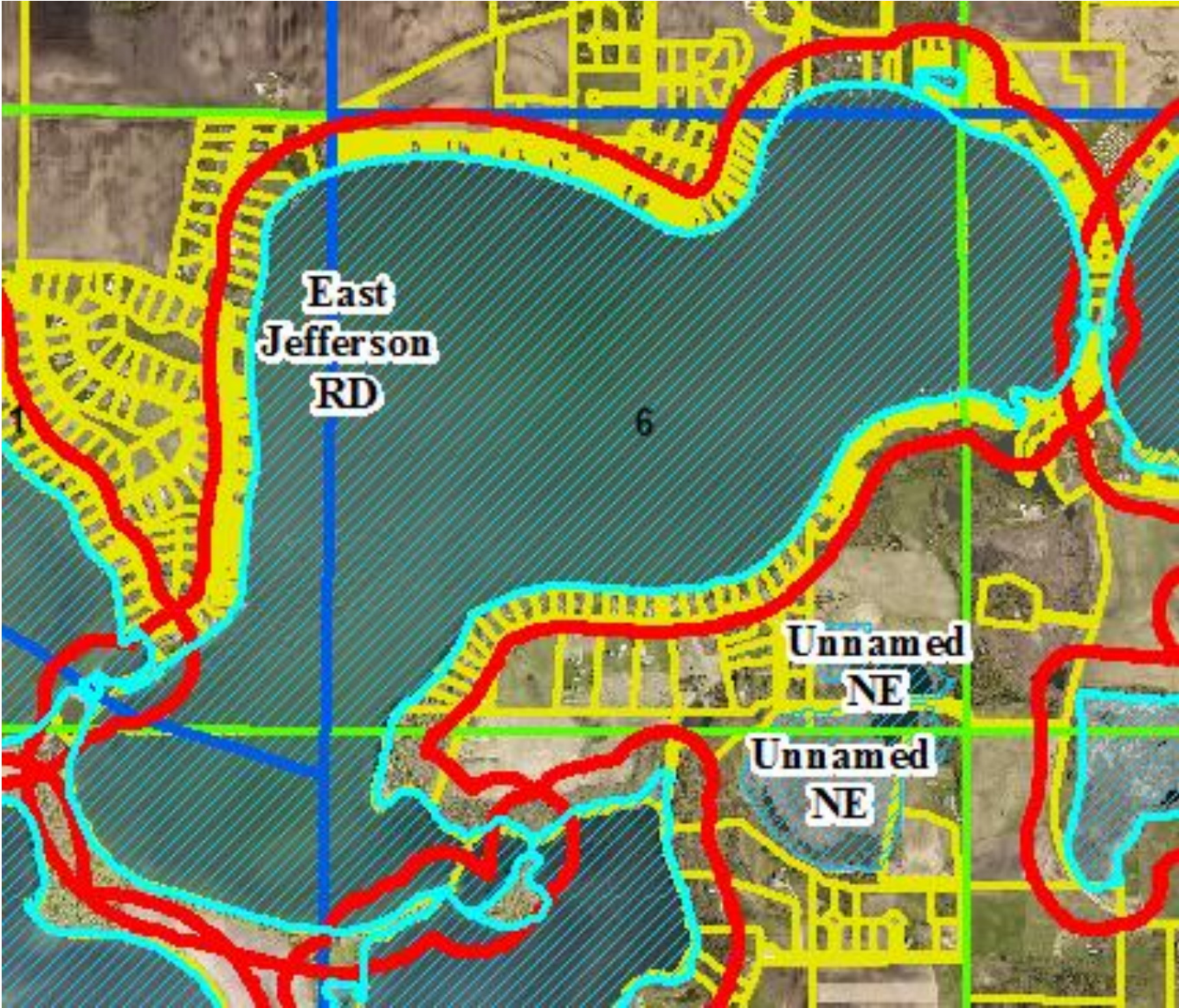


Exhibit D- Swede's Bay

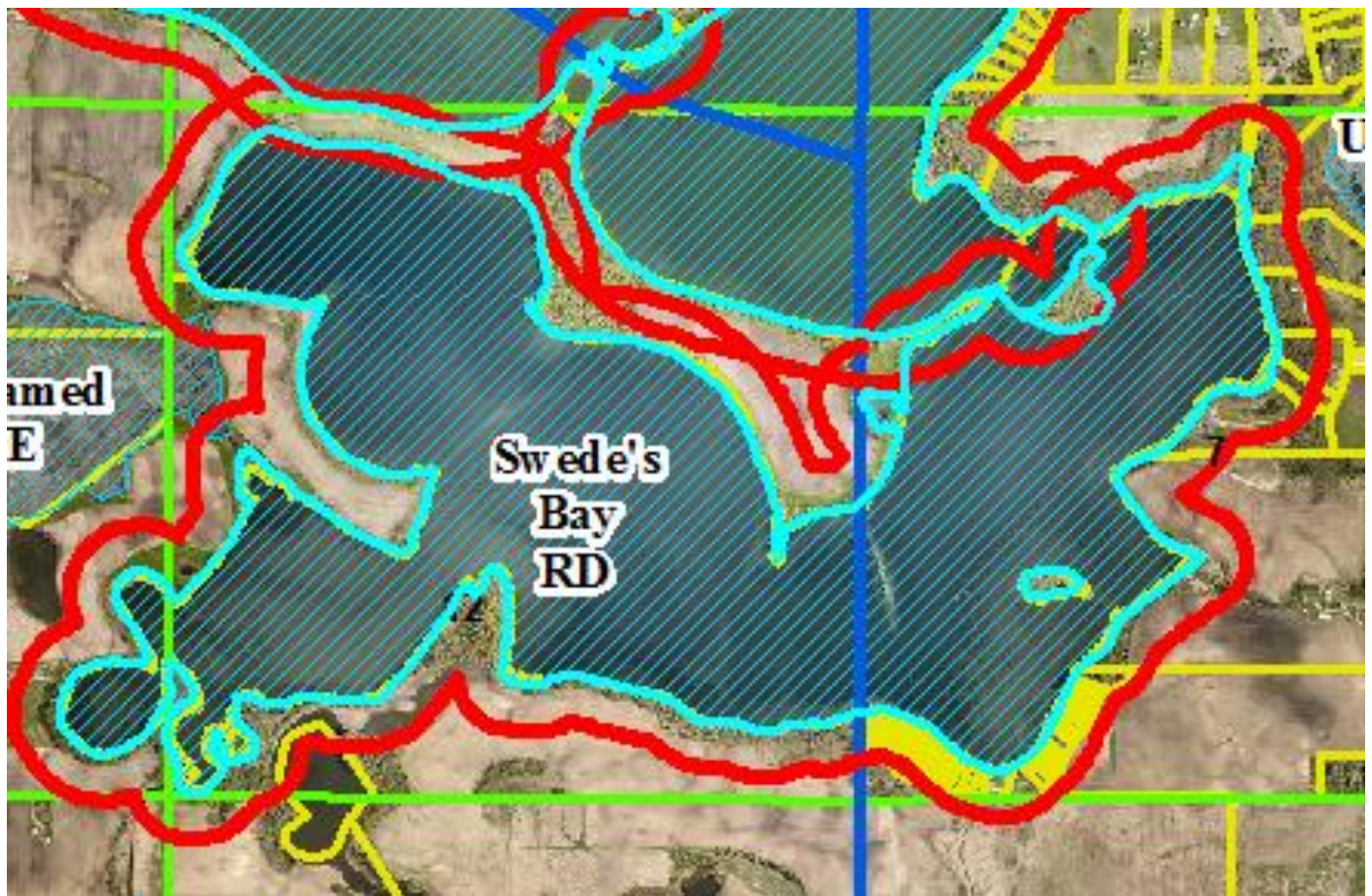


Exhibit E- Middle Jefferson

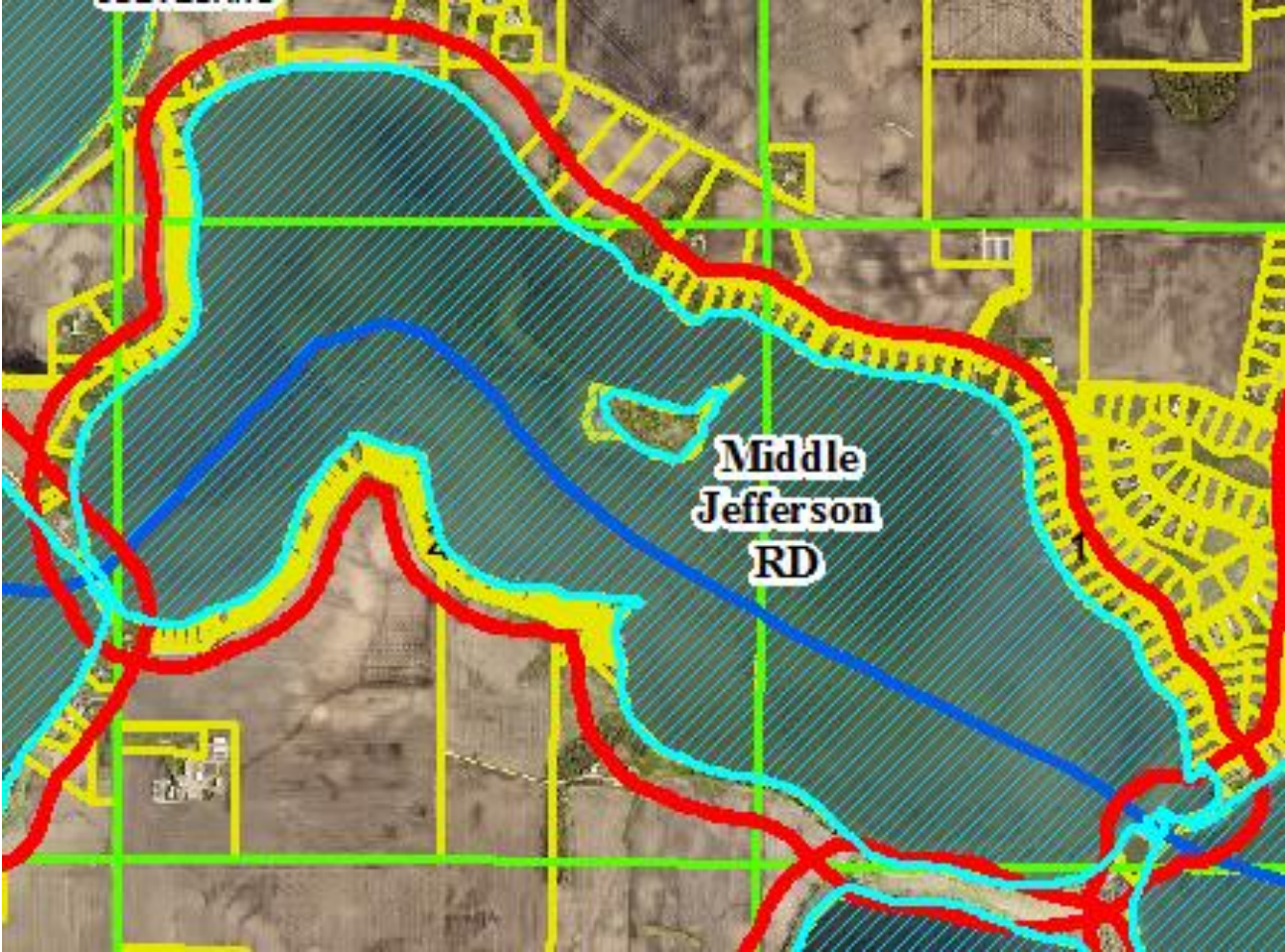


Exhibit F- West Jefferson

