

**ORDINANCE NUMBER 279  
BENTON COUNTY, MINNESOTA**

An Ordinance Regulating Individual Sewage Treatment Standards

**WHEREAS**, the Benton County Board of Commissioners instituted proceedings to adopt the following ordinance; and,

**WHEREAS**, on June 24, 1997 Notice of Public Hearing and intent to amend Benton County Ordinance 185, Section 9.6 was published in the official newspaper of the county; and,

**WHEREAS**, on July 10, 1997, the Benton County Planning Commission and the Benton County Board of Commissioners held a joint public hearing thereon; and,

**WHEREAS**, on July 15, 1997, the Benton County Board of Commissioners took official action to approve the proposed ordinance.

**NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, MINNESOTA STATUTES CHAPTER 115 AND MINNESOTA RULES CHAPTER 7080, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:** that Benton County Ordinance 185, Section 9.6 be amended as follows:

**SECTION 9.6 INDIVIDUAL SEWAGE TREATMENT STANDARDS**

**9.6.1.10 PURPOSE.** The purpose of the Sewage and Wastewater Treatment SECTION shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minn. Stat, Chapters 115 and 145A and Minnesota Rules Chapter 7080 and as amended that may pertain to sewage and wastewater treatment.

**9.6.1.20 OBJECTIVES.** The principal objectives of the SECTION shall include the following:

9.6.1.21 The protection of Benton County's lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of the County's environment and its

socioeconomic growth and development of the County in perpetuity.

9.6.1.22 Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper ISTS construction, reconstruction, repair and maintenance and proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

9.6.1.23 The provision of establishing minimum standards for ISTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.

9.6.1.24 The provision of establishing minimum standards for septage removal, transport, treatment and disposal;

9.6.1.25 The utilization of privy vaults and other non-water carried ISTS;

9.6.1.26 The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, ISTS surveys and complaint investigation, as well as through technical assistance and education.

9.6.1.30 **SCOPE.** This SECTION shall regulate the design, construction and repair of ISTS in Benton County, including but not necessarily limited to individual on-site and cluster or community ISTS privy vaults and other non-water carried ISTS, repair and/or replacement of failing ISTS and septage disposal.

#### 9.6.2.0 ADMINISTRATION

9.6.2.10 **STANDARDS ADOPTED BY REFERENCE.** This Ordinance hereby adopts and incorporates parts by reference Minnesota Rules 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0120, 7080.0125, 7080.0130, 7080.0150, 7080.0160, 7080.0170, 7080.0175, 7080.0176.

9.6.2.20 **ADMINISTRATION BY STATE AGENCIES.**

- 9.6.2.21 For an on-site ISTS, or group of systems that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a State Disposal System permit from the Minnesota Pollution Control Agency if the on-site ISTS or group of systems are designed to treat an average design flow greater than 10,000 gallons per day.
- 9.6.2.22 For dwellings including apartments, townhouses, resort units, rental cabins and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System permit.
- 9.6.2.23 ISTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to, campgrounds, resorts, mobile home parks, and eating and drinking establishments, shall conform to state and local requirements.
- 9.6.2.24 Any ISTS requiring approval by the State of Minnesota shall also comply with this SECTION.
- 9.6.2.25 Plans and specifications must receive appropriate state and local approval before construction is initiated.
- 9.6.2.30 **ADMINISTRATION BY BENTON COUNTY.** The Department of Development shall regulate ISTS and septage disposal in Benton County pursuant to this SECTION.
- 9.6.2.31 The Department shall have the following duties and responsibilities:
- A. To review all applications for ISTS;
  - B. To issue all permits required by this SECTION.
  - C. To inspect work in progress and to perform the necessary tests to determine its conformance with this SECTION;
  - D. To investigate complaints regarding ISTS and septage disposal;
  - E. To issue Stop Work Orders and Notices of Violation, pursuant to this SECTION;
  - F. To take complaints to the County Attorney for violations of this SECTION; and
  - G. To maintain proper records for ISTS and

septage disposal including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts.

H. To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per MN Rules part 7080.0310.

9.6.2.32 Neither the issuance of permits, certificates of compliance or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

#### 9.6.2.4 DEFINITIONS

AS-BUILTS - Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.

BEDROOM - Any room used principally for sleeping purposes, an all-purpose room, a study, or a den. A room planned and intended for sleeping.

CERTIFICATE OF COMPLIANCE, ISTS - A document from a licensed sewage treatment inspector fully licensed by the State of Minnesota of a qualified employee provided to the owner on which a dwelling is located which is required to have an ISTS and to the LUG, indicating that said ISTS is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.

COMPLIANCE INSPECTION - Any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance as specified under part 7080.0060. Compliance inspections must be conducted by a qualified employee or under a license independent of the owner and the installer.

DEPARTMENT - The Benton County Department of Development, or other designated agent who is a qualified employee or licensee.

FAILING SYSTEM - Any ISTS that discharges sewage to a seepage pit,

cesspool, drywell or leaching pit and any system with less than two feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition any system posing an imminent threat to public health or safety as defined in MN.RULES 7080.0020 Subp. 19a shall be considered failing. In shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those used in connection with food, beverage, and lodging establishments regulated under chapter 157, any system with less than three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock shall be a failing system.

INCORPORATION - The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) - A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

INSPECTOR - An individual qualified to review proposed plans and inspect ISTS and who meet the licensure and registration requirements of the Minnesota Pollution Control Agency.

LAND SPREADING - The placement of septage or human waste from septic or holding tanks on or into the soil surface.

LAND USE DEVELOPMENT APPLICATION - The term includes, but not limited to applications for the following: land use permits, ISTS permits, vegetative alteration permits, topographic alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department of Development unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by the Planning and Zoning Administrator.

MOTTLING - As applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or grey in the soil. In subsoils with a color value of four or more, the term mottling also includes soil having matrix colors with a chroma of two or less as described in "Keys to Soil Taxonomy" 5th Edition, 1992 Soil Management Support Services, technical monograph No.19, which is incorporated by reference.

MPCA - Minnesota Pollution Control Agency.

QUALIFIED EMPLOYEE - An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Chapter 7080, and has been issued performance restrictions.

SATURATED SOIL - (or seasonal high water table) The highest elevation in the soil where all voids are filled with water, as evidenced by presence of soil mottling or other information.

SEPTAGE - Solids and liquids removed during periodic maintenance of an ISTS, or solids and liquids which are removed from toilet waste treatment devices or a holding tank.

SEWAGE - Any water-carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

TOILET WASTE TREATMENT DEVICES - Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.

#### **9.6.3.0 PERMITTING**

##### **9.6.3.10 PERMITS REQUIRED.**

9.6.3.11 CONSTRUCTION PERMITS. A permit shall be obtained whenever any ISTS in Benton County is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an ISTS shall not begin without first making an application for a permit and obtaining said permit from the Department for each specific installation, replacement, alteration, repair or extension pursuant to this SECTION. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance.

9.6.3.20 PERMITS NOT REQUIRED. Notwithstanding Section 9.6.3.11, permits shall not be required only for the repair or replacement of pumps, floats, or other electrical devices of the pump or

baffles in a septic tank.

**9.6.3.30 PROPERTY OWNERS DOING OWN WORK.** An individual who constructs an individual sewage system treatment on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling, and who has an ISTS design for their site completed by a Minnesota Pollution Control Agency (MPCA) licensed designer before beginning construction, is exempt from the State Installer license requirement.

Property owners doing their work must comply with Subdivision 9.6.3.10 as well as other applicable provisions of the Individual Sewage Treatment Standard. A property owner shall have either a current license used by the Minnesota Pollution Control Agency for Designer I or II if they wish to perform the site evaluation or design their own ISTS.

**9.6.3.31 INDEMNIFICATION AGREEMENT.** Unlicensed persons installing an ISTS pursuant to 9.6.3.30 shall provide a signed agreement to the Department which indemnifies and saves the County, holding it harmless from all losses, damages, costs, and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.

**9.6.3.40 PERMIT APPLICATION REQUIREMENTS.** All applications for a ISTS permit shall include the following information:

- A. Name and address of property owner;
- B. Property identification number;
- C. Legal description of the property;
- D. ISTS Designer Name, address, phone number and State ISTS License number; (or Department qualified employee name and number)
- E. Site evaluation report.
- F. System design with full information including applicable construction information, and
- G. Any other information requested pertinent to the process
- H. A certified statement from the person who conducted the work.
- I. On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

**9.6.3.41 APPLICATION REVIEW AND APPROVAL.** If, after

consideration of the application for a permit, a qualified employee or authorized licensee of the Department shall be satisfied that the work contemplated conforms to and complies with provisions of this SECTION, the Department shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed.

9.6.3.42 **INCOMPLETE APPLICATION INFORMATION.** If after consideration of the application for a permit, the Department is satisfied that the work contemplated will not conform to or comply with the provisions of this SECTION, the Department may deny the application for a permit.

9.6.3.50 **FEES.** The County Board shall establish fees for permits required by this Ordinance.

9.6.3.51 Fees shall be due and payable at the time of permit issuance.

9.6.3.60 **VARIANCES.** An affected property owner may request a variance from the ISTS standards as specified in Section 11.5 of the Benton County Development Code. Variances to decrease the three feet of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the MPCA as per the procedures contained in Minnesota Rules Part 7080.0305 Subp. 9.3. Variances to wells and water supply lines require approval from the Minnesota Department of Health.

#### 9.6.4.0 **INSPECTION REQUIREMENTS**

##### 9.6.4.10 **GENERAL REQUIREMENTS**

9.6.4.11 **COMPLIANCE INSPECTION.** Compliance inspections for construction, replacement, alteration or repair work on ISTS shall be conducted by a qualified employee or under a license authorized by the MPCA.

9.6.4.20 **INSPECTIONS.** The permittee shall notify the Department prior to the completion and covering of the ISTS. The installation and construction of the ISTS shall be in accordance with the permit requirements and application

design. If any ISTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction. Inspections shall be conducted at least once during the construction of the ISTS at such time as to assure that the system has been constructed per submitted and approved design.

**9.6.4.21 NOTIFICATIONS FOR INSPECTIONS.**

- A. It shall be the duty of the permittee to notify the Department on the workday preceding the day inspection is desired.
- B. If the permittee provides proper notice as described above and the Department does not appear for an inspection within 24 hours after the time set, the permittee may complete the installation. The permittee shall then file a signed As-Built, including photographs of the system prior to covering, with the Department within five working days. The As-built shall include a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects.

9.6.4.22 As-builts shall be submitted to the Department within five working days of completion of the work of the ISTS. These shall be submitted on forms provided or approved by the Department.

9.6.4.23 When required by the Department, holding, septic, or dosing tanks shall be filled with liquid to the discharge invert level for a sufficient period of time to demonstrate they are water tight.

9.6.4.24 **INSPECTION REPORT.** A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Department following an inspection or review of as-built plans submitted in accordance with Subdivision 9.6.4.21. A Certificate of Compliance or Notice of Noncompliance must include a signed statement by the inspector identifying the type of ISTS inspected and whether the system is in compliance with Minnesota Rules Chapter

7080.0060. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file in the Department.

A certificate of compliance for a new system is valid for five years from the date of issuance unless the Department finds evidence of an imminent threat to public health or safety.

**9.6.4.30 STOP WORK ORDERS.** Whenever any work is being done contrary to the provisions of this SECTION, the Department may order the work stopped by verbal or written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.

**9.6.4.40 INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS.** Only a qualified employee or authorized licensee or licensed Designer I or Inspector shall conduct an inspection when a compliance inspection is required for an existing ISTS. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the County within 30 days of the inspection.

**9.6.4.41 MANDATORY COMPLIANCE INSPECTIONS OF EXISTING SYSTEMS:**

An ISTS shall require a compliance inspection when any one of the following conditions occur:

- A. In designated Shoreland Management Areas, failing on-site sewage treatment systems shall be reconstructed pursuant to Minnesota Rules Chapter 6120 of 1989, known as "Statewide Standards for Management of Shoreland Areas".
- B. At any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.
- C. Addition of a bedroom on the property, or a variance issued in accordance with Minnesota Rules Chapter 7080.0305 Subp. 3 (General Requirements for Local Units of Government).
  1. If a request for an additional bedroom or variance is received between November 1 and April 30 the county may issue a permit or

variance immediately with the requirement that a compliance inspection be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

2. If a system constructed between May 27, 1989 and January 23, 1996 does not comply with applicable requirements, and is not an imminent public health threat, a property owner applying for a zoning permit to construct a bedroom addition has five (5) years from the date of issuance of such zoning permit to bring the system into compliance.
- E. A certificate of compliance for an existing system is valid for three years from the date of issuance unless the Department finds evidence of an imminent threat to public health or safety.

**9.6.4.42 FAILING SEPTIC SYSTEMS.** A Notice of Noncompliance shall be issued and copies provided to the property owner and the County within 30 days under the following conditions:

- A. If a compliance inspection indicates that a system presents an imminent threat to public health or safety, as defined in Minnesota Rules part 7080.0020, subpart 19a, the owner of the property on which the system is located must upgrade, replace or discontinue use of the system, in conformity with this ordinance, within 120 days of the issuance of a Notice of Noncompliance.
- B. A failing ISTS which does not pose an imminent threat to public health or safety shall be discontinued, replaced or repaired, in conformity with this ordinance, within one year of the issuance of a Notice of Noncompliance.
- C. The owner of property on which a failing septic system is located shall, within twenty days after receipt of a Notice of Noncompliance, submit an acceptable Replacement Plan to the Department. The Replacement Plan shall identify the location and design of the ISTS and a schedule for its replacement.
- D. Violations of the setback from the ordinary highwater mark only, will not cause a system to be failing.

The Department may not require recertification of an ISTS within three (3) years of its certification date provided the system does not fail or become an imminent public health threat or other cause

as deemed appropriate by the Department.

**9.6.5.0 ADDITIONAL STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION**

**9.6.5.10 ADDITIONAL STANDARDS.** The following standards shall also apply:

**9.6.5.11 SEPARATION DISTANCES.**

- A. The setback distance from a well to an ISTS shall be as specified in M.S. 301i, Minnesota Rules Chapter 4725, as amended.
- B. The setback distances from ISTS to designated lakes and rivers shall be as identified in the Benton County Development Code.
- C. Septic Tank Setback Requirements. Septic tanks shall be set back the following distances from the features given below:

<u>Feature</u>	<u>Minimum Setback Distances (Feet)</u>
Water Supply Well or Buried Water Suction Line	50
Buried Pipe Distributing Water Under Pressure	10
Occupied Buildings	10
Unoccupied Buildings	5
Property Lines	10

- D. Drainfield (Treatment System) Setback Requirements. All soil treatment systems other than seepage pits shall be set back the following distances from the features given below:

<u>Feature</u>	<u>Setback distance in feet</u>
Dug well, sandpoint well or water supply well less than 50 feet deep and not encountering at least ten feet of clay or sandy clay material	100
Any other water supply well or buried water suction pipe (note some lending institutions may require a	

greater set back) (Ord. #257 adopted 11/7/95)	50
Buried pipe distributing water under pressure	10
Occupied Building	20
Unoccupied Building	5
Property lines	10
Natural Environment Lakes & Streams	150
Recreational Development Lakes	100
General Development Lakes & Streams	75
Wild River	200
Transitional/Forested Rivers	150
Scenic River	100
Agricultural/Urban & Tributary Rivers	75
Recreational River	75
Designated Tributaries of Wild, Scenic & Recreational Rivers	75
Bluffs	30
Road Right-of-Way	5

E. When a public sewer system is in place in close proximity to a lot or parcel, the owner of said lot or parcel must utilize that system for wastewater (sewer) disposal on the lot and may not use an individual sewage treatment system.

F. All newly constructed ISTS shall maintain a separation distance of three (3) feet between the bottom of the wastewater distribution media and the seasonally high water table. All existing ISTS shall maintain a separation distance of two (2) feet between the bottom of the wastewater distribution media and the seasonally high water table. All existing ISTS systems in shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those

used in connection with food, beverage, and lodging establishments regulated under chapter 157, shall maintain a three feet separation distance.

9.6.5.12 **MAINTENANCE.**

- A. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every 3 years, measure or remove the accumulations of scum and sludge in the septic tank and is responsible for full maintenance of the ISTS as indicated by Minnesota rules Chapter 7080.0175.

9.6.5.13 **ALTERNATIVE AND EXPERIMENTAL SYSTEMS.** This subdivision hereby adopts by reference Minnesota Rules Chapter 7080.0910, Alternative and Experimental Systems

- A. Flood Plain Areas. When individual treatment systems are installed in the 100-year flood plain as established by the Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Maps, and when no information or records establishing the elevation of the ten-year flood are readily available from the Minnesota Department of Natural Resources or U.S. Army Corps of Engineers, a pressure distribution mound septic system shall be installed. The minimum elevation of the mound shall be such that the elevation of the bottom of the rock layer shall be at least twelve (12) inches above the existing site grade.
- B. Any required monitoring plan for an alternative or experimental ISTS is the responsibility of the ISTS Designer. The monitoring plan shall provide information as to:
1. What is the modification from the standard system?
  2. What type of monitoring and parameters for monitoring should be conducted to assure the change will protect public health and the

environment, including the time period and who is responsible for doing the monitoring and reporting.

3. A mitigation plan detailing what will be done if the system fails to meet the expectations established. The results of the monitoring shall be submitted in accordance with the approved monitoring plan to the Department and the State in a yearly report as required by the Department.

9.6.5.14 C. Holding tanks.

1. For a dwelling, the size of a holding tank shall be a least 1,500 gallons.
2. For permanent structures other than dwellings, the capacity shall be based on measured flow rate or estimated flow rates. The tank capacity shall be at least five (5) times the daily flow rate.
3. Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. A visual and audible warning system shall be installed which allows twenty-five (25) percent reserve capacity after actuation. If electricity is not available on the site, a visual, float actuated, alarm may be installed, providing that the alarm warns that there is a twenty-five (25) percent reserve capacity after actuation.
4. All property owners or tenants of structures served by holding tanks must supply proof of holding tank pumping and proper disposal of septage by March 1 of each year for the previous twelve (12) months. Failure to report and provide proof of pumping and disposal is a violation of Section 9.6

9.6.5.20 SEPTAGE DISPOSAL AND TREATMENT.

- 9.6.5.21 **Separation Requirements For Land Application Of Septage Are As Follows:** Domestic septage disposal and treatment standards shall comply with U.S. Environmental Protection Agency

rules as found in 40 CFR Part 503 entitled "Standards for the Use or Disposal of Sewage Sludge", and Minnesota Pollution Control Agency guidelines as stated in "Land Application of Septage".

**9.6.6.0 LICENSING REQUIREMENTS**

9.6.6.10 **SITE EVALUATORS, DESIGNERS, INSTALLERS, AND PUMPERS.** No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of on-site sewage treatment systems in Benton County without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency.

9.6.6.20 **LICENSE EXEMPTION.** A license is not required for:

- A. An individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual based upon a design by a licensed designer. The system must be inspected before being covered and as-built plans submitted in accordance with part 9.4.20 of this SECTION. A certificate of compliance or notice of non-compliance will be issued by the Department;
- B. An individual who performs labor or services under a licensee;
- C. A farmer who pumps sewage waste from individual sewage treatment systems from dwellings or other establishments that are owned or leased by the farmer and disposes of those waters on land that is owned or leased by the farmer;
- D. A property owner who personally gathers information, evaluates, or investigates the ISTS on or serving the property to provide a disclosure.

**9.6.7.0 ENFORCEMENT**

9.6.7.10 Any person, firm, corporation or other entity who violates any of the provisions of this SECTION 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.

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

This Ordinance shall be effective upon publication.

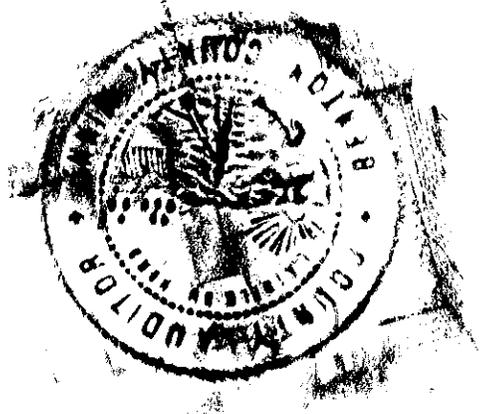
**APPROVED AND ADOPTED** by the County Board of Commissioners this 15th day of July in the year 1997.

Alice Trushenski  
Alice Trushenski, Chair  
Benton County Board of Commissioners

ATTEST:

Curtis Nordling  
Curtis Nordling, County Auditor  
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Seal:



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OFFICE OF  
BENTON COUNTY RECORDER  
BENTON COUNTY, MN  
CERTIFIED TO BE FILED  
ANALYZED RECORDED ON

JUL 18 11 54 AM '97

ALICE C. ENGEL, LYNN  
COUNTY RECORDER

BY Ab DEPUTY