

**BENTON COUNTY ORDINANCE NO. 283**

WHEREAS, the Benton County Board of Commissioners instituted proceedings to amend Ordinance 185 as follows; and,

WHEREAS, on February 24, 1998 Notice of Public Hearing and intent to amend Benton County Ordinance 185, Section 9.6.4.41 was published in the official newspaper of the county; and,

WHEREAS, on March 12, 1998 the Benton County Planning Commission held a public hearing thereon; and,

WHEREAS, on March 17, 1998 the Benton County Board of Commissioners took official action to approve the proposed amendment.

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 9.6.4.41 be amended to read as follows:

9.6.4.41      Mandatory Compliance Inspections Of Existing Systems:

A compliance inspection of an ISTS shall be required 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.      upon the sale, transfer or conveyance of any dwelling, hotel, motel, boarding or rooming houses, restaurant or commercial property or other property containing an onsite sewage treatment system located within the county, an inspection of the on-site sewage treatment system is required. If the onsite sewage treatment system is determined to be non-conforming by a Qualified Employee or Designer 1, the onsite sewage treatment system shall be brought into compliance, along with the proper permits and inspections, within one(1) year, or as indicated by the agreement between the county and the seller or buyer. This agreement shall be binding on either the buyer or seller of the property.
- C.      at any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.

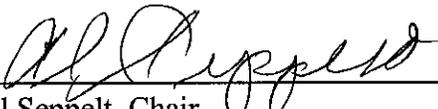
D. addition of a bedroom on the property, or a variance issued in accordance with Minnesota Rules Chapter 7080.0305 Subp. 3 (General Requirements for Local Units of Government).

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.

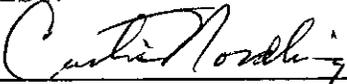
A certificate of compliance for an existing system is valid for three years from the date of issuance unless the Department finds evidence of an imminent threat to public health or safety.

This Ordinance amendment shall be effective upon publication.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 17<sup>th</sup> day of March in the year of 1998.

  
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Al Seppelt, Chair  
Benton County Board of Commissioners

ATTEST:

  
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Curtis Nordling, County Auditor

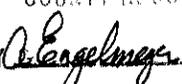
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OFFICE OF  
BENTON COUNTY RECORDER  
BENTON COUNTY, MN  
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AND/OR RECORDED ON

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ALICE G. ENGELMAYER  
COUNTY RECORDER  
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