

BENTON COUNTY ORDINANCE NO. 330

WHEREAS, the Benton County Department of Development instituted proceedings to amend Benton County Ordinance 185; and,

WHEREAS, on March 13, 2001, Notice of Public Haring and intent to amend Benton County Ordinance 185 was published in the official newspaper of the county; and,

WHEREAS, on March 27, 2001, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on April 3, 2001, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Section 9.6 of the Benton County Ordinance 185 be amended to read as follows:

273446

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

APR 19 11 12 AM '01

ALICE C. ENGELMEYER
COUNTY RECORDER

BY KHC DEPUTY XB

Remove all of Section 9.6 definitions and insert them into alphabetical position of Section 3 (Definitions) with the following changes and/or deletions:

Add to Section 3:

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

LAND USE APPLICATION: The term includes, but not limited to applications for the following: land use 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.

Make the following changes and/or additions to the existing definitions found in Section 3:

Private Sewer: an individual sewage treatment system, a central sewer system or a community sewer system.

Sewage Treatment System Permit: A permit issued by the Department of Development for the construction, operation, repair and maintenance of an individual sewage treatment system.

3.158 Sewer System: pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. (Minn. Statutes 115.01, subd. 18)

a) Public Sewer System: A device or system used in the treatment, recycling, or reclamation of municipal or industrial wastewater which is owned by a municipality, a sanitary district or a local unit of government. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a public sewer.

b) Community Sewer System: A sewage and wastewater treatment system owned by a single owner or a group of owners which is designed to treat an average design flow of greater than 10,000 gallons per day of wastewater. These systems are required to be

permitted by the MPCA through issuance of a State Disposal Permit (SDS). This term shall also include any sewage and wastewater treatment system which surface discharges any amount of wastewater. These systems are required to be permitted by the MPCA through the issuance of a National Pollutant Discharge Elimination System (NPDES) permit.

c) Central Sewer System: An ISTS system or group of ISTS's owned by a single owner or a group of owners which is designed to treat more than one dwelling or other establishment and has an average design flow of less than 10,000 gallons of wastewater. These systems are required to be permitted by the Department of Development.

d) Individual Sewage Treatment System (ISTS): A sewage treatment system as defined in Minnesota Rules 7080.0020 that is designed for one dwelling or other establishment and is required to be permitted by the Department of Development.

9.6 Sewage and Wastewater Treatment Standards
(Ord. 279 adopted 7/15/97)
(Ord. 316 adopted 4/4/00)

9.6.1 Purpose

The purpose of the Sewage and Wastewater Treatment Section shall be to provide minimum standards regulating the design, installation, construction, replacement, maintenance and proper abandonment of sewage and wastewater treatment systems, including the proper disposal of septage from ISTS systems regulated by the Department of Development. This ordinance is adopted pursuant to the authority granted under Minnesota Statutes, Section 115 and 145A and Minnesota Rules Chapter 7080 and as amended that may pertain to sewage and wastewater treatment.

9.6.2 Objectives

The principal objectives of the Section shall include the following:

1. 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.
2. 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.

3. The provision of establishing minimum standards for ISTS placement, design, construction, re-construction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
4. The provision of establishing minimum standards for septage removal, transport, treatment and disposal;
5. The utilization of privy vaults and other non-water carried ISTS;
6. 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.

9.6.3 Standards Adopted By Reference

This Ordinance hereby adopts and incorporates parts by reference Minnesota Rules 7080.0010, 7080.0020, 7080.0060, 7080.0065, 7080.0110, 7080.0115, 7080.0120, 7080.0125, 7080.0130, 7080.0150, 7080.0160, 7080.0170, 7080.0172, 7080.0175, 7080.0176, 7080.0178 and 7080.0600.

9.6.4 Administration By State Agencies

1. 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.
2. 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.
3. ISTS serving other establishments 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.

4. Any ISTS requiring approval by the State of Minnesota shall also comply with this Section.

5. Plans and specifications must receive appropriate state and local approval before construction is initiated.

9.6.5 Administration By Benton County

The Department of Development shall regulate ISTS and septage disposal in Benton County pursuant to this Section. The Department shall have the following duties and responsibilities:

1. To review all applications for ISTS's;
2. To issue all permits required by this Section.
3. To inspect work in progress and to perform the necessary tests to determine its conformance with this Section;
4. To investigate complaints regarding ISTS's and septage disposal;
5. To issue Stop Work Orders and Notices of Violation, pursuant to this Section;
7. To maintain proper records for ISTS's and septage disposal including site evaluation records, design records including calculations and summaries for all system component sizing and as-builts.
8. To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per MN Rules part 7080.0310.

9.6.6 Sewerability for New Construction:

The identification of two standard ISTS systems (as defined in Minn. Rules 7080.0020, Subp. 45) is required at the time of application for any of the permits listed below. In order to fulfill this requirement, a minimum of 2 soil borings per lot or new construction site shall be provided to the Department. These soil borings shall provide information regarding depth of each soil horizon, texture in each soil horizon and munsel soil color for each horizon as proof of sewerability. This requirement applies, but is not limited to the following application requests:

1. A Land Use permit for a residential dwelling or other establishment on a lot of record;
2. A Land Use Permit for a lot on which a building is removed, and a new dwelling or other establishment is proposed;
3. A Small Subdivision application; or
4. A Conditional Use Application to build on tillable land.

It is prohibited to construct or place an ISTS, or any part thereof, in a wetland as defined in Minn. Statutes 103G.

9.6.7 ISTS Permits

A permit shall be obtained from the Department prior to the installation, replacement, alteration, repair or extension of any ISTS in Benton County. For new construction and replacement, a sewage treatment system permit shall be obtained simultaneously with the issuance of a Land Use permit. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance.

9.6.8 Permit Application Requirements

All designs for ISTS systems shall be made using application forms provided by the Department. Other design forms will not be accepted by the Department. Supportive documentation will be accepted.

9.6.9 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 ISTS as designed. The Department shall have a minimum of 3 working days to review ISTS designs for consideration of the issuance of a permit.

9.6.10 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.

9.6.11 Fees

The County Board shall establish fees for permits required by this Ordinance. Fees shall be due and payable at the time of permit application. The Department shall have the authority to charge additional fees for the following situations:

1. Compliance inspections for new construction and/or replacement of ISTS's which require re-inspections by the Department due to incomplete and/or nonconforming status; and
2. If a designated registered professional is not on site during the ISTS compliance inspection by the Department.

9.6.12 Licensing Requirements

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.

9.6.13 License Exemption

A license is not required for:

1. An individual who is a qualified employee performing work as directed by Benton County;
2. An individual who, after obtaining a signed ISTS evaluation from a designer I or II constructs an ISTS on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual. The system must be inspected pursuant to the requirements of this Section, and as-built plans submitted in accordance with part 9.6.19 of this Section. Upon completion of the ISTS inspection by the Department, a certificate of compliance or notice of non-compliance shall be issued to the property owner;
3. An individual who performs labor or services under a licensee;
4. A farmer who pumps septage from ISTS's from dwellings or other establishments that are owned or leased by the farmer and disposes of the septage on land that is owned or leased by the farmer;
5. A property owner who personally gathers information, evaluates, or investigates the ISTS on or serving the property to provide a disclosure as defined in Minn. Rules 7080.0020, subp. 12b.

9.6.14 Indemnification Agreement

Unlicensed persons installing an ISTS pursuant to 9.6.13 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 Benton County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.

9.6.15 Benton County Standards: In addition to the adoption of Minnesota Rules 7080, the following standards are hereby adopted pursuant to Minnesota Statutes, Section 115.55, subdivision 7, or successor statutes which allows

counties to adopt sewage treatment standards which are either more restrictive or less restrictive than state standards.

9.6.16 Additional ISTS Design Requirements

In addition to the design requirements contained in Minn. Rules 7080, the following information and/or requirements shall be provided to the Department for the construction of ISTS systems:

1. All ISTS designs shall include at least one percolation test in the area of the proposed soil treatment area.
2. All ISTS or part thereof, that will no longer be used shall be indicated on the application form and subsequently abandoned in accordance with the requirements of Minn. Rules 7080.0176.
3. All ISTS designs shall include a sketch showing the location of the alternate area which can support a standard soil treatment system.

9.6.17 Additional ISTS Construction Requirements

In addition to the construction requirements contained in Minn. Rules 7080, the following additional requirements shall be met for the construction of ISTS systems:

1. A minimum of one cleanout (extending at least 2 inches above grade) shall be installed on all sewer lines greater than 50 feet in length and as defined in Minn. Rules 4715.1010.
2. There shall be no 90 degree angles on sewer lines from the building to the septic tank. A cleanout shall be provided on all sewer lines in where the direction of the sewer line changes in excess of 22 ½ degrees.
3. Four inch schedule 40 sewer pipe is required from the building to the tank, and in between the tanks, if there are multiple tanks.
4. Schedule 40 sewer pipe shall extend a minimum of 3 feet beyond the last septic tank and/or lift tank.
5. To prevent freezing problems, the sewer line from the lift tank to a pressurized soil treatment area shall be protected from sagging or bending.
6. Gas deflecting baffles shall be installed in the septic tank(s) for all proposed restaurants or public businesses that prepare and/or handle food.

7. The minimum size of an inspection pipe in an ISTS soil treatment area shall be 2 inches.
8. The final dimensions of an ISTS mound system (the upslope and downslope calculations) shall be clean sand as defined in Minnesota Rules 7080.0020, subpt. 11b.

9.6.18

ISTS Inspection Requirements

The Department shall inspect all newly constructed ISTS's in Benton County. All inspection requests shall conform to the following:

1. The required permit fee shall be paid for prior to scheduling an ISTS inspection;
2. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design.
3. The permittee shall notify the Department prior to the completion and covering of the ISTS for an inspection. If any ISTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department;
4. It shall be the duty of the permittee to notify the Department on the workday preceeding the day inspection is desired;
5. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction.
6. 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 permit requirements.
7. A designated registered professional shall be on site during the ISTS compliance inspection by the Department.

9.6.19

As Builts Requirements

If the permittee provides proper notice as described above and the Department does not appear for an inspection within 24 hours after the set time, the permittee may complete the installation. The permittee shall then file a signed As-Built (as defined in Minn. Rules 7080.0020, Subp. 4c), 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. As-builts shall be submitted to the Department within five working days of completion of the work of the ISTS.

9.6.20 ISTS Inspection Reports

A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Department following all ISTS inspections or from the review of as-built plans submitted in accordance with Section 9.6.19.

1. A Certificate of Compliance or Notice of Noncompliance shall include a signed statement by the Department identifying the type of ISTS inspected and whether the ISTS is in compliance with Minnesota Rules Chapter 7080.0060.
2. 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.
3. A certificate of compliance for a new ISTS is valid for five years from the date of issuance unless the Department finds evidence of an imminent threat to public health or safety.

9.6.21 Mandatory Certificate of Compliance

1. A certificate of compliance shall be provided to the Department prior to the issuance of a Land Use or Conditional Use permit in the Shoreland District.
2. A certificate of compliance shall be provided to the Department as part of an application request for a variance to the Benton County Development Code in the Shoreland District.
3. A certificate of compliance shall be provided to the Department prior to the issuance of a Land Use permit for the addition of a bedroom addition or variance request for a bedroom addition.

9.6.22 Required Compliance Inspections of Existing ISTS Systems

A compliance inspection of all ISTS's on the affected property shall be required prior to the following application requests:

1. A variance to the Benton County Development Code;
2. A Conditional Use application; or

3. After April 10, 2001, a compliance inspection shall also be required for any home occupation, as defined in Section 3.72, which may as a result of the home occupation, increase the dwelling's wastewater flow.

If the compliance inspection indicates that the ISTS is noncompliant with Minn. Rules 7080.0060, and is not an imminent health threat (as defined in Minn. Rules 7080.0020, Subp. 19a), the property owner shall bring the ISTS into compliance, as evidenced by a certificate of compliance, within 6 months of the granting the applicant's request or within one year of the denial of the applicant's request.

9.6.23 Point of Sale Certifications

In order to disclose the compliance status of an ISTS to a buyer of property in which there is an existing ISTS, at or before the time of sale, the seller shall provide a completed compliance inspection form to the buyer. A completed compliance inspection form is one of the following:

- a) A certificate of compliance issued by the Department that is 5 years old or less; or
- b) A completed MPCA Compliance Inspection form issued by a licensed designer that is 3 years old or less.

If the ISTS system is found to be out of compliance with Minn. Rules 7080.0060, the property owner is required to bring the ISTS into compliance within the time frames as specified in Section 9.6.27.

9.6.24 Winter Compliance Inspections

If a compliance inspection can not be completed as required in Section 9.6.23 for the sale of property due to weather conditions between December 1 and April 30, a winter certification agreement form shall be signed by both the seller and the buyer agreeing to have a compliance inspection completed by the following June 15th. (The Department shall verify that weather conditions prohibit the inspection of the ISTS.) If an ISTS is found to be not in compliance, it shall be the responsibility of the property owner to bring the system in compliance within the timeframes as stated in Section 9.6.27.

The Department will not accept winter certification agreements for the following application requests:

1. Variances;
2. Conditional Use applications;
3. Small Subdivisions; or

4. Land Use permits.

9.6.25 Existing ISTS Compliance Inspections

Upon completion of a compliance inspection of an existing ISTS, the qualified employee or Licensee shall submit a certificate of compliance or a notice of noncompliance to the Department and the property owner within 30 days of the date of the compliance inspection.

9.6.26 Certificate of Compliance for an existing ISTS

A certificate of compliance for an existing ISTS is valid for 3 years from the date of issuance unless the Department finds evidence of an imminent health threat to public health and safety. The Department may not require recertification of an existing ISTS within three (3) years of its certification date provided the ISTS does not fail or become an imminent public health threat or other cause as deemed appropriate by the Department.

9.6.27 Notice of Noncompliance

If an existing ISTS is found to be out of compliance with this Ordinance, the property owner shall complete the following requirements listed in Section 9.6.27, as applicable:

1. The owner of property on which a septic system is found to be out of compliance shall within thirty (30) days after receipt of a Notice of Noncompliance, submit a completed ISTS design using Department application forms and obtain a sewage treatment system permit from the Department.
2. If a compliance inspection indicates that an ISTS presents an imminent health 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.
3. 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. Violation of the setback from the ordinary highwater mark only will not cause an ISTS to be failing.

9.6.28 Septic Tank Capacities

The liquid capacity of a septic tank serving a dwelling of less than 10 bedrooms shall be based on the number of bedrooms contemplated in the dwelling and shall be at least as large as the capacities given below in Table 1.

Table 1.

Number of Bedrooms	Tank Liquid Capacity (gallons)
3 or less	1,000
4	1,200
5 or 6	1,500 compartment tank with 4 baffles
7,8 or 9	2,000 compartment tank with 4 baffles

9.6.29 Septic Tank Setback Requirements

Sewage tanks, aerobic tanks, holding tanks, and sealed privies and any part thereof shall be located no closer to the following features than the minimum horizontal separation distances as stated in Table 2.

Table 2.

Water Supply Well	50 ft.
Buried Water Suction Line	50 ft.
Buried Pipe Distributing Water Under Pressure	10 ft.
Occupied Buildings	10 ft.
Unoccupied Buildings	5 ft.
Property Lines	10 ft.

The setback distance from a well to an ISTS shall be as specified in M.S. 301I, Minnesota Rules Chapter 4725, as amended.

9.6.30 Drainfield (Soil Treatment System) Setback Requirements

All soil treatment systems of an ISTS shall be set back the following minimum horizontal separation distances from the features given in Table 3.

Table 3.

Dug well, sandpoint well or water supply well less than 50 ft. and not encountering at least 10 ft. of a clay or sandy clay material confining layer	100 ft.
Any other water supply well or buried water suction pipe (note some lending institutions may require a greater setback)	50 ft.
Buried pipe distributing water under pressure	10 ft.
Occupied Building	20 ft.
Unoccupied Building	5 ft.
Property Line	10 ft.
Road right-of-way	5ft.

9.6.31 Shoreland Setbacks

All ISTS's shall be located in accordance with the minimum horizontal separation setback distances from Department of Natural Resources designated lakes, rivers and streams as stated in Table 4.

Table 4.

Shoreland Districts	Septic/Lift Tank(s)	Soil Treatment System
Agricultural/Urban & Tributary Rivers	75 ft.	75 ft.
Bluffs	30 ft.	30 ft.
Recreational Development Lakes	75 ft.	100 ft.
Natural Environment Lakes & Streams	150 ft.	150 ft.
Transitional/Forested Rivers	100 ft.	150 ft.

9.6.32 Clean Sand Requirements

Clean sand shall be used in the construction of soil treatment systems.

1. Each pit operator/sand supplier for ISTS construction shall have their sand tested by a certified testing laboratory and submit testing results to the Department before April 15th, and again on August 15th, of the current construction season.

2. Only sand that has been tested pursuant to paragraph 1 above and qualifies as "clean sand" as defined in Minn. Rules 7080.0020, subpt. 11b. shall be used for ISTS construction.

9.6.33 Alternative Systems

In addition the requirements of Minn. Rules 7080.0172, the following more restrictive requirements shall be met:

1. Floodplain requirements:

Building an ISTS in the floodway shall be prohibited. An ISTS may be built in the flood fringe provided no other option is available and only if Minn. Rules 7080.0172, Subpt. 1, A through H is met. If an ISTS is built in the flood fringe, the bottom of the distribution medium shall be at least as high as ten-year flood elevation. If the ISTS is a mound, the bottom of the distribution medium shall be at least ½ foot above the 10-year flood elevation.

If the ten-year flood elevation is not available, the best hydrological information shall be used in determining the elevation of the bottom of the

distribution medium. The best available hydrological information shall include, but is not limited to the following:

- a. Flood elevations provided from the Benton County Highway Department;
- b. Flood elevations provided from the Minnesota Department of Transportation;
- c. A flood elevation provided by a certified land surveyor; or
- d. A geological topographic/contour map.

2. Holding Tank Requirements:

Holding tanks for new construction are prohibited. Holding tanks may be allowed for replacement ISTS systems only if a standard ISTS can not be installed. The final determination of the need for a holding tank shall be made by the Department.

If a holding tank is permitted by the Department, the property owner shall:

- a) Provide the Department proof of a monitoring and disposal contract with an MPCA licensed pumper; and
- b) Submit pumping receipts to the Department on a calendar quarterly basis after occupancy of the dwelling or other establishment.

For a dwelling, the minimum capacity of a holding tank shall be a least 1,500 gallons or an amount equal to 400 gallons multiplied by the number of bedrooms in the dwelling which the tank will serve.

9.6.34

Prohibited Discharges to a Soil Treatment System

The following wastes are prohibited from being discharged into an ISTS:

1. Any hazardous waste;
2. Floor drain wastes;
3. Shop sink wastes;
4. Industrial process wastes.

If hook up to a public sewer is not available, these wastes shall discharge to a holding tank permitted by the Department. As part of the permitting process, the property owner shall:

- a. Provide the Department proof of a monitoring and disposal contract with an MPCA licensed pumper; and
- b. Submit pumping receipts to the Department on a calendar quarterly basis after startup of the other establishment.

9.6.35 Car Wash Operations

If hookup to a public sewer for a car wash operation is not available, the ISTS design shall include as a minimum, a floor drain/sediment trap followed by a flammable waste trap leading either to:

1. A holding tank; or
2. A method to capture and reuse the wastewater.

If a holding tank is permitted by the Department, the property owner shall provide to the Department proof of a monitoring and disposal contract with a licensed pumper and submit pumping receipts to the Department on a calendar quarterly basis after startup of the car wash operation.

9.6.36 Other Systems/Other Establishments

The owner(s) of an "Other System" or "Other Establishment" shall submit a Monitoring and Mitigation Plan to the Department. An ISTS permit will not be issued by the Department until the Monitoring and Mitigation Plan has been read and signed by the property owner. The plan shall include, as a minimum:

1. An agreement by the owner to pump the septic tank(s)/lift tank(s) a minimum of every 3 years (or more frequently as required on the sewage treatment system permit) and to maintain receipts of all maintenance performed;
2. An agreement by the owner to install a water flow measuring device;
3. An agreement by the owner to record water flow readings every thirty days and to submit to the Department those readings annually by February 1, following: a) the installation date of the "Other System" or b) the start up of the "Other Establishment";
4. If an "Other System", an agreement to upgrade the ISTS within the timeframes as specified in Section 9.6.27, should the ISTS fail to perform as designed and permitted;
5. If an "Other Establishment", an agreement to upgrade the ISTS within the timeframes as specified in Section 9.6.27 should the Other Establishment's

ISTS fail to meet effluent standards as stated in Minn. Rules 7080.0170, Subp. 1, (D), before discharge to a soil treatment system; and

6. Any other recommendations by the MPCA Licensed Designer.

9.6.37 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.

9.6.38 Public Sewer

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.

Sewer and water lines for each lot of a Central Sewer System or a Community Sewer system shall be designed, constructed and inspected to meet the specifications of the nearest public sewer system where it is likely sewage and water services could come from. In the case where more than one public sewer may be possible, the Department shall determine and require that the public sewer with the highest standards shall be the standards to which the lines will be installed. It shall be the developer's responsibility to provide the Department with copies of inspections or letters stating the work was completed to required specifications.

The Homeowner's Association shall be responsible for the management of the community or central sewer system.

9.6.39 Variances

An affected property owner may apply to the Benton County board of Adjustment for a variance from the ISTS technical standards and criteria. A variance to the 3-foot vertical separation requirement is prohibited. Only the Minnesota Department of Health may issue variances to chapters 4725.

9.6.38 Enforcement

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. 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 Benton County Board of Commissioners this 3rd day of April in the year of 2001.



Duane Grandy, Chair
Benton County Board of Commissioners

ATTEST:



Rick Speak, Clerk of the Board