

any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

Sec. 10. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not to exceed \$100.00 or imprisoned for not to exceed 90 days. Each day that any violation is continued shall constitute a separate offense.

Sec. 11. Effective Date. This ordinance shall take effect upon its passage and publication.

Passed by the Benton County Board of Commissioners this 7th day of September, 1971.

Attested: *Augustine*
County Auditor
Chairman *Ray Herbet*

Official copy
FILED IN MY OFFICE THIS 7th
DAY OF September 1971.
A. D. *Augustine*
COUNTY AUDITOR
BENTON COUNTY, MINN.

DEPUTY AUDITOR

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AN ORDINANCE REGULATING THE INSTALLATION, CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS; REQUIRING PERMITS FOR, AND LICENSING OF PERSONS ENGAGED IN THE CONSTRUCTION THEREOF; PROVIDING FOR INSPECTION; PRESCRIBING PENALTIES; AND ADOPTING BY REFERENCE THE 1969 MINNESOTA INDIVIDUAL SEWAGE DISPOSAL SYSTEM CODE

The Benton County Board of Commissioners ordains:

Section 1. Definitions. Subdivision 1. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Subd. 2. Sewage: Sewage is any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Subd. 3. Individual Sewage Disposal System: An individual sewage disposal system is a sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated the word "system" as it appears in this ordinance means "individual sewage disposal system."

Subd. 4. Building Drain: The building drain is that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

Subd. 5. Building Sewer: The building sewer is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

Sec. 2. The 1969 edition of the Minnesota Individual Sewage Disposal System Code of Minimum Standards recommended by the Minnesota Department of Health is hereby adopted by reference¹ and made a part of this ordinance as if fully set forth herein. Before publication of this ordinance the County auditor shall mark three copies of this code as official copies and file them in his office for use and examination.

Sec. 3. Licensing. No person, firm or corporation shall engage in the business of installing and constructing sewage disposal systems within the county of Benton without first obtaining a license to carry on such occupation from the county board and procuring and posting with the county auditor a bond in the amount of \$5000.00 in favor of the county and the public, conditioned upon the faithful performance of contracts and compliance with this ordinance. Such license shall be renewable annually on or before April first and may be revoked or refused renewal by the board for cause. Any installation, construction, alteration

¹Minn. Statutes, Sec. 471.62, permitting the adoption of codes by reference requires three copies to be marked official and filed in the clerk's office for public use.

tion or repair of a sewage disposal system by a licensee in violation of the provisions of Section 5 of this ordinance or refusal on the part of a licensee to correct such defective work performed by such licensee shall be cause for revocation of or refusal to renew a license.

Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license should not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual license fee shall be **twenty-five** dollars. Application for such license shall be made annually on a form furnished by **County Board**

Sec. 4. Permits. Subdivision 1. No person, firm or corporation shall install, alter, repair, or extend any individual sewage disposal system in the **County** without first obtaining a permit therefor from the **board** or its authorized representative for the specific installation, alteration, repair, or extension; and, at the time of applying for said permit, shall pay a fee therefor of **five** dollars. Such permits shall be valid for a period of six months from date of issue.

Subd. 2. Applications for permits shall be made in writing upon printed blanks or forms furnished by the **board** and shall be signed by the applicant.

Subd. 3. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired, or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the **County board**.

Sec. 5. Construction Requirements. Every individual sewage disposal system installed after the effective date of this ordinance and every alteration, extension and repair to any system made after that date shall conform to the standards of the code adopted by reference in Section 2. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with items 1b and 1c of the code shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.

Sec. 6. Administration. The **zoning administrator** (Health or **building inspector, semitarian, or other designated official**) shall enforce the provisions of this ordinance.

Sec. 7. Inspection. The **Inspector** (**official designated in Section 6**) shall make such inspection or inspections as are necessary to

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determine compliance with this ordinance. No part of the system shall be covered until it has been inspected and accepted by the **Inspector**. It shall be the responsibility of the applicant for the permit to notify the **Inspector** that the job is ready for inspection or re-inspection, and it shall be the duty of the **Inspector** to make the indicated inspection within **24** hours after such notice has been given. It shall be the duty of the owner or occupant of the property to give the **Inspector** free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system the **Inspector** shall issue to the applicant a certificate of approval.

If upon inspection the **Inspector** discovers that any part of the system is not constructed in accordance with the minimum standards provided in this ordinance, he shall give the applicant written notification describing the defects. The applicant shall pay an additional fee of **five** dollars for each re-inspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

Suggested Maintenance: (Annual inspection not mandatory)

Sec. 8. Maintenance. At least once a year the owner of any septic tank or his agent shall measure or arrange for measurement of the depth of sludge and scum in such septic tank. When, as a result of such measurement, the top of the sludge layer in the tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle or submerged pipe, or if the bottom of the scum layer is less than 3 inches above the bottom of the septic tank outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank; provided that such requirement for measuring shall be waived for any septic tank which is cleaned as indicated at least once each calendar year.

At least once each year the owner of any system equipped with a distribution box shall arrange for the opening of the distribution box and the removal of any settled solids therein. Such material shall be disposed of to the septic tank or by other means acceptable to the **zoning administrator**

At least once between May 1 and June 30 of each year the depth of liquid in each seepage pit shall be measured. When, as a result of such measurement it is found that the liquid level in the pit is less than one foot below the inlet, a second measurement shall be made 8 to 12 hours after the first measurement, during which time no liquid shall be discharged to the seepage pit. If, as a result of the second measurement, it is found that the liquid level in the pit has not lowered at least 2 feet during the indicated period of time, an additional seepage pit or other acceptable soil absorption system shall be provided.

Sec. 9. Objectives. The objectives of this ordinance are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual or new design which will satisfy the stated objectives, may be accepted as complying with this ordinance and any permit granted for the construction, installation, alteration or repair of

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