

## ORDINANCE NO. 70

### AN ORDINANCE ADOPTING BY REFERENCE THE MINNESOTA POLLUTION CONTROL AGENCY WATER QUALITY DIVISION MINIMUM STANDARDS AND CRITERIA FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS, ALSO KNOWN AS MINNESOTA RULES CHAPTER 7080

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR  
ORDAINS:**

#### **SECTION 1. AMENDMENT AND REPEAL OF CONFLICTING ORDINANCES.**

The Ordinance relating to the Township adopting by reference the Minnesota Pollution Control Agency Water Quality Division Minimum Standards and Criteria for Individual Sewage Treatment Systems passed and approved December 15, 1997, as amended, is hereby amended to read as follows, and all other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed. In all other respects all other Ordinances shall remain in full force and effect.

**SECTION 2. PURPOSE.** The purpose of the Sewage and Wastewater Treatment section shall be to provide minimum standards for and regulation of subsurface sewage treatment systems (SSTS) 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 water borne household and commercial wastes; to provide the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes, Chapters 115 and 145A and Minnesota Rules Chapter 7080 and as amended that may pertain to sewage and wastewater treatment. All sewage generated in unsewered areas of the Township shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

**SECTION 3. PROVISIONS OF STATE LAW ADOPTED.** The Township hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the Township's right or ability to adopt local standards that are in compliance with Minnesota Statute, Section 115.55.

**3-1. DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING.** Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and herein

adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

**SECTION 4. ADMINISTRATION BY WHITE BEAR TOWNSHIP.** The Township shall regulate subsurface sewage treatment systems in White Bear Township, pursuant to this section.

**4 -1.** The Township shall have the following duties and responsibilities:

**4-1.1.** To review all applications for subsurface sewage treatment systems;

**4-1.2.** To issue all permits required by this section;

**4-1.3.** To inspect work in progress;

**4-1.4.** To investigate complaints regarding subsurface sewage treatment systems and septage disposal;

**4-1.5.** To perform compliance inspections;

**4-1.6.** To issue certificates of compliance or notices of non-compliance where appropriate;

**4-1.7.** To issue Stop Work Orders and Notices of Violation, pursuant to this section;

**4-1.8.** To maintain proper records for subsurface sewage treatment systems and septage disposal including site evaluation records, design records, including calculations, and summaries for all system component sizing's and as-builts;

**4-1.9.** To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per Chapter 7080 through 7081.

**4-1.10.** Neither the issuance of permits, certificates of compliance or notices of non-compliance 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.

**SECTION 5. PERMITTING.**

**5-1. PERMITS REQUIRED.**

**5-1.1. CONSTRUCTION PERMITS.** A permit shall be obtained whenever any SSTS in White Bear Township is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an SSTS shall not begin without first making an application for a permit and obtaining said permit from the Township 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.

**5-1.2. POSTING OF PERMIT.** Permits and all supporting documents shall be provided by permittee at the time of inspection upon request of inspector.

**5-2. PERMIT APPLICATION REQUIREMENTS.** All applications for an ISTS permit shall include the following information:

**5-2.1.** Name and address of property owner;

**5-2.2.** Property identification number;

**5-2.3.** Legal description of property;

**5-2.4.** SSTS Designer Name, address, phone number and State SSTS License number;

**5-2.5.** Site evaluation report;

**5-2.6.** System design with full information including applicable construction information;

**5-2.7.** Any other information requested pertinent to the process;

**5-2.8.** A certified statement from the person who conducted the work;

**5-2.9.** 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.

**5-3. APPLICATION REVIEW AND APPROVAL.** If, after consideration of the application for a permit, the Code Enforcement Officer shall be satisfied that the work contemplated conforms to and complies with provisions of this section, the Township shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed.

**5-4. INCOMPLETE APPLICATION INFORMATION.** If after consideration of the application for a permit, the Township shall be satisfied that the work contemplated will not conform to or comply with the provisions of this section, the

Code Enforcement Officer shall deny the application for a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Township at any reasonable time for reconsideration.

## **5-5. OPERATING PERMIT.**

**5-5.1. SSTS REQUIRING AN OPERATING PERMIT.** An Operating Permit shall be required of all owners of new holding tanks or MSTs or any other system deemed by the Code Enforcement Officer to require operational oversight. Sewage shall not be discharged to a holding tank or MSTs until the (Code Enforcement Officer) certifies that the MSTs or holding tank was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTs, and a valid Operating Permit is issued to the owner.

## **5-5.2. PERMIT APPLICATION REQUIREMENTS.**

**5-5.2(a).** Application for an Operating Permit shall be made on a form provided by the (Code Enforcement Officer) including:

**5-5.2(b).** Owner name, mailing address, telephone, and email address.

**5-5.2(c).** Construction Permit reference number and date of issue.

**5-5.2(d).** Final record drawings of the treatment system.

**5-5.2(e).** Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.

**5-5.3. MONITORING AND DISPOSAL CONTRACT.** Owners of holding tanks shall provide to the (Code Enforcement Officer) a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.

**5-6. APPLICATION REVIEW AND APPROVAL.** The Code Enforcement Officer shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Code Enforcement Officer. If the submitted documents fulfill the requirements, the Code Enforcement Officer shall issue an operating permit within fourteen (14) working days of receipt of the permit application.

**5-7. OPERATING PERMIT TERMS AND CONDITIONS.** The Operating Permit shall include the following

**5-7.1.** System performance requirements.

- 5-7.2. System operating requirements.
- 5-7.3. Monitoring locations, procedures and recording requirements.
- 5-7.4. Maintenance requirements and schedules.
- 5-7.5. Compliance limits and boundaries.
- 5-7.6. Reporting requirements.
- 5-7.7. Code Enforcement Officer notification requirements for non-compliant conditions.
- 5-7.8. Valid contract between the owner and a licensed maintenance business.
- 5-7.9. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- 5-7.10. Descriptions of acceptable and prohibited discharges.

**5-8. PERMIT EXPIRATION AND RENEWAL.**

5-8.1. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.

5-8.2. An Operating Permit must be renewed prior to its expiration. If not renewed, the Code Enforcement Officer may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within in (90) calendar days of the expiration date, the Township may require that the system be abandoned.

5-8.3. The Department shall notify the holder of an operating permit at least (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least (30) calendar days before the expiration date.

5-8.4. Application shall be made on a form provided by the Code Enforcement Officer including:

5-8.4(a). Applicant name, mailing address and phone number.

5-8.4(b). Reference number of previous owner's operating permit.

5-8.4(c). Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.

5-8.4(d). Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the Township.

5-8.4(e). Any revisions made to the operation and maintenance manual.

5-8.4(f). Payment of application review fee as determined by the Township.

**5-9. AMENDMENTS TO EXISTING PERMITS NOT ALLOWED.** The Township may not amend an existing permit to reflect changes in this Ordinance

until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

**5-10. TRANSFERS.** The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with this Ordinance. The Department shall not terminate the current permit until (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

**5-11. SUSPENSION OR REVOCATION.**

**5-11.1.** The Code Enforcement Officer may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.

**5-11.2.** Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.

**5-11.3.** If suspended or revoked, the Code Enforcement Officer may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with this Ordinance.

**5-11.4.** At the Code Enforcement Officer's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

**5-12. COMPLIANCE MONITORING.**

**5-12.1.** Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.

**5-12.2.** A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

**5-12.2(a).** Owner name and address.

**5-12.2(b).** Operating Permit number.

**5-12.2(c).** Average daily flow since last compliance monitoring report.

**5-12.2(d).** Description of type of maintenance and date performed.

**5-12.2(e).** Description of samples taken (if required), analytical laboratory used, and results of analyses.

**5-12.2(f).** Problems noted with the system and actions proposed or taken to correct them.

**5-12.2(g).** Name, signature, license and license number of the licensed professional who performed the work.

**SECTION 6. FEES.** The Town of White Bear's fees for permits required by this Ordinance are as set out in Ordinance No. 54 (Fees & Charges).

**6-1.** Fees shall be due and payable at the time of permit issuance.

## **SECTION 7. INSPECTION REQUIREMENTS.**

### **7-1. GENERAL REQUIREMENTS.**

**7-1.1. COMPLIANCE INSPECTION.** Compliance inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by a qualified employee or under a licensee authorized by the MPCA who is independent of the owner and installer.

**7-1.2. ACCESS TO PREMISES AND RECORDS.** Upon the request of the Township, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this section.

**7-1.3. INTERFERENCE PROHIBITED.** No person shall hinder or otherwise interfere with the Township in the performance of their duties and responsibilities pursuant to this section. Refusal to allow reasonable access to the Township shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

**7-2. INSPECTIONS.** The permittee shall notify the Township prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. If any SSTS component is covered before being inspected and approved by the Township, it shall be uncovered upon the direction of the Township. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Township prior to construction. Inspection shall be conducted at least once during the construction of the SSTS at such time as to assure that the system has been constructed per submitted and approved design.

**7-2.1.** As-builts shall be submitted to the Township within five (5) working days of completion of the work on the SSTS.

**7-3. INSPECTION REPORT.** A Certificate of Compliance or Notice of Non-Compliance shall be prepared by the Township following an inspection or review of as-built plans. A Certification of Compliance or Notice of Non-Compliance must

include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules Chapter 7080 through 7081. A copy of the Certificate of Compliance or Notice of Non-Compliance shall be provided to the property owner within 15 days of the compliance inspection and a copy kept on file in the Township.

**7-4. RECERTIFICATION.** Certificates of Compliance for new construction and replacement remain valid for 5 years unless the Township identifies it as an imminent threat. A Certificate of Compliance for an existing system is valid for 3 years from the date of issuance, unless the Township finds evidence of an imminent threat.

**7-5. STOP WORK ORDERS.** Whenever any work is being done contrary to the provisions of this section, the Township 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 Township.

**7-6. INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS.** Only a qualified employee or MPCA authorized licensee independent of the owner and the installer, shall conduct an inspection when a compliance inspection is required for an existing SSTS. A copy of the Certificate of Compliance or Notice of Non-Compliance resulting from a compliance inspection shall be provided to the property owner and the Township within thirty (30) days of the inspection.

**7-7. MANDATORY COMPLIANCE INSPECTIONS OF EXISTING SYSTEMS.** A SSTS shall require a compliance inspection when any one of the following conditions occur:

**7-7.1.** At any time the Township deems appropriate such as upon receiving a complaint or other information of system failure.

**7-7.2.** Addition of a bedroom, or a variance granted in accordance with Section 9.

**7-7.2(a).** If a request for an additional bedroom or variance is received between November 1 and April 30, the Township 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.

**7-7.2(b).** If a system constructed between May 27, 1989 and December 31, 1995, does not comply with applicable requirements, and is not an imminent public health threat, a property owner applying for a building permit to construct a bedroom addition has

two (2) years from the date of issuance of such zoning permit to bring the system into compliance.

**7-8. FAILING SEPTIC SYSTEMS.** A Notice of Non-Compliance shall be issued and a copy provided to the property owner within thirty (30) days under the following conditions:

**7-8.1.** A “Failing to Protect Groundwater” SSTS shall be upgraded, replaced or repaired in compliance with Minnesota Rules Chapter 7080 through 7081, as applicable within two (2) years of notice of failure.

**7-8.2.** The owner(s) shall submit to the Township an acceptable Repair or Replacement Plan within ninety (90) days after notification by the Township. The Plan shall identify the location and design of the SSTS and a schedule for its repair or replacement. Failure to submit and execute an acceptable Repair or Replacement Plan is a violation of this section.

**7-8.3.** The Township may not require re-certification of an SSTS 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 Township.

**7-8.4.** An SSTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within ten (10) months. Between the time that the SSTS is identified as an imminent threat to public health, and it has been repaired, the SSTS shall be pumped so that no ground or water surface discharge occurs or sewage backs up into a dwelling or other establishment.

## **SECTION 8. NOTICE OF VIOLATIONS.**

**8-1. CAUSE TO ISSUE A NOTICE OF VIOLATION.** Unresolved and either separate, recurrent, or continuing violations of this section by an applicant, permittee, installer or other person, as determined by inspections, reinspection, or investigations, shall constitute non-conformance or non-compliance with this section.

**8-2. SERVING A NOTICE OF VIOLATION.** A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this section.

**8-3. CONTENTS OF A NOTICE OF VIOLATION.** A Notice of Violation shall contain the following:

**8-3.1.** A statement documenting the findings of fact through inspections, re-inspection or investigations;

**8-3.2.** A list of specific violations of this section;

**8-3.3.** The specific requirements for correction or removal of said violations;

**8-3.4.** A mandatory time schedule for correction, removal and compliance with this section; and

**8-3.5.** Specific enforcement actions that will be taken if corrective action is not completed.

**8-4. STATE NOTIFICATION OF VIOLATIONS.** Any inspection installation, design, construction, alteration or repair of an SSTS by a licensed person, or any pumping and disposal of septage by a licensed pumper or hauler, done in violation of the provisions of this section, shall be cause for notification to the Minnesota Pollution Control Agency.

## **SECTION 9. VARIANCES.**

**9-1. GENERAL.** Variances from the literal provisions of this Ordinance may be considered in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Such variances shall be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance. Conditions may be imposed in the granting of variances to insure protection of public health and environment, and to protect adjacent properties.

**9-1.2.** Variances to decrease the 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 Chapter 7080 through 7081. Variances to wells and water supply lines require approval from the Minnesota Department of Health.

**9-2. APPLICATIONS.** Applications for variances shall be filed with the Code Enforcement Officer.

**9-2.1.** An application fee in an amount established by Town Ordinance shall accompany the application.

**9-2.2.** The applicant shall provide a site plan and SSTS design, together with all supporting data. This information shall be submitted in the following manner:

**9-2.2(a).** The application shall include a time schedule for the proposed construction.

**9-2.2(b).** Information included in the application shall have been prepared by a licensed professional certified by the MPCA in the applicable SSTS activity.

**9-2.2(c).** The Town Board may require an applicant to provide additional information where such information is deemed necessary for review of the application.

**9-2.3.** The applicant shall provide a statement signed by the affected property owners, recording their comments relative to the requested action. Affected property owners are defined as those having a recorded legal or equitable ownership interest in property adjacent to the property to which the action relates.

### **9-3. REVIEW.**

**9-3.1.** The Code Enforcement Officer shall forward the copies of the application to appropriate staff and consultants for review and comment.

**9-3.2.** The application, together with staff, consultant and agency reviews, shall be forwarded to the Town Board for its decision.

**9-3.3.** The Town Board shall conduct a meeting to determine whether a variance shall be approved or denied.

**9-3.4.** All development, construction and use shall be in accordance with the approved plans, unless an amended application is submitted and approved. Any development contrary to the variance shall constitute a violation of this Ordinance.

**9-4. STANDARDS.** In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

**9-4.1.** Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

**9-4.2.** That the special conditions and circumstances do not result from the actions of the applicant.

**9-4.3.** That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

**9-4.4.** That the proposed action will not unreasonably endanger the general health, safety and welfare of the public.

**9-4.5.** That the proposed action will not unreasonably diminish or impair established property value within the neighborhood or in any other way be contrary to the intent of this Ordinance.

**9-5. PERFORMANCE.**

**9-5.1.** In order to determine whether a proposed variance will conform to the requirements of this Ordinance, the Town Board may obtain the services of qualified professional consultants, the costs of which shall be borne by the applicant, to review the variance application.

**9-5.2.** Activities authorized by a variance shall be initiated within six (6) months after approval of the Town Board. If such activity is not initiated within such period, the variance shall be void.

**SECTION 10. ADDITIONAL STANDARDS.** The following standards shall also apply:

**10-1. SETBACK REQUIREMENTS.**

**10-1.1.** The separation distance from a well to an SSTS shall be as specified in Minnesota Statutes 103i, Minnesota Rules Chapter 4725, as amended.

**10-1.2.** The separation distances from SSTS to designated lakes and rivers shall be as identified in the White Bear Township Zoning Ordinance (No. 35).

**10-2. SSTS ON LOTS CREATED BEFORE JANUARY 23, 1996.** All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230.

**10-3. SSTS IN FLOODPLAINS.** SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

**10-4. ABANDONMENT.** Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

**10-5. CLASS V INJECTION WELLS.** All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

**10-6. SEWAGE DISCHARGE TO GROUND SURFACE OR SURFACE WATER.** It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program.

**10-7. HOLDING TANKS.** Holding tanks may be allowed for the following applications; as replacements for existing failing SSTS, SSTS that pose an imminent threat to public health or safety, or for new construction on lots existing as of the date of the enactment of this Ordinance and only where it can be shown conclusively that a SSTS permitted under this Ordinance cannot be feasibly installed.

**10-8. SATURATED SOIL DISAGREEMENTS.** If there is a dispute between the two verifying inspectors, the dispute resolution procedure described in 7080.0700, Subp. 5 must be followed.

#### **10-9. MAINTENANCE.**

**10-9.1.** The owner of an SSTS or the owner's agent shall regularly, but in no case less frequently than every three years:

**10-9.1(a).** Assess whether sewage tanks leak below the design operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects; and

**10-9.1(b).** Measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.

**10-9.2.** All service contractors providing maintenance shall be required to submit maintenance reports.

#### **10-10. MANAGEMENT PLANS.**

##### **10-10.1. PURPOSE.**

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance

required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

#### **10-10.2. MANAGEMENT PLAN REQUIREMENTS.**

**10-10.2(a). SSTS REQUIRING MANAGEMENT PLANS.** Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Code Enforcement Officer with the construction permit application for review and approval. The Code Enforcement Officer shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification

#### **10-10.2.(b) REQUIRED CONTENTS OF A MANAGEMENT PLAN.**

**10-10.2(b).(i).** Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;

**10-10.2(b).(ii).** Monitoring requirements;

**10-10.2(b).(iii).** Maintenance requirements including maintenance procedures and a schedule for routine maintenance;

**10-10.2(b).(iv).** Statement that the owner is required to notify the Code Enforcement Officer when the management plan requirements are not being met;

**10-10.2(b).(v).** Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.

**10-10.2(b).(vi).** Other requirements as determined by the Code Enforcement Officer.

#### **10-11. ABANDONMENT REQUIREMENTS.**

**10-11.1.** Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.

**10-11.2.** Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Code Enforcement Officer.

**10-11.3.** An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system within (60) calendar days. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification of the Department of an owner's intent to abandon a system is necessary.

**10-11.4.** A report of abandonment certified by the licensed installation business shall be submitted to the Code Enforcement Officer. The report shall include:

**10-11.4(a)** Owner's name and contact information.

**10-11.4(b).** Property address.

**10-11.4(c).** System construction permit and operating permit.

**10-11.4(d).** The reason(s) for abandonment.

**10-11.5** A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.

## **SECTION 11. LICENSING REQUIREMENTS.**

### **11-1. 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 White Bear Township without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency.

## **SECTION 12. ENFORCEMENT.**

**12-1.** Any person, firm, corporation or other entity who violates any of the provisions of this section or who makes any false statement on the Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

**12-2.** In the event of a violation of this Ordinance, in addition to other remedies, the Township may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, as set forth in Ordinance No. 16 (Nuisance).

**SECTION 13. PENALTY.** Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26. Each three (3) days that a violation continues, shall constitute a separate offence subject to the punishments provided herein.

**SECTION 14. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**SECTION 15. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of the Town of White Bear, Ramsey County, Minnesota, this 7<sup>th</sup> day of November, 2014.

APPROVED:

\_\_\_\_\_  
ROBERT J. KERMES, Chair

ATTEST:

\_\_\_\_\_  
WILLIAM F. SHORT, Clerk-Treasurer

Board of Supervisors:  
ROBERT J. KERMES, Chair  
WILLIAM F. MAMPLE, Supervisor  
ED M. PRUDHON, Supervisor

Synopsis published in the White Bear Press on November 26, 2014.

Historical Notes

2014

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 passed November 17, 2014, and effective November 26, 2014, by Kermes (Chair), Mample, Prudhon; Short (Clerk-Treasurer).

2000

Section 2 passed March 20, 2000, and effective March 29, 2000, by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

1997

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, originally passed December 15, 1997, and effective December 31, 1997.