

ORDINANCE NO. 2011-01

**INDIVIDUAL SEWAGE TREATMENT SYSTEM
TOWNSHIP OF CASCADE, MINNESOTA**

The objectives of this Ordinance are to provide adequate and safe methods of sewage treatment for individual on-site treatment systems and to prevent the contamination of any water supply by individual sewage treatment systems.

Be it ordained and enacted by the Township of Cascade, Olmsted County, State of Minnesota as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the terms used in this article shall have the definitions hereby designated:

- Sec. 1. "Agency" - Minnesota Pollution Control Agency.
- Sec. 2. "Abatement Notice" - An official document issued by the municipality to the owner of an individual on-site wastewater treatment system stating that the owner is in violation of the municipality's ordinance that adopts the requirement of 7080.
- Sec. 3. "Active Maintenance" - A maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility of effecting operation, maintenance, and replacement (OM&R) in a manner acceptable to the Sewer Authority.
- Sec. 4. "Certified Personnel" - Individual sewage treatment site evaluators, designers, and installers who have Agency approval under Minnesota Rules pt. 7077.0720.
- Sec. 5. "Designer" - A person who designs individual on-site systems.
- Sec. 6. "Failed System" - A wastewater treatment system that has been issued an abatement notice by the municipality's inspector.
- Sec. 7. "Individual Sewage Treatment System" - A wastewater treatment system or part of a system serving up to five dwellings or establishments that uses subsurface soil treatment and disposal.

- Sec. 8. "Inspector" - A person employed by or under contract to the municipality who inspects individual on-site wastewater treatment systems for conformance with this Ordinance, which adopts the requirements of 7080.
- Sec. 9. "Installer" - A person who constructs or repairs individual wastewater treatment systems.
- Sec. 10. "Municipality" - The county, city, town, or other governmental subdivision responsible for the prevention, control, and abatement of water pollution.
- Sec. 11. "Operation and Maintenance" - Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment system. Operation and maintenance includes replacement.
- Sec. 12. "Replacement" - The purchase and installation of equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment system to maintain the capacity and performance for which the systems were designed and constructed.
- Sec. 13. "Site Evaluator" - A person who investigates the soils and site characteristics, does soil borings, or percolation test for use in designing individual on-site systems.
- Sec. 14. "7080" - Minnesota Rules pt. 7080, Individual Sewage Treatment System Standards.
- Sec. 15. "Sewer Authority" - The governmental entity and/or department thereof which has monitoring, inspecting, permitting, and enforcing authority over sanitary improvements including public drainfields and associated collection systems.
- Sec. 16. "Wastewater" - Liquid and water carried wastes from residential, non-residential, and industrial users.

ARTICLE II

Adoption of 7080

Minn. Rules pt. 7080, Individual Sewage Treatment System Standards, is hereby adopted and incorporated by reference as part of this Ordinance. All individual sewage treatment systems shall be regulated in accordance with the requirements of 7080 and:

- Sec. 1. There shall be a four-foot thickness of soil separating the bottom of a sewage treatment system from limiting factors such as bedrock or water table. The soil shall have percolation rates ranging between 0.1 and 60 minutes per inch unless an alternative system is installed.
- Sec. 2. Septic tank sizing for all new house designs shall assume a garbage disposal is present.
- Sec. 3. All large system designs shall be upsized 33% to allow for system resting
- Sec. 4. All trenches on large system designs shall be valved to allow resting of the lines
- Sec. 5. All mounds on large system designs shall be valved to allow resting of the system
- Sec. 6. All large system designs shall include tank effluent filters

ARTICLE III

Administration and Inspection

- Sec. 1. The Municipality shall employ or contract with a fully certified inspector. The inspector shall be permitted to enter all properties for the purposes of inspection, observation, and testing to determine compliance with this ordinance and the requirements of 7080.
- Sec. 2. Installers cannot practice in townships administered by TCPA until all past system deficiencies are corrected. Installers who have three systems rejected within a 365-day period will not be allowed to practice in townships administered by TCPA for 365 days from the date of the third rejection.
- Sec. 3. All failed systems will be served an abatement notice. If after 30 days the system does not conform to the requirements of this sewage treatment ordinance, a fine of \$50.00 per day may be assessed.

ARTICLE IV

Permits

- Sec. 1. Before construction of a private wastewater disposal system, the owner shall obtain a written permit signed by the Inspector.
- Sec. 2. Each application for permit will include the following:

- a. Correct legal description of the property.
- b. A plan showing the location of any proposed or existing buildings located on the property.
- c. Complete plans of the proposed system including the location, size, and design of all parts of the system to be constructed, altered, or repaired.
- d. Location of the water supply facilities and piping.
- e. The name of the certified installer that will be constructing the system.
- f. Additional information as requested by the Inspector.

Sec. 3. The Inspector shall be allowed to inspect at any stage of construction. The permittee shall notify the Inspector that the system is ready for final inspection before any underground portions are covered. Upon satisfactory completion and final inspection of the system, the Inspector shall issue to the applicant a certificate of approval.

Sec. 4. The lot size shall be sufficient to permit installation of the individual sewage treatment system. Trucks or other heavy machinery shall not be driven over the land proposed for the treatment system.

ARTICLE V

Design

The type, capacity, location, layout, and installation of a private wastewater disposal system shall comply with all requirements of 7080 and applicable provisions of this Ordinance and:

Sec. 1 Soils evaluations and/or construction designs must be prepared by a Minnesota Licensed Professional Engineer, Hydrologist, Geologist or Soils Scientist/Classifier, that is trained and experienced in soils evaluation and sewage treatment design and appropriately Certified (or Provisionally Certified) by the Minnesota Pollution Control Agency for Individual Sewage Treatment Systems Site Evaluation and/or Design.

ARTICLE VI

Adoption of 7080.0179

- Sec. 1 Minnesota Rules 7080.0179 are incorporated by reference into this Ordinance.
- Sec. 2 All performance designs shall maintain a minimum of 1.5 feet of soil separating the bottom of a sewage treatment system from limiting factors such as bedrock or mottled soil.
- Sec. 3 Flow monitoring is required on all performance systems
- Sec. 4 Final treatment cannot be downsized as part of a performance system involved with new construction of a building. Existing small lots in nonconformance may be downsized as a part of a performance system
- Sec. 5 Performance systems cannot be installed on speculation houses or businesses.

ARTICLE VII

Penalties

- Sec. 1. Any person violating any provision of this Ordinance shall receive a notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. Any person who shall continue the violation beyond the time limit shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not exceeding \$700.00 for each violation. Each day in which any such violation occurs shall be deemed a separate offense.
- Sec. 2. Any person violating any provision of this Ordinance shall become liable to the Municipality for any expense, loss, or damage occasioned by the Municipality by reason of such violation.

ARTICLE VIII

Validity

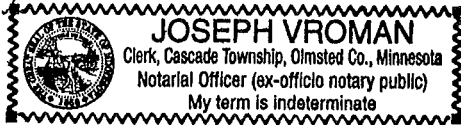
This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

All other Ordinances and parts of other Ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Effective date of this ordinance shall be on the 7 day of March 2011

Passed and adopted by Cascade Town Board of Olmsted County, State of Minnesota on the 7 day of March 2011.

Joseph Vroman
Clerk



J. Lauras
Chairperson

Robert J. Jantunen
Supervisor

Harold D. Atkinson
Supervisor

Distribution: County Recorder, Rochester/Olmsted County Health Department, Rochester/Olmsted County Planning and Zoning, Cascade Township Clerk, Rochester Planning and Zoning Administrator, Cascade Township Septic Inspector