

Chapter 4
SUBSURFACE SEWAGE TREATMENT SYSTEMS

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XX-4-1: PURPOSE: The purpose of this chapter is to provide minimum standards for and regulation of subsurface sewage treatment systems (SSTS) and sewage disposal including the proper location, design, construction, operation, maintenance, and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety; to protect the natural environment; and to eliminate or prevent the development of public nuisances. (Ord. 920, 18 Apr 22)

XX-4-2: AUTHORITY AND REGULATIONS ADOPTED:

- A. This chapter is adopted pursuant to the authority granted under Minnesota statutes sections 115.55 to 115.58 and Minnesota rules 7080 to 7083, pertaining to sewage and wastewater treatment, as the same may from time to time be amended.
- B. The town hereby adopts by reference Minnesota statutes section 115.55 to 115.58 and Minnesota rules 7080 to 7083 along with any future amendments thereof.
- C. The following standards that are stricter than the minimums required under Minnesota rules chapters 7080 through 7083 are hereby adopted:
 - 1. A certificate of compliance shall be required at time of property transfer when filing the certificate of real estate value as provided for by Section XX-4-9.B.1 of this chapter.

2. A certificate of compliance shall be required to obtain a building permit unless such certificate has been issued within the previous 10 years for the SSTS serving the property as provided for by Section XX-4-9.B.2 of this chapter
3. A five foot separation between distribution media and seasonal high water or a limiting layer in lieu of pressure distribution or multiple trenches using serial distribution shall not be accepted. (Ord. 920, 18 Apr 22)

XX-4-3: DEFINITIONS: Definitions: The following words and phrases when used in this chapter shall have the following meanings ascribed to them:

Authorized Representative: An employee or agent of Baldwin township.

Board of Adjustment: The town board of Baldwin Township acting with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Building Official: The building official for the town appointed by the town board.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500.

Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.

Individual Sewage Treatment System (ISTS): An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

Midsized Subsurface Sewage Treatment System (MSTS): A “midsized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

MPCA: Minnesota Pollution Control Agency.

Notice of Noncompliance: A written document notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

Subsurface Sewage Treatment System (SSTS): Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.

State: The state of Minnesota.

Town or Township: Baldwin township, Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard type I soil treatment and dispersal system.

Type IV System: An ISTS having an approved pretreatment device and incorporating pressure distribution and dosing.

Type V System: An ISTS designed by a professional engineer that does not meet the prescriptive designs for Type I-IV. Type V systems must meet the public health and safety standards of 7080.1500. (Ord. 920, 18 Apr 22)

XX-4-4: GENERAL PROVISIONS:

- A. Scope: This section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved Type I, Type II, Type III, Type IV or Type V 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.

- B. Application: The provisions of this chapter shall apply to all lands within the town.

- C. Administration:
 - 1. The building official, or their designee(s), being a qualified employee shall administer this chapter and implement the SSTS program.

 - 2. The building official shall maintain a current record of all permitted systems, permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the town, and other records relevant to each system.

 - 3. The building official shall provide an annual report of SSTS permitting activities as required by MPCA for the previous calendar year.

- D. SSTS Practitioner Licensing: No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

- E. State Disposal System Permits:
 - 1. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a state disposal system permit from MPCA.

2. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a state disposal system permit is required.
 3. SSTS serving establishments or facilities licensed or otherwise regulated by the state shall conform to the requirements of this chapter.
- F. 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, shall be required by the Federal government to submit SSTS inventory information to the environmental protection agency as described in CFR40 part 144 and shall be required to identify all Class V injection wells in property transfer disclosures.
- G. Variances:
1. A property owner may request a variance from the standards specified by the chapter subject to approval by the town board acting as the board of adjustment or the procedures established by the zoning ordinance as may be applicable.
 2. Variances that pertain to the standards and requirements of the state shall be approved by the affected state agency pursuant to requirements of the state agency.
- H. Liability: Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder. (Ord. 920, 18 Apr 22)

XX-4-5: GENERAL REQUIREMENTS:

- A. Occupancy or Use of a Building without a Compliant SSTS: It is unlawful for any person to maintain, occupy, or use any building that is provided with a wastewater treatment system that does not comply with the provisions of this chapter.
- B. Prohibited Discharges:
1. It is unlawful for any person to construct, maintain or use any SSTS regulated under this chapter that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water.

2. It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground.
3. It is unlawful for any person to discharge into any treatment system any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality
4. Any surface discharging system shall be permitted under the national pollutant discharge elimination system (NPDES) program by the MPCA.

C. Retroactivity:

1. All SSTS Except as explicitly set forth in Subd. 4, Item 1B, all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.
2. Existing Permits Unexpired permits which were issued prior to the effective date of this chapter shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.
3. SSTS on Lots Created After January 23, 1996 All lots created after January 23, 1996 shall have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, or at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.
4. Existing SSTS without Permits: Any existing SSTS with no permit of record that was installed prior to 1996 shall be allowed to continue operation until such time as the system is deemed to be “non-compliant” with any provision of this chapter.

D. Upgrade, Repair, Replacement, and Abandonment:

1. SSTS Capacity Expansions Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this section at the time of the expansion.
2. Failure to Protect Groundwater: An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within (18) months of receipt of a notice of noncompliance unless required sooner by other provisions of this chapter.

3. **Imminent Threat to Public Health or Safety:** An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota rules, chapter 7080.1500, Subp.4A shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 10 months of receipt of a notice of noncompliance unless required sooner by other provisions of this chapter.
4. **Location In Floodplain:** SSTS shall not be located in a floodway, and whenever possible, location in a floodplain shall be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota rules 7080.2270 and the requirements of the zoning ordinance are met.
5. Any SSTS, or any component thereof, that is no longer intended to be used shall be abandoned in accordance with Minnesota rules chapter 7080.2500. (Ord. 920, 18 Apr 22)

XX-4-6: SSTS STANDARDS:

- A. **Determination of Hydraulic Loading Rate and SSTS Sizing:** Either table IX or table IXa from Minnesota rules, chapter 7080.2150, Subp. 3(E) and herein adopted by reference shall be used to size SSTS infiltration areas.
- B. **Compliance Criteria for Existing SSTS:**
 1. SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.
 2. SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock.
 - a. Existing systems that have a separation distance no less than 30.6 inches to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this section.
 - b. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. 7080.1500, Subp.4

C. Holding Tanks:

1. A holding tank shall not be allowed for a new house, nor may an existing residence with a holding tank be expanded to include additional sleeping areas.
2. A holding tank may be allowed only for the following applications:
 - a. As a replacement for an existing failing SSTS if it is determined by the building official that an SSTS permitted under this section cannot be feasibly installed.
 - b. As a sewage disposal system for an existing seasonal property.
 - c. As a receptacle for a flammable waste trap.
 - d. As a receptacle for other non-residential waste. (Ord. 920, 18 Apr 22)

XX-4-7: SSTS PERMITTING:

A. Permit Required:

1. It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit issued by the building official.
2. The issuing of any permit or variance under the provisions of this chapter shall not absolve the applicant of responsibility to obtain any other required permit.

B. Construction Permit:

1. **Activities Requiring a Construction Permit:** A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
2. **Activities Not Requiring a Permit:** A construction permit is not required for repair or replacement of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
3. **Expiration:**
 - a. A construction permit issued under this chapter shall be valid for one year from the date of approval.

- b. The building official may grant an extension of a permit if the construction has commenced prior to the original expiration date of the permit.

C. Operating Permit:

1. SSTS Requiring an Operating Permit: An operating permit shall be required of all owners of new holding tanks, Type IV or Type V systems, MSTS or any other system deemed by the building official to require operational oversight.
2. Sewage shall not be discharged to a holding tank or MSTS until the building official 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, as specified in Minnesota rules, chapter 7082.0600, Subp.2.
3. Monitoring and Disposal Contract:
 - a. Owners of holding tanks installed after the effective date of this ordinance shall maintain a record on file with the building official 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.
 - b. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).
4. Performance Monitoring:
 - a. 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
 - b. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider.
 - c. The report shall be submitted to the building official on or before the compliance reporting date stipulated in the operating permit.
 - d. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as follows:

- (1) Owner name and address.
- (2) Operating permit number.
- (3) Average daily flow since last compliance monitoring report.
- (4) Description of type of maintenance and date performed.
- (5) Description of samples taken (if required), analytical laboratory used, and results of analyses
- (6) Problems noted with the system and action(s) proposed or taken to correct said problems.
- (7) Name, signature, and license number of the licensed professional who performed the work.

D. Application Process:

1. Application for a permit required by this chapter shall be made on forms provided by the building official and signed by the applicant and/or an appropriately licensed practitioner and include the practitioner's license number and date of expiration.
2. The application shall include the following minimum information:
 - a. Name, mailing address, telephone number, and e-mail address.
 - b. Property identification number and address or other description of property location.
 - c. Site evaluation report as described in Minnesota Rules, Chapter 7080.1730
 - d. Design report as described in Minnesota Rules, Chapter 7080.2430.
 - e. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
 - f. Other such information as requested by the building official.
3. Fees: The amount of fees to be collected at the time of application for a permit required by this chapter shall be as established in the town fee schedule.

4. Approval Or Denial of Permit: Permit applications shall be approved or denied as follows:
 - a. Submission Of Application: Permit applications shall be submitted to the building official, along with the permit fee. The building official shall, within 15 days, determine whether a submitted application is complete. Incomplete applications shall be rejected and returned to the applicant along with a written explanation as to why the application has been rejected.
 - b. Technical Review: Once a complete application is received, the building official shall review the application to determine whether it meets the requirements and standards of this chapter and of Minnesota Rules 7080. The building official may, at his sole discretion, submit the permit application to the town engineer for review, comment, and/or a determination as to whether the application meets the requirements of this chapter and Minnesota rules.
 - c. Approval or Denial by Building Official:
 - (1) Once a determination is made that the application meets all applicable requirements, the SSTS permit shall be issued. The building official and/or town engineer may impose any and all conditions to ensure compliance with the requirements of State law, Minnesota rules, this chapter and other applicable local ordinances.
 - (2) If it is determined that the application does not meet the requirements of this chapter or Minnesota rules, then the building official shall give notice to the applicant that the application has been rejected and state the reasons for such rejection as provided by the building official and/or town engineer.
 - (3) The decision to approve or deny the application permit shall occur within 60 days of the building official's receipt of a complete application in accordance with Minnesota statutes 15.99.
 - d. Appeal. The applicant may appeal the building official's decision to deny permit application to the town board.
- E. Transferability: A permit issued in accordance with this chapter shall not be transferred to a new owner.

- F. Amendment: The building official may amend an existing permit if an amendment is necessary to eliminate an imminent threat to public health or safety or at the request of the permit holder.

- G. Suspension or Revocation:
 - 1. The building official may suspend or revoke a permit issued under this chapter for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
 - 2. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder.
 - 3. If suspended or revoked, installation or modification of a treatment system shall not commence or continue until a valid construction permit is obtained.
 - 4. The building official may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Section XX-3-6.C of this chapter.
 - 5. At the building department's discretion, a permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

- H. Modification Or Discontinuance Required: If, upon inspection, an SSTS is found to be a failing system or a system posing an imminent threat to the natural environment or the public health, safety and welfare, then the SSTS shall, if possible, either be modified or repaired to comply with this chapter or its use discontinued within the time periods specified in this section.

- I. Failing Septic Systems: A failing SSTS, as defined in Minnesota rules 7080.1500 subparagraph 4b, shall be upgraded, replaced, or its use discontinued within the six months of issuance of the notice of noncompliance.

- J. SSTS System Posing an Imminent Threat:
 - 1. Any SSTS posing an imminent threat to the natural environment or public health, safety, or welfare, as defined in Minnesota rules 7080.1500 subparagraph 4b, shall be abated within 10 days.
 - 2. The system shall be upgraded, replaced or repaired, or its use discontinued, within a reasonable period of time, not to exceed six months.

K. Remediation:

1. A permit shall be required when an operational component is added or a method employed to an SSTS to recover a failing treatment area.
2. Required information for this permit will be a description of what is wrong with the existing SSTS, an inspection/compliance of the components of the system, a lab sample of the existing effluent to determine abnormalities and a preliminary site evaluation of what the upgrade options will be on the property if the remediation fails to correct the problem.
3. An operating permit shall also be required.

L. Emergency Actions:

1. Notwithstanding the provisions of this chapter, the building official may require pumping of a septic system not more than 24 hours of issuance of a notice of failing system or SSTS system posing an imminent health threat being issued and compliance with the following additional requirements:
 - a. Install a level alarm within the tank that includes an audible horn and strobe light.
 - b. Seal the septic tank outlet converting the tank to a holding tank.
 - c. Expose the service manhole for pumping the septic tank.
 - d. Seal all outlets within the basement of the structure served by the septic system.
 - e. The property owner shall provide the town a right of entry to the property to allow for any needed inspection, maintenance, repair or replacement of the failed system with all costs incurred by the town being the responsibility of the property owner.
2. Actions as may be required by the building official to immediately abate a threat to public health, safety, and welfare shall not exempt the property owner from providing for a compliant system in accordance with this chapter.

M. Abandonment Requirements:

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.
2. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.

XX-4-8: MANAGEMENT PLANS:

A. SSTS Requiring Management Plans:

1. Management plans are required for all new or replacement SSTS.
2. The management plan shall be submitted to the Department with the construction permit application for review and approval.
3. The building official shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

B. Required Contents of a Management Plan: Management plans shall include all requirements contained in Minnesota Rules, Chapter 7082.0600, Subp.1(B).

C. Requirements for Systems not operated under a Management Plan:

1. An SSTS that is not operated under a management plan or operating permit shall have treatment tanks inspected at least every three years and provide for the removal of solids if needed.
2. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450. (Ord. 920, 18 Apr 22)

XX-4-9: COMPLIANCE MANAGEMENT:

A. Public Education Outreach: Programs shall be implemented by the town to increase public awareness and knowledge of SSTS; programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

- B. Compliance Inspection Program: The building official shall periodically perform various SSTS compliance inspections to determine compliance with this chapter:
1. A certificate of compliance: shall be provided as evidence of meeting the requirements of this chapter as follows:
 - a. For a property transfer, at the time a certificate of real estate value (CRV) is filed, unless:
 - (1) The tract of land is vacant (without buildings) or contains no buildings with plumbing fixtures connected to an SSTS.
 - (2) The sale of land is exempt from the requirements that a CRV be filed with the County Auditor, as per MN Statute Sec 272.115;
 - (3) The dwelling unit's plumbing fixtures are connected to a town or MPCA approved shared community wastewater treatment system.
 - b. When a building permit is applied for, except:
 - (1) The dwelling unit's plumbing fixtures are connected to a town and MPCA approved shared community wastewater treatment system.
 - (2) The building permit application is for a re-roof or re-siding; or for a furnace, fireplace or other mechanical or plumbing repair or replacement.
 - (3) The building permit application is for handicapped accessibility improvement.
 - (4) A certificate has been issued within the previous 10 years for the SSTS serving the property.
 - c. Upon completion of any new or replacement SSTS, before the system is put into service.
 - d. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner; such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPCA.

- e. For transactions occurring between the time period of December 1 through May 1, the buyer may be allowed to escrow funds to complete a compliance inspection, and if necessary, a SSTS upgrade by no later than June 15 subject to a signed letter of understanding approved by the building official prior to closing.
2. Existing Systems:
- a. Compliance inspections shall be required when any of the following conditions occur:
 - (1) When a construction permit is required to repair, modify, or upgrade an existing system.
 - (2) Any time there is an expansion or change of use of the building or property being served by an existing SSTS which may impact the performance of the system
 - (3) At any time as required by this Ordinance or when the Department deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.
 - b. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA, or on other forms acceptable to the building inspector.
 - c. A certificate of compliance must include a statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this chapter.
 - d. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance shall be submitted to the owner and building official not less than 15 days after the date of the inspection to include a statement specifying those provisions of this chapter with which the SSTS does not comply.
- C. Inspections:
- 1. All inspections shall be performed and signed by a licensed inspection business or qualified employee certified as an inspector.
 - 2. The building official shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.

3. The building official shall notify the owner of the intent to inspect the SSTS at least one day in advance of the intended inspection.
 4. No person shall hinder or otherwise interfere with the building official in the performance of their duties and responsibilities pursuant to this chapter.
 5. Refusal to allow the building official reasonable access to the property shall be deemed a violation of this chapter.
- D. **Dispute Resolution.** If a documented discrepancy arises on the depth of periodically saturated soils between SSTS licensed businesses or between an SSTS licensed business and the building official, the dispute resolution procedures outlined in Minnesota Rules Chapter 7082.0700, Subp 5 shall be followed. (Ord. 920, 18 Apr 22)

XX-4-10: ENFORCEMENT: The building official and town attorney may take such actions as may be necessary to enforce the provisions of this chapter.

- A. **Cause to Issue a Notice of Violation:** Any person, firm, agent, or corporation who violates any of the provisions of this section, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota statutes.
- B. **Notice of Violation:**
1. The building official shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this chapter.
 2. The notice of violation shall contain:
 - a. A statement documenting the findings of fact determined through observations, inspections, or investigations.
 - b. A list of specific violation(s) of this section.
 - c. Specific requirements for correction or removal of the specified violation(s).
 - d. A mandatory time schedule for correction, removal and compliance with this ordinance.
- C. **Stop Work Order:**
1. A Stop work order may be issued at the discretion of the building official when there is probable cause that an activity regulated by this chapter is being or has been conducted without a permit or in violation of a permit.

2. When work has been stopped by such an order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the order lifted.
- D. Prosecution: In the event of a violation or threatened violation of this chapter, the town may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the town attorney shall have authority to commence such civil action.
- E. Costs and Reimbursements: If the town is required to remove or abate an imminent threat to public health or safety, the town may recover all costs incurred in removal or abatement in a civil action, including legal fees. At the discretion of the town board, the cost of an enforcement action under this chapter may be charged against the real property on which the imminent threat to public health or safety was located by being certified to the county auditor to assessed against said real property to be paid over like property taxes. (Ord. 920, 18 Apr 22)