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# **Le Sueur County, MN**

**Tuesday, October 18, 2016**

**Board Meeting**

## **Item 9**

**11:00 a.m. FRST Ordinance Public Hearing (30 min)**

Staff Contact:

**Le Sueur County Ordinance Requiring Inspection of  
Subsurface Sewage Treatment Systems (SSTS) Within the  
First Tier and Recreational Properties Adjacent to Lake  
Frances, Rays Lake, Sakatah Lake, and Tetonka Lake  
Ordinance No. \_\_\_\_\_**

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[24590-0002/2432532/1]

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and Approved: \_\_\_\_\_, 2016

Signed: \_\_\_\_\_  
Chair, County Board

Attest: \_\_\_\_\_  
County Administrator

Published: \_\_\_\_\_

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## Section 1 – Statutory Authority

- 1.1 This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes, including but not limited to, Section 115.55, Section 145A.05, and Section 394.21 to 394.27.

## Section 2 – Definitions

- 2.1 **Regulated Lake** - Regulated Lake shall mean Lake Frances (DNR lake number 40005700 in Le Sueur County), Rays Lake (DNR lake number 40005600 in Le Sueur County), Sakatah Lake (DNR lake number 40000200 in Le Sueur County), and Tetonka Lake (DNR lake number 40003100 in Le Sueur County).
- 2.2 **Department** – Department shall mean the Le Sueur County Environmental Services Department.
- 2.3 **OHWL** - Ordinary high water level. Ordinary high water level is the boundary of water basins. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- 2.4 **SSTS** – SSTS shall mean Subsurface Sewage Treatment System and shall be defined as contained in Minnesota Rules, Chapters 7080.
- 2.5 **First Tier Property** – First Tier Property shall mean any parcel of land not served by a municipal sanitary sewer that:
- (a) Has a structure within 350 feet of the OHWL of a Regulated Lake that is connected to an SSTS,
  - (b) Has an SSTS located within 350 feet of the OHWL of a Regulated Lake, or
  - (c) Has an SSTS alternative site within 350 feet of the OHWL of a Regulated Lake.
  - (d) Is a currently vacant residential lot that would meet the above conditions if a structure were constructed.
- 2.6 **Recreational Property** – Recreational Property shall mean any Campground, Organized Group Camp, Planned Unit Development, or Resort as those terms are defined in Section 4, Subdivision 2 of the Le Sueur County Zoning Ordinance that is not served by a municipal sanitary sewer and :
- (a) Has a structure within 350 feet of the OHWL of a Regulated Lake that is connected to an SSTS,

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- (b) Has an SSTS located within 350 feet of the OHWL of a Regulated Lake, or
- (c) Has an SSTS alternative site within 350 feet of the OHWL of a Regulated Lake.

### **Section 3 – Enforcement**

**3.1** This Ordinance shall be administered and enforced by the Department or assigned agent.

### **Section 4 – Violations and Penalties**

**4.1** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and/or by imprisonment as authorized by law for punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

### **Section 5 – Access to Property**

**5.1** Where a property owner, after reasonable notice, refuses to permit the inspection of an SSTS pursuant to this Ordinance, the County reserves the right to seek an administrative search warrant to perform a Compliance Inspection.

### **Section 6 – General Provisions**

**6.1** All SSTS within the First Tier Properties shall be subject to mandatory compliance inspection if the SSTS, alternative SSTS site, or the structure served by the SSTS is within 350 feet of the OHWL of the Regulated Lake.

**6.2** All SSTS on Recreational Properties shall be subject to mandatory compliance inspections, regardless of whether the SSTS is located within 350 feet of the OHWL of the Regulated Lake.

**6.3** Compliance inspections shall be completed using the Compliance Inspection Form for Existing SSTS as promulgated by the Minnesota Pollution Control Agency.

**6.4** Compliance inspections shall be completed by a State licensed SSTS Inspector by December 31, 2017.

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**6.5** Compliance inspections shall be paid for by use of \$332,800 granted to Le Sueur County under the *Frances, Rays, Sakatah, Tetonka (FRST) Septic Inventory Accelerated Implementation Grant* funded by the Clean Water Land and Legacy Amendment. Properties subject to the Ordinance are entitled to a free inspection and tank pumping funded by the above mentioned grant if the inspection is completed by the County's contractor for the FRST Project, Wenck Associates, Inc. (Wenck). A Minnesota Pollution Control Agency-licensed SSTS Inspector, Intermediate Inspector, or Advanced Inspector other than Wenck may be utilized, at the owner's expense, for the purpose of satisfying the Provisions of the Ordinance. A licensed inspection business may inspect an existing system that they designed or installed once it has been independently inspected.

**6.6** Non-compliant SSTS must be upgraded, repaired, or replaced by Dec 31, 2022, except:

- a) SSTS determined to be an Imminent Threat to Public Health or Safety as defined in Minnesota Rules, Chapter 7080 must be upgraded, repaired, or replaced within ten (10) months of the date of the inspection.

**6.7** All SSTS subject to this Ordinance shall be kept in a continuous state of compliance. From December 31, 2022 forward, an SSTS compliance inspection report shall be completed

- a) For an existing SSTS, once every three years from the previous date of issuance.
- b) For a new or upgraded SSTS within five years from the date of issuance and, thereafter every three years.

**6.8** The following SSTS shall be exempt from the requirements of Section 6.1 through 6.2 of this Ordinance:

**6.8.1** SSTS that were constructed or altered after January 1, 2011 for which a Certificate of Compliance was issued by the Department.

**6.8.2** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2011 for which a Certificate of Compliance was issued by the inspector.

**6.8.3** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2016 for which a Notice of Noncompliance has been issued by the inspector.

**6.8.4** Properties whose sewage is regulated under a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit administered by the Minnesota Pollution Control Agency.

**Section 7 – Severability**

**7.1** If any part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

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LE SUEUR COUNTY BOARD OF COMMISSIONERS  
88 South Park Avenue, Le Center, Minnesota 56057  
TEL: 507-357-2251 FAX: 507-357-6375

John King, Dave Gliszinski, Steve Rohlfing, Joseph Connolly, Lance Wetzel

The Le Sueur County Board of Commissioners will conduct a Public Hearing in the Board of Commissioners Room at the Le Sueur County Courthouse, 88 South Park Ave., Le Center Minnesota on **Tuesday, October 18, 2016 at 11:00 a.m.** for the purpose of taking public comment on the proposed **Le Sueur County Ordinance Requiring Inspection of Subsurface Sewage Treatment Systems (SSTS) Within the First Tier and Recreational Properties Adjacent to Lake Francis, Rays Lake, Sakatah Lake, and Tetonka Lake.**

Copies of the full text are available for review by any person during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Thursday and 8:00 a.m. to 4:00 on Friday at the Auditor's Office located in the Le Sueur County Courthouse and the Planning & Zoning Office located in the Le Sueur County Environmental Services Building or on the Le Sueur County Website at [www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us)

John King  
Chair, Le Sueur County  
Board of Commissioners

Darrell Pettis  
Le Sueur County Administrator