

CHAPTER 9: BUILDING REGULATIONS

Section

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CHAPTER 9: BUILDING REGULATIONS

Section

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SECTION 900: BUILDING CODE

900.01 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Ch. 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein.

900.02 Application, Administration and Enforcement.

Subd. 1 State law. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minn. Stat. § 16B.62, subdivision 1, when so established by this section.

Subd. 2 Enforcement. This code shall be enforced by the Minnesota Certified Building Official designated by the Municipality to administer the code (Minn. Stat. § 16B.65) subdivision 1.

900.03 Permits and Fees.

Subd. 1 Authorization. The issuance of permits and the collection of fees shall be as authorized in Minn. Stat. § 16B.62, subdivision 1.

Subd. 2 Assessment. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in the City of Pine City. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minn. Stat. § 16B.70.

900.04 Violations and Penalties. A violation of the code is a misdemeanor (Minn. Stat. § 16B.69).

900.05 Building Code Optional Chapters.

Subd. 1 Adoption. The Minnesota State Building Code, established pursuant to Minn. Stat. §§ 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

Subd. 2 Optional provisions. The following optional provisions identified in the most

current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality.

A. Chapter K (Grading) 2001 Supplement to the International Building Code.

B. Chapter 1335, Flood Proofing Regulations - parts 1335.0600 to 1335.1200.

900.06 Residential Rental Property Registration and Licensing. (Ord #19-13 approved on 7/25/19 published on 8/1/19)

Subd. 1 Purpose. The City recognizes a need for an organized inspection program of residential rental units within the City in order to establish minimum standards for rental units to meet City and State safety, health, fire and zoning codes within the City and to provide a more efficient system for compelling both absentee and local landlords to correct violations and properly maintain rental property within the City. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental units within the City so that orderly inspections can be undertaken.

Subd. 2 Definition. The term "residential rental property" means any building, structure, room, enclosure or mobile home including the real property upon which it is located, and which surrounds it, which is rented or offered for rent by any person to any other person or persons for use for residential purposes by such other person or persons.

Residential rental property does not mean on-campus dormitories, hospital units, nursing home units, assisted living units and hotels or motels with daily rental units, located within the City, all of which shall be specifically exempt from registration and license under this Section.

Subd. 3 Registration and License Requirements. It is unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property within the City for which a registration statement has not been properly made and filed with City Hall and for which there is not an effective license. Initial registration and renewal shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

A. Name, address and phone number of the property owner. In cases where the property is subject to a contract for deed, the contract for deed vendee shall be considered the owner for the purposes of this subsection.

B. The name, phone number and address of any person authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.

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- C. The street address of the rental property.
- D. The number and types of units within the rental property (dwelling units or sleeping rooms).
- E. The maximum number of occupants for each dwelling unit or sleeping room.
- F. Off-street parking arrangements.

Subd. 4 Fees. There shall be an annual license fee as set by the City Council as set out in the fee schedule. The license and inspection fee may be amended from time to time by Council resolution.

Subd. 5 Manner of Registration and Renewal.

- A. The owner or his or her designated agent shall make initial registration for residential rental property existing on the effective date of this subsection by submitting a registration statement to the City of Pine City. Registered rental property existing on the effective date shall receive an interim license until the time as an inspection can first be made if the property is due for an inspection per the inspection schedule.
- B. Initial registration for property which is not residential rental property or for licensed residential rental property when there is a change in type of occupancy shall be made by submitting a registration statement at City Hall before the property is used as residential rental property or before use as a new type of occupancy.
- C. Each license issued pursuant to this subsection shall expire on the 31st day of December of the year for which it was issued. The City will mail annual renewal statements to the property owner of record on file with Pine County on or before November 1st each year. Failure to receive a renewal statement from the City shall not excuse the owner from meeting the license requirements. Renewal statements must be returned to City Hall by December 31 of each year. Failure to return renewal form will result in an administrative penalty set out in the fee schedule. Statements may be returned by mail, at the property owner's risk, to City Hall.
- D. If there is a change in the type of occupancy from the type stated in the registration statement, a new registration statement and license will be required to be filed at City Hall within 30 days of the date of the change.
- E. A renter may at any time request an inspection of the rental property that shall be

conducted at the renter's expense.

Subd. 6 Method and Manner of Certification.

- A. Upon receipt of a registration statement, the City shall refer the application for an inspection if the property is due for an inspection per the inspection schedule (see table D of 900.06). The inspection will be done by either a licensed firm as designated by the City Council, the City's Fire Marshal, the City's Safety Inspector, or the City's Building Inspector with the advice and consent of the City Council for investigation and inspection. The purpose of the inspection is to ensure that all rental unit(s) meet code requirements under the Minnesota State Building Code, Minnesota State Fire Code and all city ordinances.
- B. Each rental unit will be inspected per the inspection schedule (see table D of 900.06) New construction would be slated for its first rental registration inspection prior to being issued a certificate of occupancy and then be scheduled three (3) years from the date of construction for its next scheduled inspection under this subsection provided that no modifications were made to the property. The City's officer or agent charged with the duty of making the investigation of inspection shall make a report thereon, after receiving an initial registration or a copy thereof, and the inspection and investigation shall be made within a reasonable time. No license shall be issued if the premises and building do not fully comply with the Minnesota State Building Code, the Minnesota State Fire Code and all City Code provisions.
- C. Exceptions to inspection schedule. Any rental properties that are inspected by the State of Minnesota Fire Marshal's office, by a State of Minnesota Building Code Division Inspector or a certified inspector from the Office of Housing and Urban Development, or registered as a Residential Relative Homestead with Pine County are exempt from City inspections as long as documentation supporting the exemption is provided to the City of Pine City when filing their annual registration application.

D. Inspection Schedule Table

Number of Violations	Inspection Frequency
0-2	3 years
3-4	2 years
4-6	1 year
7+	6 months

Subd. 7 Method of Correction. Whenever an inspector determines that any residential rental property fails to meet the requirements set forth in this subsection or any other City Code provision, he or she shall issue a notice setting forth the violations and

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ordering the owner, occupant or agent to correct such violations. This notice and order shall:

- A. Be in written form;
- B. Describe the location and nature of the violation;
- C. Establish a reasonable time for the correction of any violation;
- D. Be served upon the owner or his or her agent, or the occupant as the case may require. The notice shall be deemed to be properly served if a copy thereof is:
 1. Served upon the owner, or designated agent personally, or sent by electronic mail, or if no response is rendered within a reasonable time;
 2. Then first-class mail to the property owner of the record on file with Pine County or designated agent's address provided on the most recent registration statement on file at City Hall, or if no response is rendered within a responsible time;
 3. Posted in a conspicuous place on the dwelling affected.

Subd. 8 Transfer of Property. Every new owner of residential rental property (whether as fee owner or contract purchaser) shall be required to furnish to City Hall, the new owner's name, address and phone number and the name, address and phone number of the owner's designated agent upon closing of the transaction. No license fee shall be required of the new owner during the year in which the property is purchased provided that the previous owner has paid all license fees, has complied with all requirements of this subsection, and has corrected any violations of the City Code. An inspection of the property will take place of the property within six (6) months, but not more than nine (9) months after transfer of ownership regardless of any previous inspections.

Subd. 9 License Suspensions and Revocation.

- A. Any license may be revoked or suspended at any time during the life of the license for grounds including, but not limited to the following;
 1. False or misleading information given or provided in connection with the registration statement or renewal;
 2. Failure to pay any fee herein provided for;
 3. Failure to permit any officer or employee of the City charged with the duty of

making inspections of enforcing any City Code provisions, access to the premises at a reasonable hour to determine whether the facilities conform with the provision of this subsection;

4. Violation by the certified owner or anyone operating there under, of any City Code provisions or laws of the State of Minnesota relating, pertaining to, or governing, the license and the premises;

B. A suspended license shall be reinstated when the circumstances leading to the suspension have been remedied and a reinstatement and inspection fee as set by Council resolution has been paid. After a certificate has been revoked, a new certificate may be issued to the revoked owner only if the circumstances leading to the revocation have been remedied, a new registration is made, and an additional reinstatement and inspection fee as set by Council resolution has been paid.

Subd. 10 Failure to Grant Registration. The City reserves the right not to register a unit unless the rental unit(s) for which registration is sought complies with the Minnesota State Building Code, Minnesota State Fire Code and all city ordinances. If the City does not issue a license the owner is prohibited from renting the unit(s) until a license is received.

Subd. 11 Maintenance of Records. All records, files and documents pertaining to the Rental License Program shall be maintained at City Hall and made available to the public as allowed or required by State law and City Code provisions.

Subd. 12 Appeal Process. Any property owner aggrieved by any action taken by the City in regard to the Rental License Program under this subsection may request a review by or may make an appeal to the City Council as to the action of the City. An appeal must be made within ten (10) days from the City's action and shall be in writing, addressed to the City Council. The property owner shall have the right to appear and be represented by counsel. The City Council shall hear and consider the matter within thirty (30) days of the hearing. In the event of a tie vote, the action taken by the City shall stand.

Subd. 13 Authority. Nothing in this Section shall prevent the City from taking action under any of its City fire, housing, zoning or other health safety codes for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular City Code provision or code under which the City would proceed against the property owner, designated agent or occupant of any residential rental dwelling unit covered by this subsection. Nothing contained in this subsection shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this subsection on registration and licensing to obtain an order closing such rental units until violations of this subsection have been remedied by the property owner or

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designated property manager.

Subd. 14 Posting. Every registrant of residential rental property shall post a receipted copy of the current license containing the information required by Subd. 3 (with the exception of telephone numbers) when received from the City. These items shall be conspicuously posted (in a frame with transparent cover) by the registrant in a public corridor, hallway or lobby of the rental property for which it is issued. For other than multiple dwellings, the registrant must post the license certificate in a frame with a transparent cover in such a manner so as to be easily viewed and readable at or near the front entrance of the building for which it was issued.

Subd. 15 Enforcement. In order to compel compliance with the license requirements, the City or City's designee shall have the authority to enter any building, at reasonable times and upon five (5) days written notice to the tenant, to determine if the building is operated as a rental property as defined in Subd. 2, or to enforce the Minnesota State Building Code and/or Minnesota State Fire Code.

Subd. 16 Applicable Laws. Registrants shall be subject to all City Code provisions and laws of the State of Minnesota relating to dwellings; and this subsection shall not be construed or interpreted to supersede any other such applicable City Code provision or law.

Subd. 17 Tenant Identification. When requested by the Sheriff's Department, property owners are required to provide names of tenants occupying rental property.

Subd. 18 Criminal penalties. If an owner does not comply with the provisions of this subsection, specifically including, but not limited to renting unit(s) without obtaining a proper license as defined in this subsection, the owner shall have committed a misdemeanor with the applicable penalties as set by then existing Minnesota law. Each day that a premise is actually rented to a tenant in violation of this subsection shall constitute a separate and additional misdemeanor offense.

SECTION 905: SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) (Ord #18-06 approved on 5/31/18 published on 6/14/18)

905.01 Purpose and Intent.

Subd. 1 Purpose. The purpose of this Ordinance is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the City, to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the City's citizens by protecting its health, safety, general welfare, and natural resources.

Subd. 2 Intent. It is intended by the City of Pine City that this Ordinance will promote the

following:

- A. The protection of lakes, rivers, streams, wetlands, and groundwater in the City of Pine City essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the town.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

Subd. 3 Authority. This Ordinance is adopted pursuant to Minnesota Statutes §115.55, or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, or successor rules.

Subd. 4 Effective Date. The provisions set forth in this Ordinance shall become effective on date of publication: June 14, 2018.

905.02 Definitions. The following words and phrases shall have the meanings ascribed to them in this subdivision. If not specifically defined in this subdivision, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

Authorized Representative: An employee or agent of the City of Pine City including authorized contracted septic inspectors.

Bedroom: A room that is designed or used for sleeping or a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway.

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City Council: The City Council of the City of Pine City. They have 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 City of Pine City's authorized septic inspector, who is charged with septic inspections and permit issuing. Our authorized septic inspector shall 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.

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 (see 40 CFR Parts 144 and 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

Commercial Hospitality or Event Center: Typically, for-profit wedding venues, retreats, arts and entertainment venues, and vacation rentals by owner.

County: Pine County, Minnesota.

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

Existing Systems: Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

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 Minnesota Rules Chapter 7080.1500 Subp. 4D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by an individual licensed pursuant to Section 905.04 Subd. 5 of this Ordinance.

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. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 905.04 Subd. 5 of this Ordinance.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Lot: A parcel of land in a plat recorded in the office of the county recorder or registrar of title or a parcel of land created and conveyed, using a specific legal description, for a building site to be served by an SSTS.

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.

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.

New Construction: Installing or constructing a new SSTS or altering, extending, or adding capacity to a system that has been issued an initial certificate of compliance.

Notice of Noncompliance: A written document issued by the City Council or certified inspection business notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be non-compliant with the requirements of this Ordinance.

MPCA: Minnesota Pollution Control Agency.

Qualified Contractor: A contractor of the City of Pine City who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of their duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted as defined in Minnesota Rule 7083.1010.

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Periodically saturated soil: The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in Minnesota Rules, Chapter 7080.1720, subpart 5, items E and F, or as determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the City Council.

Privy: An above ground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing or graywater.

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.

Redoximorphic features: A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil couple with their removal, translocation or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color or a soil matrix color controlled by the presence of ferrous iron. Also described in Minnesota Rules, Chapter 7080.1720 subpart 5 item E.

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

SSTS: Subsurface sewage treatment system including an ISTS, MSTS or LSTS

State: The State of Minnesota.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

Level A: cBOD₅ ≤ 15 mg/L; TSS ≤ 15 mg/L; fecal coliforms ≤ 1,000/100 mL.

Level A-2: cBOD₅ ≤ 15 mg/L; TSS ≤ 15 mg/L; fecal coliforms N/A.

Level B: cBOD₅ ≤ 25 mg/L; TSS ≤ 30 mg/L; fecal coliforms ≤ 10,000/100 mL.

Level B-2: cBOD₅ ≤ 25 mg/L; TSS ≤ 130 mg/L; fecal coliforms N/A.

Level C: cBOD₅ ≤ 125 mg/L; TSS ≤ 60 mg/L; fecal coliforms N/A.

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 containing 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: A custom designed ISTS having acceptable flow restriction devices to allow its 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, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System: An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

905.03 General Provisions

Subd. 1 Scope. This Ordinance regulates the site, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City'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 City of Pine City 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.

Subd. 2 Jurisdiction. The jurisdiction of this Ordinance shall include all lands of the City of Pine City. The Pine County Land Services Department shall keep a current list of local jurisdictions within the County, including the City of Pine City, who are administering a SSTS program.

Subd. 3 Administration

- A. City Administration. The City Council of the City of Pine City shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the

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City Council shall review this and revise and update this Ordinance as necessary. The City shall retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

- B. State of Minnesota. 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. For any SSTS that has 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. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.
- C. City Shoreland Ordinance Jurisdiction: The City will administer the SSTS program within shoreland areas of the City of Pine City, under the City's Shoreland Ordinance approved by the City Council of the City of Pine City.

Subd. 4 Validity. The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

Subd. 5 Liability. No liability or responsibility shall be imposed upon the City or agency, or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the construction, operation, or abandonment of any SSTS regulated under this rule by reason of standards, requirements or inspections authorized hereunder.

905.04 General Requirements

Subd. 1 Retroactivity

- A. All SSTS
Except as explicitly set forth in Subdivision 1. B. and C. below, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally installed.
- B. Existing Permits
Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date.
- C. SSTS on Lots Created After 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 or site conditions described in 7081.0270, Subp.3 through 7 at the time the plat or subdivision is approved.

A cluster SSTS that have a common interest lot where a central system is located shall meet this requirement by having the minimum of two soil treatment and dispersal areas on the designated lot.

Subd. 2 Upgrade, Repair, and Replacement

A. 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 Ordinance at the time of the expansion.

B. Shorelands

An SSTS not meeting or exceeding the requirements Minnesota Rules Chapters 7080 and 7081 as adopted by reference in Section 905.05 of this Ordinance must be upgraded, at a minimum, prior to recording any property title transfers or contracts for deed beginning January 1, 1994 or at any time a permit or variance of any type is required for any improvement on, or use of, the property within the shoreland areas of the county.

C. 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 Ordinance within 18 months of receipt of a Notice of Noncompliance.

D. 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. 4(A) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.

Subd. 3 SSTS in Floodplains. SSTS shall not be located in a flood plain 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 local requirements are met.

Subd. 4 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

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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.

Subd. 5 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 Subp. A-I.

Subd. 6 Prohibitions

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building with indoor plumbing intended for habitation unless it has a wastewater treatment system that disposes of wastewater in a manner that complies with the provisions of this Ordinance.

B. 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 by the MPCA.

C. Sewage Discharge to a Well or Boring

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 that is not in compliance with this Ordinance.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

905.05 SSTS Standards

Subd. 1 Standards Adopted by Reference

The City of Pine City hereby adopts by reference the 2011 Minnesota Rules, Chapters 7080 through 7083 in their entirety as now constituted and from time to time amended. This adoption does not supersede the City's right or ability to adopt local standards that are in compliance with Minnesota Statute §115.55 and applicable Minnesota rules within the Department of Natural Resources Chapter 6120. This Ordinance shall also include standards described in the City of Pine City Shoreland Management Ordinance, City of Pine City Flood Plain Ordinance, and the City of Pine City Subdivision and Platting

Ordinance or in the rules in applicable Chapters are also adopted by reference.

Subd. 2 Amendments to the Adopted Standards

A. Adopted Standards

Design flow determination for dwellings will be designed for class 1 buildings only. The design flow for bedrooms is determined by multiplying 150 gallons by the number of bedrooms.

B. Determination of Hydraulic Loading Rate and SSTS

Sizing Table IX “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 Table IXa 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 Percolation Tests” from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) are herein adopted by reference and either shall be used to size SSTS infiltration areas for SSTS design.

C. Compliance Criteria for Existing SSTS SSTS built before April 1, 1996 that are not located in Shoreland area, wellhead protection area, or is not a commercial establishment where food, beverage, or lodging are served or provided, must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

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 Minnesota Rules, Chapter 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. Existing systems that have no more than a 15 percent reduction in this separation distance (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 Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. Minnesota Rules, Chapter 7080.1500, Subp. 4.

D. Holding Tanks

- a) Holding tanks may be allowed any of the following applications:
 - i. for legal lots of record where it can be shown conclusively that a Type I SSTS permitted under this Ordinance cannot be feasibly installed;
 - ii. where there is limited water use such as seasonal properties,

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sensitive sites, parks, playgrounds, etc;

- iii. as temporary disposal method to alleviate an imminent threat to public health or during construction, repair, or replacement of new and existing systems.

b) Holding tanks must be used under the following conditions:

- i. The owner shall install a holding tank in accordance with Minnesota Rules Section 7080.2290;
- ii. The owner shall install a water meter to continuously record indoor water use;
- iii. The owner shall maintain a valid contract with a licensed maintainer to pump and dispose of septage according to the applicable standards in Code of Federal Regulations, title 40, part 503; and
- iv. The owner must maintain current and historical records of maintainer pumping; volume of liquid removed; and the water meter reading at the time of pumping; all for Department review upon request. Volumes removed shall coincide with metered water use readings.

E. Privies

Privies are permitted provided they meet vertical separation and/or vault guidelines depicted in MN State Rules 7080.2150 and 7080.2280.

Subd. 3 Variances

A. Variance Requests

A property owner may request a variance from the standards as specified in this Ordinance pursuant to the City of Pine City policies and procedures.

B. Affected Agency

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

C. Board of Adjustment – City Council

- a) Any property owner requesting relief from the strict application of the provisions in this Ordinance must complete and submit an Application for Variance to the City Council. The variance request must include, as applicable:

- i. A statement identifying the specific provision or provisions in the ordinance from which the variance is requested;
 - ii. A description of the hardship that prevents compliance with the rule;
 - iii. The alternative measures that will be taken to achieve a comparable degree of compliance with the purposes and intent of the applicable provisions;
 - iv. The length of time for which the variance is requested;
 - v. Cost considerations only if a reasonable use of the property does not exist under the term of the ordinance; and
 - vi. Other relevant information requested by the City Council as necessary to properly evaluate the variance requested.
- b) The appropriate fee shall be paid at the time of submittal of the application to receive consideration by the City Council.
- c) Upon receipt of the variance application, the City Council shall decide if a site investigation conducted by the City Council will be necessary. After the necessary information has been gathered, the City Council shall make a written recommendation to approve or deny the variance.
- d) The City Council shall make the final decision after conducting a public hearing. The variance may be granted provided that:
 - i. The condition causing the demonstrated hardship is unique to the property and was not caused by the actions of applicant;
 - ii. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to property values in the vicinity;
 - iii. The property owner would have no reasonable use of the land without the variance;
 - iv. The granting of the variance would not allow a prohibited use; and
 - v. The granting of the variance would be in accordance with Minnesota Rules, Chapters 7080, 7081, and 7082.
- e) In granting a request for a variance, the City Council may attach such

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conditions as it deems necessary to conform to the purpose and intent of this Ordinance.

- f) Any violation of the terms and conditions of a variance issued pursuant to this Ordinance, or any violation of any provision of this Ordinance relating to the specific issue of the variance, shall result in immediate revocation of the variance.
- g) Any variance granted shall automatically expire if the system is not installed within one year of the grant of the variance.
- h) Any appeal from any order, requirement, decision, or determination of the City Council in accordance with its policies and procedures.

905.06 SSTS Permitting

Subd. 1 Permit Required.

It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the authorized inspector of the City of Pine City. The issuing of any permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

Subd. 2 Construction Permit.

A construction permit must be obtained by the property owner or an agent of the property owner from the authorized septic inspector prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).

A. Activities Requiring a Construction Permit

A construction permit from the authorized City septic inspector 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.

B. Activities Not Requiring a Permit

A construction permit is not required for minor repairs or replacements 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.

C. Permit Application Requirements

Construction permit applications shall be made on forms provided by the City of Pine City septic inspector and signed by the applicant and an appropriately certified practitioner including the practitioner's certification number and date of expiration. The applications shall include the documents listed in items A through E below.

- a) Name, mailing address, telephone number and email 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.

D. Application review and Response

The City of Pine City's authorized inspector shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the inspector shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The inspector shall complete the review of the amended application within 15 working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this Ordinance, the City of Pine City's inspector shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

E. Appeal

The applicant may appeal the inspector's decision to deny the construction permit in accordance with the City's established policies and appeal procedures.

F. Permit Expiration

The construction permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the design documents as approved by a licensed inspection business, which is authorized by the City Council and independent of the owner and the SSTS installer.

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G. Extensions and Renewals

The City of Pine City's authorized septic inspector may grant an extension of the Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than 12 months.

H. Transferability

A construction permit may be transferred to a new owner provided the new owner follows the design and permit as it has been issued and the site and soil conditions have not been altered or otherwise damaged.

I. Suspension or Revocation

The City Council and its authorized septic inspector may suspend or revoke a construction permit issued under this section 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. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.

J. Posting

The construction permit shall be posted on the property in such a location and manner so that the permit is visible and available for inspection until construction is completed and certified.

Subd. 3 Operating Permit

A. SSTS Requiring an Operating Permit

An operating permit shall be required of all owners of Type IV, V, MSTS or any other system deemed by the City Council to require operational oversight. Sewage shall not be discharged to a MSTS until the City Council certifies that the MSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS, and a valid operating permit issued to the owner.

B. Operating Permit Application Requirements

a) Application for an operating permit shall be made on a form provided by the authorized City of Pine City's septic inspector including:

- i. Owner name, mailing address, telephone and email address;

- ii. Construction permit reference number and date of issue;
- iii. Final record drawings of the treatment system; and
- iv. Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.

b) Monitoring and Disposal Contract

Owners of holding tanks shall provide to the inspector or the City Council 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. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes §115.56, Subd. 2(b)(3).

c) City Response

The City Council or its authorized inspector 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 City Council or inspector. If the submitted documents fulfill the requirements, the inspector shall issue an operating permit within 10 working days of receipt of the permit application.

d) Operating Permit Terms and Conditions

The operating permit shall include the following (see Minnesota Rules, Chapter 7082.0600, Subp. 2B):

- i. System performance requirements;
- ii. System operating requirements;
- iii. Monitoring locations, procedures and recording requirements;
- iv. Maintenance requirements and schedules;
- v. Compliance limits and boundaries;
- vi. Reporting requirements;
- vii. Department notification requirements for non-compliant conditions;

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- viii. Valid contract between the owner and a licensed maintenance business;
- ix. Disclosure, location and condition of acceptable soil treatment and dispersal system site; and
- x. Descriptions of acceptable and prohibited discharges.

e) Operating Permit Expiration and Renewal

- i. Operating permits shall be valid for the specific term stated on the permit as determined by the City Council.
- ii. An operating permit must be renewed prior to its expiration. If not renewed, the City Council may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the City may require that the system be abandoned in accordance with Minnesota Rule 7080.2500.
- iii. The City Council or its authorized inspector 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.
- iv. Application shall be made on a form provided by the City Council or its authorized septic inspector, including:
 - a. Applicant name, mailing address and phone number;
 - b. Reference number of previous owner's operating permit;
 - c. Any and all outstanding Compliance Monitoring Reports as required by the operating permit;
 - d. Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the City;
 - e. Any revisions made to the operation and maintenance manual; and
 - f. Payment of application review fee as determined by the City Council.

F. Amendments to Existing Permits not Allowed

The City of Pine City 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.

G. Transfers The operating permit may be transferred.

The new owner shall notify the department of their ownership within 60 days of the sale of a property operated under an operating permit.

H. Suspension or Revocation

- a) The City Council or its authorized septic inspector 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.
- b) Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- c) If suspended or revoked, the City Council may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Article 4.
- d) At the City Council's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

I. Compliance 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. The report shall be submitted to the City Council on a form provided by the City Council on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and serving activities performed since the last compliance monitoring report as described below:
 - i. Owner name and address;
 - ii. Operating permit number;

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- iii. Average daily flow since last compliance monitoring report;
- iv. Description of type of maintenance and date performed;
- v. Description of samples taken (if required), analytical laboratory used, and results of analyses;
- vi. Problems noted with the system and actions proposed or taken to correct them; and
- vii. Name, signature, license and license number of the licensed professional who performed the work.

Subd. 4 Abandonment Certification

- A. Purpose. The purpose of the System Abandonment Certification is to ensure that a treatment system with no future intent for use be abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.
- B. Abandonment Requirements
 - a) Whenever the use of a SSTS or any system component is discontinued with no future intent of use 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.
 - b) An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system within 60 calendar days of a system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification to of the City Council of an owner's intent to abandon a system is necessary.
 - c) A report of abandonment certified by the licensed installation business shall be submitted to the City Council. The report shall include:
 - i. Owner's name and contact information;
 - ii. Property address;
 - iii. System construction permit and operating permit;

- iv. The reason(s) for abandonment; and
- v. 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.

C. Abandonment Certificate

Upon receipt of an abandonment report and its determination that the SSTS has been abandoned according to the requirements of this Ordinance, the City Council shall issue an abandonment certificate. If the abandonment is not completed according to the requirements of this Ordinance, the City shall notify the owner of the SSTS of the deficiencies, which shall be corrected within 30 calendar days of the notice.

905.07 Management Plans

Subd. 1 SSTS Requiring Management Plans

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Council's authorized septic inspector with the construction permit application for review and approval. The City Council's authorized septic inspector shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

Subd. 2 Required Contents of a Management Plan.

Management plans shall include (Minnesota Rules, Chapter 7082.0600, Subp. 1):

- A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- B. Monitoring requirements;
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- D. Statement that the owner is required to notify the City Council's authorized septic inspector when the management plan requirements are not being met;
- E. 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; and
- F. Other requirements as determined by the City Council.

Subd. 3 Requirements for Systems not Operated under a Management Plan. Minnesota

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Rules Chapter 7082.0100, Subp. 3(L) requires SSTS that are not operated under a management plan or operating permit should have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

905.08 Compliance Management

Subd. 1 Compliance Inspection Program

A. City Council Responsibility

It is the responsibility of the City Council, through its authorized agent, to perform various SSTS compliance inspections as necessary or required.

a) SSTS compliance inspections must be performed:

- i. To ensure compliance with applicable requirements.
- ii. Whenever a permit or variance of any type is required for an improvement on, or use of, the property in shoreland areas of the City as defined in the City of Pine City Shoreland Management Ordinance. The City of Pine City will have authority and jurisdiction of shorelands under the City of Pine City Shoreland Ordinance, within 300' of creeks/rivers; 1,000 feet from lakes.
- iii. For all new SSTS construction or replacement.
- iv. Prior to the sale of a property which is required to be serviced by a SSTS.
- v. For an evaluation, 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.

b) All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

B. New Construction or Replacement

a) Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081.

- b) It is the responsibility of the SSTS owner or the owner's agent to notify the City Council or its authorized septic inspector two calendar days prior to any permitted work on the SSTS.
- c) A certificate of compliance for new SSTS construction or replacement, which shall be valid for five years, shall be issued by the City Council or its authorized septic inspector if they have reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
- d) The certificate of compliance must include a certified statement by the certified inspector who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
- e) The certificate of compliance or notice of noncompliance must be submitted to the City Council through its authorized septic inspector no later than 15 calendar days after the date the inspection was performed. The City Council or its authorized septic inspector shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 calendar days of receipt from the certified inspector. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.
- f) Certificates of compliance for new construction or replacement shall remain valid for five years from the date of issue unless the City Council finds evidence of noncompliance.
- g) SSTS that are managed by an operating permit must be maintained, monitored or otherwise managed according to the operating permit. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the City Council's requirements.

C. Existing Systems

- a) Compliance inspections shall be required when any of the following conditions occur:
 - i. When a construction permit is required to repair, modify, or upgrade an existing system.
 - ii. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the

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system.

- iii. At the time of property sale or transfer (see 8.01.04).
 - iv. At any time, an increase in the number of bedrooms of a dwelling which requires a permit from the City of Pine City.
 - v. Any permit or variance application within the shoreland.
 - vi. When an operating permit is to be renewed.
 - vii. At any time as required by this Ordinance or the City Council 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. The following conditions must be assessed or verified:
- i. Water-tightness assessment of all treatment tanks including a leakage report;
 - ii. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report; and
 - iii. Sewage backup, surface seepage, or surface discharge.
- c) The certificate of compliance must include a certified statement by a licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the inspector or the City Council if the required corrective action is not a minor repair.
- d) The certificate of compliance or notice of noncompliance must be submitted to the inspector or the City Council no later than 15 calendar days after the date the inspection was performed. The City Council or inspector shall deliver the certificate of compliance or notice of noncompliance to the owner or the other's agent within 15 calendar days of receipt from the licensed inspection business.
- e) Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the City Council finds evidence of

noncompliance.

D. Transfer of Properties

- a) Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
- i. A compliance inspection has been performed and a certificate of compliance has been issued and on file with the City Council within three years for SSTS older than five years or within five years if the system is less than five years old prior to the intended sale or transfer of the property, unless evidence is found identifying an imminent threat to public health or safety;
 - ii. The compliance inspection must have been performed by a licensed inspection business following procedures described in Section 905.08 Subd. 1 letter C. of this Ordinance;
 - iii. The seller of the property must disclose in writing information about the status and location of all known ISTS on the property to the buyer on a form acceptable to the inspector or the City Council.
 - iv. If the seller fails to provide a certificate of compliance, sufficient security in the form of an escrow agreement to assure the installation of a complying ISTS shall be established. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to 150% of a written estimate to install a complying ISTS provided by a licensed and certified installer, or the amount escrowed shall be equal to 110% of the written contract price for the installation of a complying ISTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the City Council shall provide the escrow agent a copy of the certificate of compliance.
 - v. In absence of the escrow account according to Section 905.08 Subd 1. D(iv) above, the buyer shall be responsible for the necessary inspection and upgrading of said SSTS.
- b) The compliance portion of the certificate of compliance need not be completed

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if the sale or transfer involves the following circumstances:

- i. The affected tract of land is without buildings or contains no dwellings or other buildings with indoor plumbing fixtures.
 - ii. The transfer does not require the filing of a Certificate of Real Estate Value as described in Minnesota Statutes §272.115, Subd. 1.
 - iii. The transfer is a tax forfeiture.
 - iv. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such a contract.
- c) All property conveyances subject to this Ordinance occurring during the period between November 15th and April 15th, when SSTS compliance cannot be determined due to frozen soil conditions, shall require a winter agreement, which includes an application for an SSTS permit and an agreement to complete a compliance inspection by the following June 1st by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be non-compliant, an escrow agreement must be established in accordance with Section 905.08 Subd 1. D(iv) above, and the system upgraded.
- d) The responsibility for filing the completed compliance portion of the certificate of compliance under Section 905.08A., above, or for upgrading a system found to be non-compliant shall be determined by the buyer and seller. Buyer and seller shall provide the City Council or inspector with a signed statement indicating responsibility for completing the compliance portion of the Certification and for upgrading a system found to be non-conforming.
- e) Neither the issuance of permits, certificates of compliance, or notices of noncompliance 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.

905.09 Enforcement

Subd. 1 Violations

A. Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, 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 provision hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

B. Notice of Violation

The City Council or its authorized septic inspector shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. 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 Ordinance;
- c) Specific requirements for correction or removal of the specified violation(s); and
- d) A mandatory time schedule for correction, removal and compliance with this Ordinance.

C. Cease and Desist Orders

Cease and desist orders may be issued when the City Council has probable cause that an activity regulated by this or any other town ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

Subd. 2 Prosecution

In the event of a violation or threatened violation of this Ordinance, the City of Pine City 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 City Attorney shall have authority to commence such civil action. The City Council and the City Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

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Subd. 3 Cost and Reimbursements

If the City Council is required to remove or abate an imminent threat to public health or safety, the City Council may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the City Council, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the public health nuisance was located. The City of Pine City shall extend the cost of as assessed and charged on the tax roll against said real property.

Subd. 4 State Notification of Violation

In accordance with state law, the City Council or its authorized septic inspector shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

905.10 Record Keeping.

The City of Pine City and its licensed inspector shall maintain a current record of all permitted systems, and copies shall be provided to Pine County. The record shall contain all 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 City sorted by licensed installation businesses, and other records relevant to each system.

905.11 Dispute Resolution Procedures.

- A. In the event of a dispute between two designers on whether the soil or design meets the minimum requirements of the ordinance the City's licensed inspector shall review the site, upon request, and make the final determination.
- B. In the event that a designer and the City inspector have a dispute related to the design or soils meeting the minimum requirements of the ordinance the City Council or its licensed inspector shall meet with the designer on-site to review the soils and design. If the dispute is unresolved the City inspector and the designer shall request a mutually agreeable soil scientist to review the site. The applicant shall provide a deposit in an amount to be determined by the City of Pine City to cover the cost of the soil scientist and City review. Both parties shall agree in writing that the soil scientist findings shall be final. If the scientist determines the City inspector correctly interpreted the soils, the deposit will be retained and used to pay the scientist and City, with any extra money refunded to the applicant. If the soil scientist determines the designer was correct, the deposit shall be refunded and the City will pay for the cost of the soil scientist review. If soils are reviewed with the soil scientist that was not previously reviewed by the City shall retain the deposit. All reviews with the soil scientist shall be conducted in a pit

that is a minimum of 4 feet by 4 feet with a depth of at least 3 feet below the bottom of the proposed system or until bedrock or the water table, whichever is less.

905.12 Annual Report.

The City of Pine City shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

905.13 Fees.

From time to time, the City Council shall establish fees for activities undertaken by the City Council pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the City Council.

905.14 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City of Pine City and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

905.15 Severability.

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

905.16 Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing City ordinances, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

905.17 Ordinance Repealed.

This Ordinance repeals the Individual Sewage Treatment Systems Ordinance of the City of Pine City, adopted May 31, 2018.

905.18 Adoption.

The City of Pine City Subsurface Sewage Treatment Program Ordinance is hereby adopted by the City Council of the City of Pine City on this 31st day of May, 2018.