

DOC# A 478818  
Certified, Filed and or Recorded on  
Mar. 19, 2009 AT 01:00PM

DOC# T 16024  
Cert. #--1

Certified, Filed and or Recorded on  
Mar. 19, 2009 AT 01:00PM

TAMARA TRICAS  
COUNTY RECORDER  
PINE COUNTY, MN  
Fee Amount: \$46.00

TAMARA TRICAS  
COUNTY RECORDER  
PINE COUNTY, MN  
Fee Amount: \$46.00

AN INDIVIDUAL SEWAGE TREATMENT SYSTEM ORDINANCE

STATE OF MINNESOTA )  
                                      ) ss.  
COUNTY OF PINE            )

Pokegama Township

I, Gordon Johnson, Zoning Administrator/ for Pokegama Township with and in for said County, do hereby certify that I have compared the foregoing copy of an Individual Sewage Treatment System Ordinance with the original record thereof preserved in the Office of the Pokegama Township Town Hall, and have found the same to be correct and true transcript of the whole thereof.

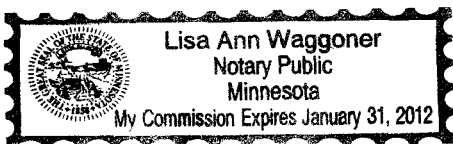
IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Pokegama Town Hall, Pine City, Minnesota, in the County of Pine on the 19<sup>th</sup> day of March, 2009.

Gordon Johnson  
  
Zoning Administrator  
Pokegama Township

This instrument was drafted by:  
Pokegama Township  
18336 Town Hall Road  
Pine City, Mn 55063

Subscribed and sworn to be before me  
This 19<sup>th</sup> day of March, 2009.

Notary Public  
Pokegama Township



**POKEGAMA TOWNSHIP,**

**PINE COUNTY,**

**MINNESOTA**

**SUBSURFACE SEWER**

**TREATMENT SYSTEM**

**ORDINANCE**

## **INTRODUCTION**

The Board of Supervisors of Pokegama Township, Pine County, Minnesota, ordains and adopts this ordinance establishing standards for the regulations of Individual Sewer Treatment Systems (ISTS) pursuant to Minnesota Statutes Section 115.55 and Minnesota Rules Chapters 7080.

### **SECTION 1 STATUTORY AUTHORITY**

Minnesota State Statute 462, 115.55 and Minnesota Rules Chapters 7080, parts 7080 0010 -- 7080.0600 and 7080.0179 , relating to individual sewage treatment systems, as amended, are hereby incorporated by reference and made part of this ordinance as if fully set forth herein.

### **SECTION 2 PURPOSE AND SCOPE**

The purpose of this ordinance shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) 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, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapter 115 and 145a and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

### **SECTION 3 EFFECTIVE DATE AND REPEAL**

The Pine County Ordinance, Relating to the Regulations of Private Sewage Systems is hereby repealed. All Other ordinances or parts of ordinances of Pine County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed. This ordinance shall be effective in Pokegama Township upon passage by the Pokegama Township Board of Supervisors.

### **SECTION 4 JURISDICTION**

#### **A. POKEGAMA TOWNSHIP**

This ordinance shall apply throughout unincorporated areas of Pokegama Township including all land and water, excluding the public sewer system established by Pokegama Township.

## B. JURISDICTION OF OTHER AGENCIES

1. **Minnesota Department of Health Jurisdiction.** The Minnesota Department of Health regulates Group Systems and Individual Sewage Treatment Systems of facilities for public use, such as restaurants, gas stations, mobile home parks and combined residences greater than a four-plex. In accordance with Minnesota Rules Chapter 4720, all plans and specifications for the installation, alteration or extension of such Sewage systems must be submitted to; and receive approval from, the Minnesota Department of Health before such work can begin. The Inspector will inspect the installation of these systems, in accordance with the plans approved by the Minnesota Department of Health.
2. **Minnesota Pollution Control Agency Jurisdiction.** The Minnesota Pollution Control Agency requires that the owners or Operators of all Group or Individual Sewage Treatment Systems designed to treat an average design flow greater than the amount set forth in applicable MN Rules, must make application for and receive a State Disposal System Permit from the Minnesota Pollution Control Agency in accordance with all applicable Minnesota Rules, including Chapters 7001 and 7080, and the forthcoming 7089 for cluster and larger systems.
3. **Environmental Protection Agency.** The US Environmental Protection Agency regulates industrial wastewater treatment systems receiving nonhazardous wastes as Class V injection wells under Code of Federal Regulations, title 40, part 144. These federal regulations along with this chapter also cover Individual Sewage Treatment Systems serving more than 20 persons. The US Environment Protection Agency is also the lead agency for regulating the land application of seepage.

## SECTION 5 SEVERABILITY AND LIABILITY

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or cause an Action against the Township, or any employee thereof, for any Subsurface Sewer Treatment System or any non-plumbing sanitation system that may not function as designed. There shall be no warranty for any site that is approved or denied. The issuance of a sanitary permit and inspection of such system does not warrant the systems function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Minnesota Individual Sewer Treatment Systems Rules Chapter 7080.

## **SECTION 6 ABROGATION**

It is not intended by this chapter to repeal, abrogate, impair, or interfere with any existing easements, covenants, deed restriction, agreements, or permits previously adopted or issued by existing Township Ordinance. However, where this Ordinance is more restrictive, it shall take precedence.

## **SECTION 7 ADMINISTRATION**

- A. The Pokegama Township Zoning Department shall be responsible for the administration of this ordinance.
- B. The Department shall have the following duties and powers, including but not limited to the following;
  1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications.
  2. Review and approve plans for subsurface sewage treatment systems as required by this Ordinance.
  3. Issue permits and inspect properties for compliance with this ordinance.
  4. Maintain copies of certificates of compliance, notices of non-compliance, permit applications, issued permits, enforcement proceedings, variance requests, and other official actions taken.
  5. Maintain permit files to include; site evaluation reports, design reports, as built drawings, management plans, results for approved management plans and an annual list of all sewage systems installed in the Township, sorted by licensed installation business.
  6. Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties. Application for and issuance of a sanitary permit shall constitute permission by the owner for said access.
  7. Report violations of this ordinance to the Pokegama Township Planning Commission and the Township Supervisors.
  8. Upon reasonable cause or question as to proper compliance, revoke any permit issued under this ordinance and require cessation of any construction, alteration or use of any building which is in violation of the provisions of this ordinance until compliance with this ordinance or all applicable state statutes and codes is obtained.

## SECTION 8 GENERAL PROVISIONS

All, design, installation, alteration, repair, maintenance, operation, pumping and inspection activities for Individual Sewer Treatment Systems (ISTS) within Pokegama Township shall be completed by an Minnesota Pollution Control (MPCA) licensed business or individual or a person exempted as described in Minnesota ISTS program Chapter 7080, as amended.

**Exemption:** A property owner self- installing or repairing an on-site sewage treatment system on the owner's property shall be exempt from the license requirement to install such system. The property owner will be required to obtain a site evaluation and design report from a currently Minnesota Pollution Control Agency licensed designer I or II and a permit from the Zoning Department Office. The property owner will further be required to have the system inspected in accordance with the requirements of the Township ISTS Ordinance, Minnesota Rule Chapter 7080 and MN. Statute 115.55.

- A. **Treatment Area Requirements.** All lots created after Jan. 23, 1996, must have a minimum of two (2) soil treatment and dispersal areas which can support a standard soil treatment system.
- B. **Additions.** The Township shall not issue a variance for replacement of a residential building or a building permit for the addition of a bedroom on property served by a private wastewater system unless the ISTS is in compliance with this ordinance as evidence by a certificate of compliance or a notice of noncompliance.
- C. **Occupancy.** Any building or dwelling located in the Township that is permanently or intermittently intended for human habitation or occupancy which is not served by a public sewer system, shall be provided with a means for treating and disposing of sewage and wastewater by a method of holding or treatment and dispersal that complies with provision of this ordinance or Minnesota Rule Chapter 7080.
- D. **A Non-plumbing Sanitation System.** A non-plumbing sanitation system shall be installed when the structure or premises served by the system is not provided with any type of interior plumbing system. If plumbing is installed in the structure, a private on-site wastewater treatment system shall be installed prior to the connection of the water service. A Township sanitary permit is required for these types of systems.
- E. **NPDS or SDS Permits.** Any new or existing system which discharges to surface water or the ground surface must obtain either an NPDS or SDS permit from the Minnesota Pollution Control Agency and shall comply with all NPDS or SDS requirements.
- F. **Prohibited Discharges.** Sewage, sewage tank effluent, or seepage shall not discharge into any well boring or any other excavation in the ground not in compliance with Minnesota Rules Chapter 7080.

- G. System Influent.** Footing or roof drainage and chemically treated hot tubs and pool water shall not enter any part of the system. Products containing hazardous waste and hazardous substances must not be discharged to a system other than normal amounts of household products and cleaners.

## **SECTION 9. NEW SYSTEM COMPLIANCE INSPECTIONS**

- A. The Zoning Administrator or Agent shall cause such inspection or inspections as are necessary to determine compliance with this ordinance. No part of the sewage treatment system or addition, extension or alteration shall be covered until it has been inspected and accepted by the Township Inspector or Agent. The permittee or installer of the system shall notify the Zoning Department or Agent, at least forty eight (48) hours prior to the job being ready for inspection or re-inspection. The Department Inspector or agent shall make the inspection within twenty-four (24) hours after such notice has been given. In cases where the inspector cannot make the twenty four (24) time limit, the inspector will notify both the Township and permittee to reschedule the inspection. At no time shall the rescheduled inspection exceed forty eight (48) after permittee notification.
- B. The owner or occupant of the property shall give the Department Inspector or Agent free access to the property at reasonable times for the purpose of making such inspections.
- C. Certificates of Compliance for new construction or replacements remain valid for five (5) years from the date of issuance unless the Township find evidence of non compliance.

## **SECTION 10. EXISTING SYSTEM COMPLIANCE INSPECTIONS.**

- A. All notices of non-compliance or certificates of compliance must be prepared and signed by a Minnesota currently licensed inspector or designer I. A copy of the certificate of compliance or notice of non-compliance resulting from compliance inspection shall be provided to the property owner and the Zoning Administrator within fifteen (15) days from the date of the compliance inspection.
- B. If two (2) compliance inspections are submitted to the Zoning Administrators Office with differing results, the procedures as stated in Section 13 of this Ordinance shall be followed.
- C. A Individual Sewage Treatment Systems located on private or public property shall require a compliance inspection when any of the following conditions occur:

1. In designated shoreland management zones, an ISTS must be inspected when any land use/ building permit or variance is requested for any improvement.
  2. An ISTS in any other zoning district must be inspected when a land use permit for a bedroom addition or a variance is requested for the property.
  3. No owner of a dwelling shall sell such dwelling by conveyance or contract for conveyance without providing for an inspection in accordance with this ordinance. (Shoreland Only)
  4. When Zoning Department receives a complaint relating to an ISTS system.
- D. The Zoning Administrator or agent shall require a system identified as non-complying to be upgraded, replaced, or its use discontinued within an appropriate time no greater than ten (10) months if such system is declared to be an imminent public health threat. In all other cases, within eighteen (18) months, unless there is found to be an imminent public health threat upon further investigations.
- E. For bedroom additions where the ISTS was installed between May 27, 1989 and January 23, 1996 a property owner has five (5) years from the date of the bedroom addition permit issuance to upgrade the ISTS system unless a the inspection reveals a imminent public health threat.
- F. A certificate of compliance or notice of non compliance shall be based on the results of the verifications stated in Section 12.D.1a—1d.
- G. A Certificate of Compliance for an existing ISTS system is valid for three (3) years after said inspection.
- H. **Straight-pipe systems; noncompliance**, Upon discovery of the existence of a straight-pipe system, the Township Inspector shall issue a noncompliance notice to the owner of the straight-pipe system and forward a copy to the Agency. The notice must state that the owner must replace or discontinue the use of the straight pipe system within ten (10) months after the notice was received, the owner of the straight-pipe system shall be subjected to an administrative penalty of \$500 per month of noncompliance beyond the ten (10) month period.

## SECTION 11. UPON SALE OF PROPERTY

- A. Any Individual Sewer Treatment System located on real property lying within the Shoreland of Pokegama Township shall be brought into compliance with the requirements of the current Individual Sewage Treatment System (ISTS) standard promulgated by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules Chapter 7080, hereinafter known as “Chapter 7080”, and the Pokegama



Township Individual Sewage Treatment System Ordinance, hereinafter known as “the Ordinance”, whichever is most restrictive, upon conveyance of said real property.

- B. Prior to the conveyance of any real property, the seller must disclose in writing to the buyer, information about the status and location of all known ISTS on the property by delivering to the buyer either a sworn affidavit by the seller that no ISTS exists on the property to the best of their knowledge after diligent investigation, or a certificate of compliance or notice of non-compliance meeting all provisions of Chapter 7080 being the result of a compliance inspection conducted by a Minnesota state registered inspector holding a Designer 1 or Inspector certification. A certificate of compliance or a notice of noncompliance meeting all provisions of Chapter 7080 and this ordinance must be submitted to the Pokegama Township Zoning Department within fifteen (15) days after the compliance inspection. If a Subsurface Sewer Treatment System is found to be in noncompliance, a site evaluation meeting all provisions of Chapter 7080 must be submitted with the notice of noncompliance.
- C. At the time of recording the conveyance of any real property within the boundaries of Pokegama Township, the seller shall provide to the Department and the County Recorder one of the following:(1) a sworn affidavit by the seller certifying that no Subsurface Sewer Treatment System exists on said property to the best of their knowledge after diligent investigation (affidavit), or (2) a certificate of compliance on forms approved by the Pokegama Township Zoning Department (certificate). Failure to present to the Zoning Department or County Recorder an affidavit or a certificate of compliance shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes.
- D. Liability for Failure to Disclose: Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence of a Subsurface Sewer Treatment System at the time of sale and knew or had reason to know of the existence of an individual sewage treatment system, is liable to the buyer for costs relating to bringing the Individual Sewage Treatment System into compliance with this ordinance.
- E. All property conveyances subject to this Ordinance occurring during the period between November 1<sup>st</sup> and April 30<sup>th</sup> when ISTS compliance cannot be determined due to frozen soil conditions, shall require a winter agreement, which includes an ISTS Compliance Inspection Agreement. This agreement must stipulate that the seller and buyer have a signed agreement as to who is responsible for the replacement or upgrade of the ISTS. A copy of this agreement must be submitted to the Zoning Department at or before the time of closing. The compliance inspection must be completed by following June 1<sup>st</sup> by a State-licensed inspector or designer I. A certificate of Compliance must be submitted to the Township Zoning Department and property owner by September 30, of current year.

## **SECTION 12. INSPECTION REQUIREMENTS**

- A. No part of the system shall be covered until it has been inspected and accepted by the Township and the Township Inspector.
  
- B. Minimum System Inspections for new or replacement systems:
  - 1. Trench systems shall require an observation pit, tank inspection, a rock bed inspection and a final inspection.
  - 2. At-grade or mound systems shall require a scarification inspection, a rock bed inspection, tank inspection and a final inspection.
  - 3. The Township or Township Inspector, dependent on the type of system installed, may require additional inspections to ensure compliance with this ordinance and the MN. Rules chapter 7080.
  - 4. The construction inspection requirement may be satisfied by a review by the Township or Township Inspector, of video, electronic, photographic, or other evidence to show compliance as provided by the installer.
  - 5. Final approval will not be issued until the pumps and alarms are wired and when the system is fully operational.
  
- C. Minimum inspections requirements for existing systems
  - 1. An inspection for existing ISTS must verify the following conditions;
    - 1. Sewage tanks must be assessed for leakage below the operating depth.
    - 2. The vertical separation distance from the bottom of the soil treatment and dispersal system and the seasonally saturated soil or bedrock must be verified.
    - 3. Sewage backup, surface seeping or surface discharge from the system must be determined.
    - 4. Compliance with the system operational and maintenance requirements must be determined.

### **SECTION 13. SEASONALLY SATURATED SOIL DISAGREEMENTS**

If a documented discrepancy arises on the depth of the seasonally saturated soil between licensed businesses or individuals or ISTS licensed businesses and the Township, for ISTS design or compliance purposes, the following procedures shall be followed:

- A. Disputing parties must meet at the disputed site in an attempt to resolve differences.
- B. If the above item does not resolve the differences, then the disputed parties shall obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of and agreed upon by both parties.
- C. The third party in Section 13, subd. B shall only be verifying the depth to redoximorphic features that indicate a seasonally saturated soil

### **SECTION 14. WARRANTY**

Neither the issuance of permits, certificates of compliance 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 only indicates that the physical attributes of the system were found to meet the existing system criteria, also such certificates do not guarantee the future hydraulic performance of the system.

### **SECTION 15 LIMITATIONS**

- A. **Non-plumbing Sanitation System (Privy)**
  - 1. A non-plumbing sanitation system may be allowed only when the structure or premises served by the non-plumbing sanitation system is not provided with an interior plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an approved method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
  - 2. Installation and maintenance of privies shall meet the requirements under the Minnesota ISTS Rule Chapter 7080, parts 0172, subpart 2, as amended.
- B. **Floodplain.** Any private sewage system, or portions(s) thereof, installed within a Floodplain shall comply with all applicable requirements of, Minnesota Rule Chapter 7080 and the Township Ordinances.
- C. **Holding Tanks.**

1. Installation of a holding tank for new construction is prohibited if an in ground, at-grade, mound system, or another system permitted by Minnesota Rules Chapter 7080 or the Department, could be utilized with the following exceptions:
  - a. A holding tank may be installed to serve a use with a design wastewater flow of less than or equal to 150 gallons per day if developed lots do not have adequate area for sewage treatment system or for the replacement of an existing failing system. An application for sanitary permit to install a holding tank to serve an use with less than or equal to 150 gallons per day shall include a written statement from:
    - (1) The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a design wastewater flow which exceeds 150 gallons per day.
  - b. A temporary holding tank may be installed if a public sewer approved by the Districts will be installed to serve the property within 2 years of the date of permit issuance. An application for a sanitary permit to install a temporary holding tank shall include written statements from:
    - (1) Pokegama Township or Crosslake sanitary district verifying the date that public sewer will be installed and available to serve the property;
    - (2) The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.
    - (3) The property owner with a contract that guarantees the removal of the tank contents prior to overflow or any discharge, signed by the owner and a licensed pumper. If public sewer does not become available within 2 years of the date sanitary permit issuance, the holding tank must be replaced with another type of system recognized by this Ordinance and/or Minnesota Rules Chapter 7080.
  - c. Any other use that has received a variance from the Pokegama Township Planning Commission. If a variance request is approved, a form, provided by the Township Board, shall be recorded with the County Recorder on the applicable deed.

2. A sanitary permit for a holding tank designated as new or as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for an in-ground, at-grade or mound system permitted by the Minnesota Chapter 7080 or the Pokegama Township Zoning Department.
3. Holding Tank capacity, design and setbacks for single family dwellings shall meet the requirements required under Minnesota Rule Chapter 7080.
4. A Monitoring and disposal plan as per section 15, must be submitted to the Township Zoning Department before any permit is issued.

**D. Other Systems.**

1. Other systems designed under this subsection must operate under the permit requirements of Minnesota Rules Chapter 7080 and this Ordinance.
2. Other systems must provide flow measurement.
3. Systems designed and constructed under this subsection shall be considered in compliance only if they meet the requirements of the approved monitoring plan.

**SECTION 16 SOIL AND SITE EVALUATIONS**

- A. All soil site evaluations conducted for requirements of this ordinance shall be performed in accordance with Minnesota Rules Chapter 7080 and this Ordinance.
- B. Soil evaluation shall be conducted by a Minnesota Licensed Designer I or an Minnesota Certified Soil Tester, licensed as an MPCA inspector or designer on all sites regardless of the type of ISTS planned to serve the parcel.
- C. Soil observations must be conducted prior to any required percolation tests to determine whether the soils are suitable to warrant a percolation test and, if suitable, at what depth percolation tests shall be conducted.
- D. Soil observation pits shall be constructed which allow adequate visual observations of the soil profile. Soil pits are best accomplished by the excavation of backhoe pits.

**SECTION 17 SANITARY PERMITS**

**A. Permits General**

A Township Sanitary Permit shall be obtained by the owner, his/her agent or contractor before any Individual Sewer Treatment System may be installed, enlarged or altered or repaired. This section also includes the construction or in erecting a non-plumbing sanitation system.

1. Every individual sewage system and non-plumbing sanitation system shall require a separate application and permit.
2. A sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the start of construction of any structure, which requires a ISTS or non- plumbing sanitation system.
3. Exhibits for site evaluation, design, and applicable construction information requested must be complete and include a certificate statement from the certified person who conducted or oversaw the work.
4. The permit card issued by the Administrator shall serve as the sanitary permit.
5. The permit card shall be displayed at the site in such a manner that it will be visible from the road abutting the parcel at all phases of construction.
6. The permit card shall not be removed until the Individual Sewage Treatment System or non-plumbing sanitation system has been installed, inspected and approved by the Department.

#### **B. Application Requirements**

1. All information requested on application forms provided by the Department shall be provided along with the following exhibits:
  - a. Appropriate fees.
  - b. Soil & Site Evaluation Reports.
  - c. System Design Plans and Report.
  - d. Appropriate system management, maintenance agreements or contract.
  - e. Copies of any recorded documents required under this Ordinance.
  - f. Copies of any official State action (s).

- g. Any other information requested by the Department.
- 3. Where required, the following documents must be recorded with the Pine County Recorder Office as an attachment to the property deed prior to the issuance of a sanitary permit.
  - a. Maintenance agreements or contracts, when recording of such is required by this ordinance.
  - b. An easement where a subsurface sewage treatment system, or parts thereof are located on a different parcel than the structure it serves.
  - c. Flows and Loads Affidavit or variances received from the Township, DNR or the MN. Pollution Control Agency.
  - d. Documents of Adequate Capability and Capacity.
- 4. The Department reserves the right to require floodplain and/or wetland delineation for a building site or Subsurface Sewer Treatment System area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum or other data approved by the Township or DNR .
- 5. The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until on a completed application is received.
- 6. Plans
  - a. System plans shall be submitted for compliance with the Minnesota Rules Chapter 7080 and this Ordinance.
  - b. Plans submitted shall be clear, legible, permanent copies.
  - c. Plans shall include the following items:
  - d. All required pertinent items on the Pokegama Township permit application.
  - e. A detailed plot plan, drawn to scale on paper no smaller than 8 ½ inches by 11 inches in size. The plot plan shall delineate the lot size and locations of all existing and proposed privately owned wastewater treatment systems, building sewers, private interceptor main sewers, wells ( within 100 ft.), water mains or water services, buildings, lot lines, swimming pools, public

waters, rivers, waterways, replacement system areas, location of building(s) to be served, proposed building location(s), the benchmark established on the Soil and Site Evaluation Report, access and associated public roadways. All separating distances shall be clearly shown on plot plan. Plot plans shall include a north arrow.

- f. Details and configuration layouts depicting how the system is to be constructed.
- g. Systems utilizing an effluent pump shall include pump curve and model.
- h. Effluent filter information, manufacturer and model, and manufacturer recommended maintenance intervals.
- i. A description of a contingency plan in the event the privately owned sewer treatment system fails and cannot be repaired.
- j. Sufficient supporting information to determine whether the proposed design, installation and management of the proposed privately owned sewer treatment system or modification to an exiting privately owned sewer treatment system complies with Minnesota Rule, Chapter 7080 and this ordinance.
- k. Plans for site evaluation, design and construction information shall be complete and include a certified statement from the certified person who conducted or oversaw the work.
- l. A copy of the approved plans shall be maintained at the construction site until the Individual Treatment System installation is completed, inspected and accepted. The plans shall be made available to the Pokegama Township inspector upon request.
- m. A modification to the design of a Individual Sewer Treatment system that has been previously approved shall be submitted to the Pokegama Planning and Zoning Office. Plan revisions must be approved prior to System installation.

### **C. Permit Approval Requirements**

- 1. The Township Zoning Department, Inspector or its qualified agent shall review all applications and exhibits for site evaluation, design and construction information to determine whether site evaluation procedures,



observation and conclusions are accurate and fulfill applicable requirements as stated in this ordinance and Minnesota Rule Chapter 7080, including but not limited to an infield verification of the seasonally saturated soil or bedrock at the proposed soil treatment and dispersal sites.

2. Upon approval of the application by the Township Planning and Zoning Department and Township Inspector, the Township shall issue the permit for the construction, alteration or expansion of the Individual Sewer Treatment System.
3. If the Township Department or Inspector recommends denial of the permit, no permit shall be issued. A written statement by the Township Zoning Department explaining the reasons for denial of the permit shall be provided with the recommendations, and forwarded by the Zoning Administrator to the applicant. The applicant may make a new or revised application or make an appeal before the Township Board of Appeals by submitting a application to Zoning Administrator within ten (10) days of notice of denial from the Zoning Department.

#### **D. Permit Expiration and Renewal**

1. Township sanitary permits shall expire or be renewed upon the expiration of One (1) year.

#### **E. Permit Denial or Revocation**

1. All Township sanitary permits may be denied or revoked if the requirements of Minnesota Rules Chapter 7080 and this Ordinance are not satisfied.

### **SECTION 18 CONSTRUCTION AND DESIGN REQUIREMENTS**

All on-site sewage treatment systems installed, altered or extended shall conform to the standards of the code herein adopted by reference. All persons, firms, or businesses shall follow Minnesota Rule Chapter 7080 and this Ordinance. No system may be installed which is not in compliance with Minnesota Rule Chapter 7080 or this Ordinance.

### **SECTION 19 MORE RESTRICTIVE CONSTRUCTION REQUIREMENTS**

Minnesota Rules Chapter 7080 is hereby modified by the following more restrictive standards:

- A. All new and upgraded sewage Treatment systems for Individual Dwellings shall be sized for Type I dwellings.
- B. The minimum septic tank liquid capacity shall be 1,500 gallons.

- C. All new construction septic tanks shall be compartmentalized and the system shall require two tanks in series and the second compartment must be at least 30% of total capacity of tank. The first tank must be equal to or larger than any subsequent tank.
- D. Use of “alternate”, “experimental” or “other” system is allowed in areas where a standard system cannot be installed, or the standard system is not the most suitable system to be installed, as determined by the Zoning Department, Township Engineer or its assigned agent.
- E. A minimum of three (3) soil observations, if accomplished by a probe or auger, shall be conducted for each permit application. One (1) soil observation must be conducted on the most limited portion of the proposed treatment area. One (1) soil observation, utilizing a backhoe pit, at least six (6) feet in depth, may take the place of the three soil borings. In all cases, the soil observation methods must allow observation of the different soil horizons that constitute the soil profile and must allow the observation of undisturbed soil structure.
- F. In shoreland management Districts as defined by Minnesota Statutes, additional permitting, compliance and inspection standards are required as determined by the Township Shoreland ordinance.

**SECTION 20 PERMIT FEES**

- A. Fees schedules shall be established to defray the costs of administering this Ordinance. Permit fees shall be established and approved by Pokegama Township Board of Supervisors and amended from time to time. See attachment A.

**SECTION 21 MAINTENANCE PROGRAM AND OPERATION PLANS**

- A. All privately owned wastewater treatment systems shall be maintained and the condition of the system inspected periodically, in accordance with this ordinance and MN. Rule 7080 so as not create a health hazard.
- B. All maintenance agreements shall be upon the owner, their heirs, assignees and future owners of the privately owned wastewater treatment system.
- C. Failure to comply with the provisions of a maintenance agreement shall be a violation of this ordinance.
- D. The owner of a privately owned wastewater treatment system with a maintenance agreement and or servicing contract shall:

1. Submit a new or revised document to the Zoning Department when there is a change to the document.
  2. Submit a new maintenance agreement or servicing contract to the Zoning Department prior to expiration of any existing agreement or contract.
- E. All service and contract agreements shall be filed with the Township on forms supplied by the Township, before the final inspection and certification of compliance is issued.
- F. All holding tanks on file in the Pokegama Township Zoning Department shall file an Annual report (due by January 31) indicating the following:
1. Date of pumping or service of Holding Tanks.
  2. Volume of wastewater removed.
  3. Water meter reading if required at time of installation.
  4. Name and license number of septic servicing operator.
  5. Signatures of owner and license plumber.
- G. Maintenance plans for all new and other individual sewage treatment systems on file shall submit a report every three (3) years indicating the following:
3. All maintenance performed, including frequency of maintenance.
  4. Planned maintenance that was performed.
  5. Water meter readings and other monitoring equipment forms.
  6. The measurement of solids and scum based on Minnesota Rules Chapter 7080.

## **SECTION 22                    SYSTEM ABANDONMENT**

Tank abandonment for sewage tanks, cesspools, leaching pits, drywells, seepage pits, privies, and distribution devices shall be as follows;

- A. All solids and liquids shall be removed and disposed of in accordance with Minnesota Rules Chapter 7080.

- B. Abandoned chambers shall be removed or filled with soil material or rock.
- C. Access for future discharge to the system shall be permanently denied.
- D. If soil treatment systems are removed, contaminated materials shall be properly handled to prevent human contact and shall be disposed of in a manner assuring that the public health and the environment are protected.

**SECTION 23 VIOLATIONS, PENALIES, REMEDIAL ACTION AND ENFORCEMENT**

- A. Any person who violates or fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be guilty of a misdemeanor and upon conviction thereof, may be punished to the maximum extent allowed by law. For each day the violation continues, a separate offense shall be declared.
- B. Any construction that is in violation of this ordinance shall cease upon written orders from the Administrator or on the placement of a notification of violation at the site. All construction shall remain stopped until the order is released by the Administrator.

**SECTION 24 VARIANCES**

Variances and Appeals concerning this Ordinance shall be heard by the Pokegama Township Board of Appeals and Adjustments in accordance with Pokegama Zoning Ordinance Chapter 25 and 26 after an application is completed and a fee received by the Pokegama Township Zoning Administrator.

**SECTION 26 DATE OF AFFECT**

This ordinance shall become affective upon the adoption and publication.  
 ADOPTED BY THE TOWNSHIP BOARD OF SUPERVISORS, PINE COUNTY,  
 MINNESOTA THIS DATE OF June 13, 2008.

By Chairperson: Susan J. Alderink  
 Attested by Clerk: Lisa Loggover

# ATTACHMENT A

## FEE SCHEDULE

Sanitary Sewer Permit	\$350
Non-Plumbing sanitation Permit	\$150
Design Revision Fee	\$100
Sanitary Sewer Permit Renewal Fee	\$50
Return Inspection Fee	\$50
Multiple Systems Inspection Per Trip	\$50
Permits after Commencement of Construction	Double Permit Fee
Experimental Systems -----	Based on cost of administration review, engineering review, soil and property assessments, inspections, registration fees, and recording. (MN. Rule 7080)

478818

DOC# T 16024