

CHAPTER 38; ENVIRONMENTAL

ARTICLE III. Subsurface Sewage Treatment Systems (SSTS)*

*State law references--Individual sewage treatment systems, Minn. Stats. § 115.55 et seq.; local ordinances regulating individual sewage treatment systems, Minn. Stats. § 115.55, subd. 2.

Section 38-91. Purpose, Applicability, and Structure.

- (a) Purpose: The purpose and intent of this article is to establish standards for the design, location, construction, operation, and maintenance of Subsurface Sewage Treatment Systems. For the purposes of this Article, “Subsurface Sewage Treatment System” or “System”(both of which referred to interchangeably herein as “SSTS”) means a sewage treatment system, or part thereof, that uses subsurface soil treatment and disposal, or a holding tank, serving a dwelling, other establishment, or a group thereof.
- (b) Applicability. This ordinance shall apply to those sites or facilities that are licensed, permitted or otherwise regulated by City Ordinance. The sewer provisions of this ordinance shall also apply to any premises in the City that are not served by a sewage treatment system permitted by the Minnesota Pollution Control Agency.
- (c) Authority. This ordinance is adopted pursuant to the authorization and requirements contained in Minnesota Statutes Chapters 145.A.05; 115.55, and Minnesota Rules Chapter 7082.

Section 38-92. General Provisions.

- (a) Treatment Required. All sewage generated, in unsewered areas, shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- (b) Administrative Policy and Procedures. The provisions of Chapter 1, Article II of the City Code apply to the administration and enforcement of this Article, unless otherwise expressly provided for in this Article.
- (c) Administration. This Article shall be administered by the Anoka City Building Inspections Department, or its designee. The term “Department,” where used in this ordinance shall mean the Anoka City Building Inspections Department and/or its designee.
- (d) Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation or maintenance of an SSTS, except in full compliance with the provisions of this Article.
- (e) Conditions. Violations of any condition imposed by the City on a license, permit or variance, shall be subject to the penalty provisions set forth in this Article.
- (f) Site Evaluation, System Design, Construction, Inspection, and Servicing. Site evaluation, and System design, construction, inspection and System services shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments, or persons exempt from licensing pursuant to Minnesota Rules 7083.0700. For lots platted after April 1, 1996, a design shall evaluate and locate space for a second soil treatment area.
- (g) Inspection. No part of an SSTS shall be covered until it has been inspected and approved by the Department. If any part of the System is covered before being inspected and approved as herein provided, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this Article. It shall be the responsibility of the permittee to notify the Department that the System is ready for inspection. If

the integrity of the System is threatened by adverse weather if left open, and the Department is unable to conduct an inspection, the permittee may, after receiving permission from the Department, document compliance with this Article by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.

- (h) Compliance Inspection Required. An SSTS compliance inspection is required:
 - (1) For a new or replacement SSTS.
 - (2) When altering an existing structure to add a bedroom.
 - (3) When a parcel having an existing System undergoes development, subdivision or split.
- (i) Imminent Public Health and Safety Threat; Failing System; and Surface Discharge.
 - (1) An SSTS which poses an imminent threat to public health and safety shall be immediately abated according to instructions by the Department and be brought into compliance with this Article in accordance with a schedule established by the Department, which schedule shall not exceed ten (10) months.
 - (2) A failing System, or an SSTS that is not protective of the groundwater, shall be brought into compliance within twenty-four (24) months after receiving notice from the Department.
 - (3) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System (NPDES).
- (j) Conflict Resolution. For SSTS systems regulated under this Article, conflicts and other technical disputes over new construction, replacement and existing Systems will be managed in accordance with Anoka City Code.
- (k) Septic Tank Maintenance. The owner of a sewage (septic) tank, or tanks, shall regularly, but not less frequently than every three (3) years (unless approved by the Department due to limited use), inspect the tank(s) and measure the accumulations of sludge and scum. If the System is pumped, measurement is not needed. The owner shall remove and sanitarily dispose of septage whenever the top of the sludge layer is less than twelve (12) inches below the bottom of the outlet baffle or the bottom of the scum layer is less than three (3) inches above the outlet baffle. Removal of septage shall include complete removal of sludge and scum.
- (l) Non-Complying Systems. Existing Systems which are non-complying, but not an imminent health or safety threat, failing, or discharging to surface, may continue in use so long as the use is not changed or expanded. If the use changes or is expanded, the non-complying elements of the existing System must be brought into compliance.
- (m) Non-Complying Work. New SSTS construction that is non-compliant, or other work on a System that is non-complying, must be brought into compliance with this Article in accordance with a schedule established by the Department, which schedule shall not exceed seven (7) days unless the Department finds extenuating circumstances.
- (n) Change in Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the System has been changed or altered.
- (o) Setback Reduction. Where conditions prevent the construction, necessary alteration and/or repair of an SSTS on an existing developed parcel of real property, the Department may reduce property line and building setbacks and System sizing requirements, provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties.

- (p) Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this Article and all of the rules and statutes incorporated by reference.
- (q) 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 information to the Environmental Protection Agency (EPA).

Section 38-93. Standards adopted.

- (a) Minnesota Rules Adopted. Minnesota Rules, Chapters 7080 and 7081 that are in effect on the date of passage of this Article, related to SSTS, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
- (b) Rules Amended. The rules adopted in Section 38-93(a) are amended as follows:
 - 1. Compliance Inspection – 15 Percent Vertical Separation Reduction. Minnesota Rules 7080.1500 Subp. 4D is amended to allow fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) which may be determined to be compliant for existing Systems to account for settling and variable interpretation of soil characteristics.
- (c) Holding Tanks. Holding tanks may be allowed for the following applications: as replacement to a failing existing System, an SSTS that poses an imminent threat to public health and safety, or for an existing lot in which an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.
- (d) System Abandonment. An SSTS, or component thereof, that is no longer intended to be used, must be abandoned in accordance with the adopted standards of this Article.

Section 38-94. Permits.

- (a) Permit Required. No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any SSTS without first obtaining a permit for such work from the Department. No person shall construct, alter, extend, convert, or modify any structure that is or will utilize an SSTS without first obtaining a permit.
 - (1) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing. Permit applications shall be submitted by the person doing the SSTS construction, repairs and maintenance on forms provided by the Department, and accompanied by required site and design data, and permit fees.
 - (2) Permits shall only be issued to the person doing the SSTS construction, repairs and/or maintenance.
 - (3) Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
 - (4) A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of System components, or otherwise change the original System's design, layout or function.
- (b) Operating permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems; MSTs and other SSTS that the Department has determined requires operational oversight.

- (1) Application. Application for an operating permit shall be made on a form provided by the Department.
- (2) Holding Tanks. The owner of holding tanks installed after the effective date of this Article shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

State law reference--Time limits to approve or deny written requests relating to septic system, MS. § 15.99.

Section 38-95. Violations and penalties.

- (a) Misdemeanor. Any person who fails to comply with the provisions of this Article may be charged with a misdemeanor, and upon conviction thereof, be subject to the penalties for such an offense as provided by law. Each day during or on which a violation occurs or continues shall constitute a separate offense.
- (b) Injunctive Relief. In the event of a violation or a threat of a violation of this Article, the Department may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations; and the City attorney may institute a civil action.
- (c) Civil Action. In the event of a violation of this ordinance, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the City attorney may institute such action.

State law reference--Licensing of septic tank contractors, Minn. Stats. § 115.56.

Section 38-96. Fees.

Fees for permits required under this section shall be according to a fee schedule adopted by ordinance of the City Council.

Section 38-97. Unlawful Discharges.

- (a) Discharge of human and animal wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or objectionable waste.
- (b) Discharges to natural outlets. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters.

Section 38-98. Required Connection to Public Sewer.

- (a) Connection to sewer system required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within one year after the date of due notice to do so.
 1. At such time as a public sewer becomes available to a property served by a nonconforming private sewage treatment system, a direct connection shall be made to the public sewer within thirty (30) days.
 2. At such time as a public sewer becomes available to a property served by a conforming

private sewage treatment system, a direct connection shall be made to the public sewer when a replacement private sewer system is required or upon site development.

3. Failure to connect to public system. If such connection is not made pursuant to this Article, the city shall enter into a contract with a licensed contractor to have the connection made, and the cost shall be assessed to the property taxes, unless authorized by the City Council to do otherwise.
- (b) Private systems permitted. Where a public sewer is not available under Section 38-97 (c) of this Article, the building sewer shall be connected to a private sewage treatment system as regulated by this Article and the State Plumbing code.

State law reference--Inspections, Minn. Stats. § 115.55, subd. 5.

Section 38-99 through 38-129. Reserved.