

required unsaturated zone for treatment of sewage effluent, in accordance with the Minnesota Pollution Control Agency's policy on utilizing artificial drainage methods: #4.04, dated June 2009, or as amended.

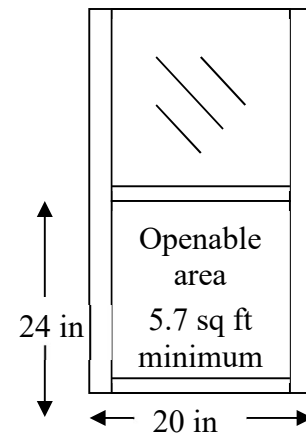
DECK: A deck is an open platform with or without railings generally designed for outside enjoyment. A deck is a structure which is not enclosed by a wall exceeding 36 inches in height from the floor of the platform in an upward direction. The total area of a deck shall include the square footage of stairs, landings, ramps or any extension or expansion of an existing deck structure. A deck shall not be enclosed by screening, windows or a roof. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck.

DEPARTMENT: The Mower County Public Works Department.

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

EGRESS WINDOW: An egress window is an emergency escape and rescue opening having a minimum net clear opening of no less than 5.7 square feet; with a minimum net clear opening width of no less than 20 inches and a minimum net clear height of no less than 24 inches. Exception: Grade floor openings shall have a minimum net clear opening of no less than 5 square feet. See drawing at right.

FAILING SYSTEM: Any SSTS that discharges sewage to a seepage pit, cesspool, drywell, within 10 feet of and/or connected to any Drainage Method(s), an open air (feedlot) lagoon, or leaching pit, other pit, or any SSTS with less than the required vertical separation of soil or sand between the bottom of the distribution media and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety, which includes the ground surface or surface water discharges and sewage backup into a dwelling or other establishment, shall be considered failing.



FAILURE TO PROTECT GROUNDWATER: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, identified as discharging sewage within 10 feet of Drainage Methods, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MN Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of a threat to groundwater for other conditions must be made by a qualified employee or an individual licensed in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

HOLDING TANK: A tank for storage of sewage until it can be transported to a point of approved treatment and/or disposal. Holding tanks are considered a septic system under MN Statutes, section 115.55.

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY (ITPH): 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.

3400-3499	Fabricated metal Products (except Machinery, and Transportation Equipment)
3500-3599	Industrial and Commercial Machinery and Computer Equipment
3700-3799	Transportation Equipment
3800-3899	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
3900-3999	Miscellaneous Manufacturing Industries

Note: Industrial Wastes listed above shall not be disposed of within an SSTS system. Such wastes need to be properly managed separately.

INSPECTOR: An individual qualified to review proposed plans and inspects SSTS and who meets the licensure and registration requirements of the MPCA. Also, the person or persons registered by the MPCA with specialty area endorsements applicable to the work being conducted and assigned the responsibility for the administration of this Ordinance by the Director of this Department.

LAND APPLICATION: The spreading or placement of domestic septage on or into the soil surface.

LAND USE DEVELOPMENT (ZONING) APPLICATION: The term includes, but is not limited to applications for the following: construction permits, SSTS permits, vegetative alteration permits, topographic alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of this ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed, submitted and association supporting information and documents, and such other information as required by the Department.

LOT: Lot means a parcel of land in a plat recorded in the office of the County Recorder or Registrar of Titles or a parcel of land created and conveyed, using a specific legal description, for a building site to be served by an ISTS.

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 STRUCTURES: Self-standing storage, utility, or greenhouse structure 200 square feet or less and less than 14 feet in height at peak per property; Decks which total 200 sq. ft. or less; Playground equipment / playhouses, swimming pools (both in-ground and above).

MINOR REPAIR: The repair or replacement of an existing damaged or faulty component/part of a 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.

- basement, open air feedlot lagoon, etc.) is observed by the Department, or Department's Authorized Agent.
- b. The Department deems it appropriate, for reasons such as, receiving compliant or other information of system non-compliance.
2. **CONSTRUCTION / MODIFICATION TO THE SSTS.** The Department or Department's Authorized Agent shall perform a compliance inspection when:
 - a. A SSTS is newly installed, expanded or portions are replaced which required a SSTS permit.
 3. **PRIOR TO TIME OF PROPERTY TRANSFER.** A property owner shall contact an appropriately licensed SSTS inspector, of their choosing, at their expense, when:
 - a. The SSTS is greater than five (5) years old; or
 - b. A compliance inspection has not been conducted within the past three (3) years on an existing SSTS.
 4. **WHEN OBTAINING LAND USE PERMITS.** A property owner shall contact an appropriately licensed SSTS inspector, of their choosing, at their expense, when there is not a current Certificate of Compliance (COC) on file with Mower County when obtaining land use permits as stipulated below:
 - a. In designated Shoreland Overlay Zoning Districts: Any time a zoning permit is required for any improvement to the property. This includes variances and conditional use permits, but shall exclude land alteration permits.
 - b. In non-Shoreland Overlay Areas: Non-shoreland areas will be subject to a SSTS compliance inspection when the SSTS is 20 years old or greater any time a zoning permit, variance or conditional use permit is required for improvement to or use of the property. **Minor Structures that are exempted from Zoning Permit are also exempted from the COC requirement.**
 - c. For non-conforming Lot sized parcels: On a non-conforming lot that does not meet the minimum lot size requirement of the zoning ordinance before application for a zoning permit for any improvement to the property. This provision also includes conditional use permits and variance requests.
 - d. There are increases to the number of bedrooms: Any time there is an increase in the number of bedrooms for which the existing septic system was designed for.
 - e. When there is an increase in water use: Any time there is an increase to the amount of water or a change in use which may impact the performance of the system than for what the SSTS was designed to accommodate.

- i. This exemption does not include transfer from an individual to a multi-person trust to owners who did not previously exist. I.E. John Doe to John Doe Family Trust.
- h. The transfer occurs due to a tax forfeiture process.
- i. All sewage generated on the property is collected and treated in a municipal wastewater treatment system or a subordinate service district owned and operated by the Township of Lansing.

4.05 COMPLIANCE INSPECTION REQUIREMENTS FOR TRANSFER OF PROPERTY

If the exemptions listed in Section 4.04 do not apply to the property being transferred:

Prior to “Transfer of Property” occurring in Mower County; the property’s SSTS shall be evaluated by a licensed and appropriately qualified SSTS Inspector who performs and completes a Compliance Inspection to determine the system is in compliance or non-compliant.

This inspection shall be completed by a licensed and appropriately qualified inspector for the type of system existing. This inspector shall be of the landowner’s choosing and shall also be at the at the landowner’s (grantor’s/seller’s) expense.

In Mower County, a Certificate of Compliance is required to be submitted to the Department within 15 calendar days of completion of the compliance inspection by the SSTS contractor and before transfer of ownership of the property/title for properties containing or dependent upon an SSTS.

4.06 MAY 1 THRU OCTOBER 31: ESCROW REQUIRED WHEN CERTIFICATE OF COMPLIANCE IS NOT PROVIDED PRIOR TO RECORDING TRANSFER OF PROPERTY OR ISSUANCE OF LAND USE PERMIT.

1. If a grantor(s)/seller(s) or grantor’s/seller’s agent fails to provide a Certificate of Compliance, the grantor(s)/seller(s) or grantor’s/seller’s agent shall provide the grantee(s)/buyer(s) security in the form of an escrow agreement to assure the installation and inspection of a compliant SSTS. Copy of that escrow agreement shall be provided to the Department prior to the transfer of property.
2. 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.
3. The amount escrowed shall be equal to:
 - a. One hundred twenty-five percent (125%) of a written estimate to inspect, design, and install a compliant SSTS provided by a licensed designer and installer; or
 - b. One hundred fifty percent (150%) of the average cost of a mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer and installer.
 - c. For Land Use Permit applications only; the amount escrowed shall be equal to 10% of a written estimate to install a new SSTS. The escrow account for Land Use Permits is non-refundable if the SSTS is not installed within the timeline specified by Section 4.12 and 4.13.

4. Name of the contracted septic inspector and his/her contact information;
5. Results of a compliance inspection are required to be submitted to the Department within 30 calendar days after the date of property transfer.
6. After a Certificate of Compliance resulting from a compliance inspection has been provided to the Department, the escrow agent shall obtain permission from the Department prior to the release of the escrowed funds.
7. Any SSTS which receives a Notice of Non-compliance after the property is transferred shall require upgrade/replacement within the timeline specified in Section 4.70, 4; but the date shall be calculated from the date the property was transferred; not the date of inspection.
8. After a replacement/upgraded SSTS has been installed within the required timeline specified in Section 4.70, 4, which allows for a Certificate of Compliance to be issued by the County, the escrow agent shall obtain permission from the Department prior to release of the escrowed funds.
 - a. In certain cases when the building(s) being serviced by an SSTS are being removed, have been destroyed or no longer have plumbing or plumbing fixtures; and for dwellings that will no longer be habitable and the water source to the dwelling is permanently disconnected: the system may be properly abandoned by a licensed septic contractor. An abandonment form shall be completed, signed and submitted to Mower County within 15-days of the date of abandonment and prior to the transfer of property.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

4.07 NOVEMBER 1 THRU APRIL 30: ESCROW REQUIRED WHEN PROPERTY TRANSFERS OR LAND USE PERMIT IS REQUESTED DURING FROZEN SOILS.

1. All property transfers subject to this Section between November 1st and April 30, when an SSTS compliance inspection is not possible due to frozen soil conditions, shall require an escrow agreement to assure the inspection and installation of a compliant SSTS.
2. 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.
3. The amount escrowed shall be equal to:
 - a. One hundred twenty-five percent (125%) of a written estimate to inspect, design, and install a compliant SSTS provided by a licensed designer, and installer or
 - b. One hundred fifty percent (150%) of the average mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer, and installer.
 - c. For Land Use Permit applications only (*during frozen soils*); the amount escrowed shall be determined annually by the Mower County Board of Commissioners. The escrow account for Land Use Permits is non-refundable if the SSTS is not inspected by July 1st, and if the system is not then installed within the timeline specified by Section 4.12 and 4.13.

- a. One hundred twenty-five percent (125%) of a written estimate to design and install a compliant SSTS provided by a licensed designer, and installer; or
- b. One hundred fifty percent (150%) of the average mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer, and installer.
- c. The security shall be placed in an escrow with a licensed real estate closer, attorney-at-law, or federal or state chartered financial institution.
- d. After a Certificate of compliance resulting from a compliance inspection of the new system has been issued by the Department, or the Department's Authorized Agent, the escrow agent shall obtain permission from the Department prior to the release of the escrowed funds.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

The following applies to both items A & B:

The grantor(s)/seller(s) shall be responsible for all costs associated with the Compliance Inspection.

All costs associated to correct a failing SSTS shall be the responsibility of the seller(s)/grantor, or as otherwise provided for in written agreement, along with the evidence of escrow, agreed upon between the grantor(s)/seller(s) and the grantee(s)/buyer(s). This agreement shall be in writing and shall be signed by all parties before a notary public. A copy of this agreement shall be provided to the Department.

4.09 COMPLIANCE INSPECTIONS AND CERTIFICATES OF COMPLIANCE FOR ZONING PERMIT APPLICATIONS AND ALL OTHER LAND USE DEVELOPMENT APPLICATIONS

1. The landowner(s) shall be the responsible party for obtaining and submitting a Certificate of Compliance for an existing SSTS when applying for a conditional use permit, zoning permit or variance. **This requirement does not apply to an application for a land alteration permit in a shoreland overlay area. This requirement does not apply to Minor Structures subject to Zoning Review.**
2. A Certificate of Compliance, septic permit, or proof of Escrow Account, as required in Section 4.06 or 4.07, as applicable to the time of year, shall be received by the Department before a zoning permit, conditional use permit, or variance is accepted by the Department for processing.
3. If the existing SSTS is non-compliant, or if the existing system is inadequately designed for the proposed use being requested by a zoning, conditional use permit or variance; repair, upgrade or replacement of the SSTS shall be required. *See also #4 next.*
4. When requesting a zoning permit for structures or conditional use permit for which a SSTS is supporting is being repaired, replaced or upgraded; the SSTS application, including the design and/or any other documents required by the Department, shall be submitted along with the zoning permit application.