

ORDINANCE NO. 0918,
AN ORDINANCE FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS
CITY OF MANHATTAN BEACH
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Manhattan Beach does ordain as follows:

SECTION 1. Purpose and Intent: The purpose of this ordinance is to update the city SSTS ordinance to be in line with the Crow Wing County Ordinance minimum standards per, section 37.8 of the County Land Use Ordinance.

SECTION 2. General Provisions:

Subsurface Sewage Treatment Systems-Technical Standards and Criteria

1. Purpose

The purpose of the Subsurface Sewage Treatment System (SSTS) section is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances.

2. Intent

It is intended by the City that this section will promote the following:

- a) The protection of lakes, rivers and streams, wetlands, and groundwater in the City essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City.
- b) The regulation of proper SSTS construction, reconstruction, repair, monitoring and maintenance to prevent the entry and migration of contaminants, thereby preventing 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) All plumbing shall discharge into a municipal sanitary system if available.

4. Scope

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City 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 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.

5. City Administration

a) The City Zoning Administrator, or city SSTS Inspector, shall administer the SSTS program and all provisions of this section.

b) The City's duties and responsibilities include, but are not be limited to, the following;

1. Review all applications for SSTS.
2. Issue all permits required in this Section.
3. Inspect all work regulated in this Section
4. Investigate all complaints regarding SSTS.
5. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable.
6. Enact enforcement provisions of this Section as necessary.
7. Refer unresolved violations of this Section to the City Attorney.
8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents and other applicable documents.
9. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.
10. Submit annual reports to MPCA as required.

6. State Administration

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a State Disposal System permit from the Minnesota Pollution Control Agency according to Minnesota Administrative Rules, Chapter 7001, when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according Minnesota Administrative Rules, Chapter 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to Minnesota Administrative Rules, Chapter

7081.0110. The highest calculated value of the various methods in Table I under Minnesota Administrative Rules, Chapter 7081.0130, Subpart 1, must be used to make this determination, with no reduction allowed. A State Disposal System permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the State Disposal System permit threshold.

7. Liability

The City's involvement in administration of this Section does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or any of its officials, employees or other contract agents, for damage resulting from the defective construction, operation or abandonment of any onsite or cluster SSTS regulated under this Section or by reason of any standards, requirements or inspections authorized by this Ordinance hereunder.

8. All SSTS

Except as explicitly set forth in Section 10, all provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

9. Existing Permits

Unexpired permits, which were issued prior to the effective date of this Ordinance, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

10. 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 Type 1 systems as defined by Minnesota Administrative Rules, Chapter 7080.2200.

11. Upgrade, Repair, Replacement and Abandonment

- a) Expansion of an existing SSTS must include any system upgrades that are required in this ordinance necessary to bring the entire system into compliance with the prevailing provisions of this Section at the time of the expansion.
- b) Any addition to a structure that includes bedroom(s) that require a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Administrative Rules, Chapter 7080.1860, or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.
- c) An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Administrative Rules, Chapter 7080.1500, Subpart 4(B), shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Administrative Rules, Chapter 7080.1860.

d) An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Administrative Rules, Chapter 7080.1500, Subpart 4(A), and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Section within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Administrative Rules, Chapter 7080.1860.

e) Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Administrative Rules, Chapter 7080.2500.

12. SSTS in Floodplains

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should 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 Administrative Rules, Chapter 7080.2270, and all relevant local requirements are met.

13. 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 a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in that federal regulation. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

14. SSTS Practitioner Licensing

a) 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 Administrative Rules, Chapter 7083, except as exempted in Minnesota Administrative Rules, Chapter 7083.0700.

b) An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Administrative Rules, Chapter 7083.0700, and the City ordinance. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Zoning Administrator or City SSTS Inspector for inspection is required.

15. 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 intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply 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 Administrative 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 Section any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

16. Alternative Local Standards adopted by Reference

A. Adoption of Rule by Reference

1. The City hereby adopts by reference the provisions of Minnesota Administrative Rules, Chapters 7080 -7083, in their entirety, except as referenced under Section (16) (B) below, except as otherwise expressly modified by this Ordinance.
2. When the “2006 version of Minnesota Administrative Rules Chapter 7080” is utilized, the reference is to the Rules effective April 3, 2006. Otherwise, the City is referencing the current rules in effect.
3. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.

B. Alternative Local Standards for New and Existing SSTS

1. The City hereby adopts the 2006 version of Minnesota Administrative Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Administrative Rules, Chapter 7080.2150, Subpart 3(K).

17. Alternative Local Standards - DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. In no land use district, shall a land use permit, shoreline alteration permit, minor subdivision, subdivision by metes and bounds, plat, conditional use permit, Interim Use Permit, or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Section 26 (5) of this Ordinance.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1500-gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Administrative Rule 7080.1930 with 1,500-gallon tank sizing replacing 1,000-gallon tank sizing for 3 bedrooms or less according to Table V.
5. Pump tank sizing shall follow Minnesota Administrative Rules, Chapter 7080.2100.
6. Soil pits shall be required to verify soils prior to the issuance of a certificate of installation. The soil pit shall be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified. Soils may be verified by a licensed and certified inspector. The inspector may not share the same license as the person who designed or installed the system. The soil profile must be submitted to the city inspector or its designee on the city approved form at or before the time of the installation inspection. If the soil profile is not provided by the installation inspection, city staff or its designee will verify the soils via a soils pit during the installation inspection.
7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

18. Compliance Criteria for Existing SSTS

For a SSTS built before April 1, 1996, and outside of areas designated as "SWF" (Systems in shoreland areas, wellhead protection areas or systems serving food, beverage or lodging establishments), there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

19. Holding Tanks

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

20. Municipal Connection

A) If the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the City Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection, a municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a development contract between the subdivider and the City Council. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Zoning Administrator.

B) Municipal sewage facilities shall be designed by a registered engineer, approved by the City Engineer, approved by the states PCA, and installed according to the City Engineers Association of Minnesota Standard Specifications.

21. Variance Requests

A property owner may request a variance from the standards as specified in the City Zoning Ordinance.

22. State Agency Variance Requests

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. No permits will be issued by the City until all required State Agency variances have been approved.

23. Permit Requirements

a) Activities Not Requiring a Land Use Permit

A Land Use 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 design, layout. Examples include, but are not limited to, pumps, baffles and effluent filters.

b) Activities Requiring a Land Use Permit

A Land Use Permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Zoning Administrator, including 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. 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.

c) Permit Requirements

Land Use Permit applications shall be made on forms provided by the Zoning Administrator, signed by the applicant or applicant's agent and must include the following information and documentation:

1. Applicant name, mailing address, telephone number and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation Report, as described by Minnesota Administrative Rules, Chapter 7080.1700, made on forms provided by the Zoning Administrator.
4. Design Report, as described in Minnesota Administrative Rules, Chapter 1750, made on forms provided by the Zoning Administrator.
5. A management plan, as defined by Minnesota Administrative Rules, Chapter 7082.0600.

d) Application Review and Response

The Zoning Administrator and City SSTS Inspector shall review a permit application and supporting documents to ensure compliance of this Ordinance.

e) Appeal

The applicant may appeal any decision of the Zoning Administrator to the Board of Adjustment in accordance with the Zoning Ordinance procedures.

f) Permit Expiration

1. A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue.
2. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months from its date of issue.
3. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months from its date of issue.

4. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by the Zoning Administrator, a qualified designee of the Zoning Administrator or a licensed inspection business, which is authorized by the Zoning Administrator, independent of the owner and the SSTS installer.

g) Transferability

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

h) Suspension or Revocation

The Zoning Administrator may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued and/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 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 Land Use Permit is obtained.

i) SSTS Assessment Requirements

For those SSTS without a management plan or operating permit according to the provisions of this Ordinance, the following provisions apply:

1. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

24. Operating Permit

a. An Operating Permit shall be required for the following SSTS:

1. SSTS with high strength waste effluent standards that exceed Minnesota Administrative Rules, Chapter 7080.2150, Subpart 3(K);
2. Holding Tanks;
3. SSTS serving three or more connections;
4. Type 4 and Type 5 SSTS;
5. SSTS that exceed a daily flow of 2,500 gallons per day; or,
6. MSTs designed under Minnesota Administrative Rules, Chapter 7081, and the City of SSTS Ordinance.

b. Operating Permits shall be a signed agreement between the Zoning Administrator and the property owner and shall include monitoring, performance, mitigation and reporting requirements.

c. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.

d. Owners of holding tanks shall provide the Zoning Administrator upon request 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 and prevents an illegal discharge in accordance with Minnesota Administrative Rules, Chapter 7082.0100, Subpart 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, subdivision 2(b)(3).

e. Operating Permits shall be valid for the specific term stated on the permit as determined by the Zoning Administrator.

f. An Operating Permit must be renewed prior to its expiration. If not renewed, the Zoning Administrator 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 Zoning Administrator may require that the system be abandoned in accordance with Section (11) (E) above.

g. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with this Section. The Zoning Administrator shall not terminate the current permit until 90 calendar days after the date of sale, unless an imminent threat to public health and safety exists. When considering the new owner's application, the Zoning Administrator may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

h. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Zoning Administrator on a form provided by the

Zoning Administrator on or before the compliance reporting date stipulated in the Operating Permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the Operating Permit.

- i. The Zoning Administrator 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.
- j. If suspended or revoked, the Zoning Administrator may require that the treatment system be removed from service, operated as a holding tank or abandoned.
- k. At the Zoning Administrator's sole discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

25. Compliance Inspection Program

a) Zoning Administrator Responsibility

1. It is the responsibility of the Zoning Administrator, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.
2. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
3. The Zoning Administrator shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
4. No person shall hinder or otherwise interfere with the Zoning Administrator's employees in the performance of their duties and responsibilities pursuant to this Section. Refusal to allow reasonable access to the property by the Zoning Administrator may result in a determination of noncompliance.
5. At the Zoning Administrator's sole discretion, a signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Zoning Administrator between November 1 and April 30, provided that the required information is submitted to the Zoning Administrator by June 1 of the subsequent year. Failure to fulfill all the obligations of the winter agreement shall be a violation of this Ordinance.

b) New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS in accordance with Minnesota Administrative Rules, Chapter 7082.0700. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced.

2. It is the responsibility of the SSTS owner or the owner's agent to notify the Zoning Administrator 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the Zoning Administrator does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Ordinance within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Zoning Administrator within 30 days of inspection if the Zoning Administrator has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee 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 the City Ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue, unless the Zoning Administrator finds evidence of noncompliance.

26. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a) When applying for a Land Use Permit, Shoreline Alteration Permit, Minor Subdivision, Subdivision by Meets and Bounds, Plat, Land Use Map Amendment, Conditional Use Permit, Interim Use Permit or Variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - c) Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.
 - d) At any time as required by this Ordinance or the Zoning Administrator deems appropriate, such as, upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by the MPCA. The following conditions, must be assessed, or verified:
 - a) Watertightness assessment of all treatment tanks including a leakage report;

b) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock, including a vertical soil separation verification report unless soils have been verified according to Minnesota Administrative Rules, Chapter 7082.0700, Subpart 4(B).

c) Sewage backup, surface seepage or surface discharge including a hydraulic function report.

3. The Certificate of Compliance must include a certified statement by a qualified City employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined to not 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 Zoning Administrator if the required corrective action is not a minor repair.

4. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Zoning Administrator no later than 15 calendar days after the date the inspection was performed.

5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue, unless the Zoning Administrator finds evidence of noncompliance.

27. Transfer of Property

1. Any property on which an SSTS is located shall not be transferred or sold, unless the parties to the transaction have complied with one of the following:

a. A current Certificate of Compliance

b. A signed winter agreement per this Ordinance.

c. In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.

d. The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to this Ordinance, the buyer shall be responsible for the necessary upgrading of said SSTS.

28. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil/grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.

2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.

3. An SSTS with effluent testing that does not meet the standards in Minnesota Administrative Rules, Chapter 7080.2150, Subpart 3(K), shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

29. Vertical Separation Reduction

Minnesota Administrative Rules, Chapter 7080.1500, Subpart 4(D), is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to systems utilizing paragraph 17 of this Section of the City Zoning Ordinance.

30. Enforcement

Enforcement of this ordinance shall follow the standards and procedures in the city zoning ordinance enforcement section.

31. State Notification of Violation

The Zoning Administrator 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 maintainer that is performed in violation of the provisions of this Ordinance. The Zoning Administrator shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statutes, Section 115.55, Subdivision 11.

32. Record Keeping

The City shall maintain a current record of all permitted systems. 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, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses and other records the City deems relevant to a particular system.

33. Annual Report

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

34. Dispute Resolution

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Administrative Rules, Chapter 7082.0700, Subpart 5.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law. This ordinance shall be placed on file at the City of Manhattan Beach City Hall for public review.


Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

Adopted this 4 day of SEPTEMBER, 2018 by the City Council of Manhattan Beach.



Paul Allen, Mayor

ATTEST:



Amy Wannebo, City Clerk