



APPENDIX G
CARVER COUNTY
INDIVIDUAL SEWAGE
TREATMENT SYSTEM
ORDINANCE

GENERAL PROVISIONS

§ 52.001 PURPOSE.

The Carver County Individual Sewage Treatment Ordinance embodies the standards and requirements set forth in the Minnesota Pollution Control Agency (MPCA) ISTS Program Rules. This chapter establishes the rules and regulations for: design, location, installation, construction, alteration, extension, repair, use, monitoring, and maintenance of ISTS; requiring permits for ISTS; payment of fees; providing for inspection; penalties for failure to comply; issuing, denying, modifying, imposing conditions upon, suspending or revoking permits; and other matter as determined to be necessary for the protection of the health, welfare and safety of the public and preservation of the environment. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.002 AUTHORITY.

This chapter is adopted pursuant to M.S. §§ 115.55 and 115.56 and M.S. Chapter 145A, as they may be amended from time to time. Minn. Rules Chapter 7080, as it may be amended from time to time, is hereby incorporated by reference, except as amended herein. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.003 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section in addition to those definitions contained in Minn. Rules Part 7080.0020 of the Minn. Rules Chapter 7080, as it may be amended from time to time.

ANIMAL CONFINEMENT AREA. An enclosure for animals including, but not limited to, dogs, game birds, horses, livestock, fur-bearing mammals, and domestic pets.

COUNTY BOARD. The Carver County Board of Commissioners.

CURTAIN DRAIN SYSTEM. An ISTS using artificial drainage to lower the seasonably high water table beneath it.

DEPARTMENT. The Carver County Environmental Services Department.

FALLOW LAND. Land that is uncropped and kept cultivated throughout a growing season. Vegetative cover is less than 25%. Any land that is uncropped and cultivated during the months of September through May where a crop will be grown the following season is not considered fallow land.

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INCORPORATION. The mixing of septage with the topsoil by means such as disking, moldboard plowing, or chisel plowing, to a minimum depth of six inches.

INJECTION. The process of directing the flow of septage under the surface of the soil. Septage shall flow from the storage container or tank directly into the soil profile and shall not be spread on the soil surface.

INSPECTOR. The person or persons employed or engaged by Carver County and assigned the responsibility for the administration and implementation of this chapter.

LAND SPREADING. The placement, incorporation, or injection of septage onto or beneath the soil surface.

LAND SPREADING LOCATION. Any land used for septage land spreading.

LOCAL PERMITTING AUTHORITY. Any local unit of government or authorized representative who administers or enforces ordinances, laws, or rules through permits.

PERSON. Any human being, any governmental or political subdivision or public agency, any private corporation, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

REDOXIMORPHIC FEATURES. Features formed in saturated soil by the process of reduction, translocation, and oxidation of iron and manganese compounds, or other soil, landscape, or vegetative indicators as determined by an individual(s) holding appropriate licenses pursuant to Minn. Rules Part 7080.0700, subparts 1 through 3. **REDOXIMORPHIC FEATURES** are described in Minn. Rules Part 7080.0110, subpart 4, item D, subitem (5).

REPAIR. The act or process of restoring or replacing a defective element of an ISTS to approximately its original function without altering its original location, capacity or operating characteristics. Only repairs or replacements performed downstream of the inlet of the distribution device or replacement of the septic tank, pump tank, or dosing chamber shall be considered repairs requiring a permit under this chapter.

WETLAND. A natural marsh where waters stand near, at, or above, the soil surface during a significant portion of most years and which is eligible for classification as inland fresh water as wetland types 3, 4, or 5 under U.S. Department of Interior classification.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.004 COMPLIANCE.

(A) No person shall inspect, design, locate, install, construct, alter, extend, repair, use, monitor, maintain or perform site evaluations for any ISTS except in full compliance with this chapter and standards adopted herein.

(B) No person shall allow effluent from any septic tank, holding tank, soil treatment system or any ISTS to be discharged to the ground surface, abandoned well, or bodies of surface water, or into any rock or soil formation the structure of which is not conducive to purification of water by filtration, or into any well, agricultural tile, or other excavations in the ground.

(C) No person shall discharge products containing hazardous waste and/or hazardous substances to an ISTS other than normal amounts of household products and cleaners designed for household use. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.005 CONDITIONS.

Violation of any condition imposed by the county on a permit, or variance shall be deemed a violation of this chapter.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.006 FALSE INFORMATION.

Omission or falsification of any information may constitute grounds for the denial of the permit or variance applied for, or the suspension or revocation of an issued permit or variance and be deemed a violation of this chapter and/or may be deemed a violation of Minnesota Statutes.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

**STANDARDS FOR HEALTH, SAFETY AND
ENVIRONMENTAL PRESERVATION**

§ 52.020 STANDARDS ADOPTED.

Minn. Rules Chapter 7080, Parts 7080.0020 through 7080.0700 inclusive, and 7080.0179, as they may be amended from time to time, relating to ISTS are hereby adopted by reference and made a part of this chapter as if fully set forth herein.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.021 STANDARDS AMENDED.

The above adopted rules are hereby amended as follows:

(A) Minn. Rules Part 7080.0020 Definitions, subpart 16b, as it may be amended from time to time, is amended to read "Failing system" means, at a minimum, a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, a tank with a cracked cover, or any system with less than the required vertical separation as described in part Minn. Rules Part 7080.0060, subpart 3.

(B) Minnesota Rules Part 7080.0020 Definitions, subpart 26b, as it may be amended from time to time, is amended to read "Permit" means a building, construction, sanitary, planning, zoning, or other such permit issued for new construction, replacement, repair, alternation, maintenance, operation, or extension of an individual sewage treatment system or collector system. "Permit" also means a permit issued for the addition of a bedroom on property served by an individual sewage treatment system.

(C) Minn. Rules Part 7080.0060 Compliance Criteria, subpart 3(A), as it may be amended from time to time, is amended to read "If conflicting Compliance Inspection reports are submitted for the same piece of property, the Department will determine the compliance status of the system. A Certificate of Compliance, if applicable, will not be issued until the conflict is resolved to the satisfaction of the Department."

(D) (1) Minn. Rules 7080.0130, subpart 3A, as it may be amended from time to time, is amended to read as follows: "All new systems shall require a multiple compartment septic tank or multiple tanks in series."

(2) Minn. Rules Part 7080.0130, subpart 3A, Table II, "liquid capacity of septic tanks," as it may be amended from time to time, is amended as follows:

Number of Bedrooms	Tank Size	With Garbage Disposal	With Lift in Basement and Garbage Disposal
2 or less	1,500	2,250	3,000
3 or 4	2,000	3,000	4,000
5 or 6	2,250	3,375	4,500
7, 8, or 9	3,000	4,500	6,000

To increase tank liquid capacity, two or more separate tanks in series are permitted.

For ten or more bedrooms, the septic tanks shall be sized as an “other establishment” as defined in Minn. Rules Part 7080.0020, subpart 25, as it may be amended from time to time. Multiple septic tanks are required consistent with the above Table II. The Department may require a water-monitoring device be installed.

(E) Minn. Rules Part 7080.0150, Part C, subpart 3, Table III, as it may be amended from time to time, is amended as follows: Maximum Allowable Number of One-Fourth Inch Diameter, or Smaller, Perforations Per Lateral Pipe Diameter, Nominal and Inside Perforation:

Spacing in Feet	10	1¼O	1½O	20
	1.049	1.380	1.610	2.067
2.5	8	14	18	28
3.0	8	13	17	26
3.3	7	12	16	25
4.0	7	11	15	23

(F) Minn. Rules Part 7080.0150, subpart 3F, as it may be amended from time to time, is amended to read: Laterals must be spaced no further than 60 inches apart in seepage beds and mound rock beds and no further than 30 inches from the outside edge of a drainfield rock layer. A mound drainfield with a 10N wide rockbed shall contain a minimum of three (3) laterals.

(G) Minn. Rules Part 7080.0170, subpart 2.C.(1)1, as it may be amended from time to time, is amended to read as follows: If there is a discrepancy between the soil texture and the percolation rate in Table V, as may be required on certain sites, the larger soil sizing factor shall be used, or a justification for a smaller sizing, acceptable to the Department, shall be submitted in the design report.

Subpart 2 C(2) is amended to read: Gravelless drainfield pipe media: Sizing shall be based upon 120 of drainfield rock except no reduction shall be allowed. The resulting size calculation shall be increased by 20%.

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1. The use of gravelless pipe in sandy soils is prohibited, unless evidence satisfactory to the Department proving no risk of failure is submitted to and approved by the Department.

(H) Holding tanks shall not be used as an ISTS for new residential construction or for improvements greater than 50% of the assessed value of the structure at the time of the application for the improvement.

(I) When installation of the drainfield is not possible, due to frozen or wet soil conditions, or an Imminent Public Health Threat (IPHT) exists, septic tanks may be allowed as temporary holding tanks. A pumping agreement, signed by the homeowner and the licensed pumper, must be filed with the Department.

(J) Permanent holding tanks shall only be allowed for pre-existing dwellings where a standard, alternative, other, or performance system cannot be reasonably installed.

(K) New buildings containing a floor drain not connected to an ISTS constructed after the effective date of this chapter must have a minimum 500 gallon holding tank. A pumping agreement, signed by the homeowner and the licensed pumper, must be on file with the Department prior to the issuance of any required septic permit(s).

(L) Holding tanks shall not be installed on undeveloped lots of records for recreational use.

(M) Individual sewage treatment systems shall be designed and located as to comply with the following minimum setback distances:

Feature	Septic Tank	Soil Treatment Area
Water supply well less than 50 feet and not encountering at least 10 feet of impervious material	50	100
Any other water supply well or buried water suction pipe	50	50
Buried pipe distributing water under pressure	10	10
Buildings	10	20
Property lines	10	10

<i>Feature</i>	<i>Septic Tank</i>	<i>Soil Treatment Area</i>
The ordinary high water mark of: Natural environment lakes and streams	150	150
Recreational development lakes and streams	75	75
General development lakes, rivers and protected waters	50	50
Swimming pools	10	10
Slopes of 20% or more	20	20
Interceptor drains		10*
* 20 feet in shoreland areas		

(N) Alternative, other, or performance ISTS as defined in Minn. Rules Parts 7080.0172, 7080.0178, and 7080.0179, as they may be amended from time to time, may be used for the repair or replacement of existing nonconforming systems, on existing lots of record, or as a new system if approved by the Department with the following conditions:

(1) Reasonable assurance of performance of such system is presented to the Department. The Department may require financial assurance including but not limited to escrow funds, letters of credit or liens on property in amounts sufficient to assure correction of a failing alternative, other or performance system;

(2) The design of such system is first approved by the Department;

(3) Additional monitoring, maintenance, and reporting beyond what is required by Minn. Rules 7080.0178 and 7080.0179 may be required by the Department through installation of Department-approved monitoring devices at the time of initial construction, or upon any alteration, repair, or extension of the system.

(a) Responsibility and liability for the cost of installing monitoring equipment and subsequent laboratory analysis shall be with the property owner;

(b) Property owner must permit reasonable access by the Department for the purpose of monitoring the system;

(c) The Department, upon request, shall make the monitoring data available to the property owner;

(4) Such systems comply with all applicable requirements of these standards and with all local codes and ordinances.

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(5) Existing curtain drain systems identified through a compliance inspection resulting from a property transfer or building permit that are not failing or IPHT may continue in use if the system is enrolled in the curtain drain monitoring program. Curtain drains that do not have the required separation shall not be considered failing for the purposes of this paragraph.

(O) It shall be the responsibility of any person utilizing an alternative, other or performance ISTS to report to the Department all discharges from a malfunctioning alternative, other or performance ISTS as soon as possible, but no later than 24 hours upon knowledge of such discharge; and further abate such discharge as soon as possible, but no later than 48 hours from the time the discharge was discovered.

(P) Commercial kennels, equestrian facilities, personal riding arenas, stables and riding academies, as defined by Zoning Code § 152.010, and veterinarian clinics, shall install an adequate ISTS for wastewater used in maintaining the facility. Any solids must be collected and properly disposed of prior to the wastewater entering the ISTS.

(Q) Not more than one dwelling, commercial, business, institutional, or industrial unit shall be connected to an existing ISTS unless such multiple connection has been approved by permit.

(R) No additions, installation of mechanical equipment, enlargements, improvements, or remodeling involving 50% or more of the original structure, or alterations that would affect the water use, such as a bedroom, a bathroom, or additions to living space excluding such areas as screen porches, entry ways, decks, attics, patios and nonhabitable space shall be allowed until the ISTS has been determined to be both adequate and conforming or a permit for a new treatment system has first been issued.

(S) State license required. A state license applicable to the type of work being performed is required for any person, business, firm or corporation that conducts site evaluations, design, installation, alteration, repair, maintenance, pumping or inspections on all or part of a sewage treatment system in Carver County. A license is not required for an individual who:

- (1) Is a qualified employee performing work as directed by the state or local government employer;
- (2) Performs labor or services under a license;
- (3) A farmer who pumps septage from individual sewage treatment systems from dwellings or other establishments that are owned or leased by the farmer and disposes septage on land that is owned or leased by the farmer; or
- (4) A property owner who personally gathers information, evaluates, or investigates the sewage treatment system on or serving the property to provide a disclosure as defined under Minn. Rules Part 7080.0020, subpart 12b, as it may be amended from time to time.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

PERMITS

§ 52.030 PERMIT REQUIRED.

No person, business, firm, or corporation shall install, alter, extend, or repair an ISTS in Carver County without first obtaining a permit from the Department or local permitting authority for each specific installation, construction, alteration, extension, or repair. Such permits shall be valid for a period of 12 months from the date of issuance.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.031 PERMIT APPLICATION REQUIREMENTS.

(A) No construction shall be allowed until the permit required for the ISTS has been issued.

(B) Application for permits shall be made in writing on forms furnished by the Department or local permitting authority and shall be signed by the applicant or the licensed installer.

(1) Each application shall contain:

- (a) Legal description of the property;
- (b) Location description of the property;
- (c) Name, mailing address, and phone number of the property owners;
- (d) Name, mailing address and phone number of the licensed installer;
- (e) Maximum number of bedrooms;
- (f) Estimated water usage if the building is not a dwelling unit;
- (g) List of water using appliances;
- (h) Estimated depth of well, if known.

(2) Each application shall be accompanied by:

- (a) Two copies of a plot plan of the land drawn to scale showing:
 - 1. Boundary lines and setbacks;
 - 2. Proposed and/or existing buildings as well as tennis courts and swimming pools;

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3. Proposed and/or existing recreational structures, including but not limited to tennis courts, swimming pools, hot tubs;

4. Location of wells and water pipes;

5. Location of septic tanks and pump tanks;

6. Location of drainfield;

7. Location of building sewer;

8. Location of distribution boxes or drop boxes;

9. Location of any animal confinement areas within 50 feet of septic tank or drainfield;

10. Location of any water bodies or wetlands located within 200 feet of septic tank or drainfield;

11. Roads and driveway and parking areas;

12. Land elevations.

(b) Two copies of a complete, detailed, to-scale ISTS plan showing location, size and design of all parts of the system to be constructed, installed, altered, repaired or extended, and the location of soil borings performed for site evaluation.

(c) A method to determine the timed rate of water flowing through soil may be required for areas of fill, compacted, or otherwise disturbed sites. Acceptable methods include, but are not limited to, percolation tests, permeameter tests, and infiltrometer tests.

(d) Soil boring data, dated within 12 months of the date of application, that verify suitable conditions for two complete soil treatment systems.

(e) Two copies of the results of the site evaluation report prepared by a licensed Designer I or Designer II.

1. The site evaluation report shall contain:

i. A description of the site characteristics;

ii. Soil evaluation based on borings and any other required tests;

- iii. Location of borings and any other required tests;
- iv. Elevation in relationship to a permanently fixed point.

2. There shall be a minimum of two soil borings performed on each proposed site. One shall be placed in the site designated for the rockbed, the other on the furthest downslope edge of the drainfield area.

(f) Any additional information that may be required by the Department to assure compliance with this chapter and state rules.

(g) The design and/or evaluation report approved by the Department shall be valid for a period of 12 months from the date of approval by the Department.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.032 PERMIT FEES.

(A) For construction completed without the appropriate permits, the permit fee shall be twice the current fee.

(B) The County Board shall, by resolution, establish fees including, but not limited to, fees for the type of system, permit renewal, and late fees.

(C) County Board may, by resolution, establish such other fees as may be necessary for the administration of this chapter.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.033 RELATION TO OTHER PERMITS.

(A) No building permit will be issued until the ISTS permit, when required, is approved and issued.

(B) No occupancy permit will be issued until the ISTS has had final inspection approval.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.034 PERMIT DENIED.

If an application for an ISTS permit or permit renewal is denied, notice of denial shall be served on the applicant by mail to the address set forth in the application. The notice shall state the reasons for denial and inform the applicant of his or her right to request a hearing as provided in §§ 52.135 *et seq.* of this chapter.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.035 PERMIT REVOKED.

Permits issued under this chapter may be revoked upon written notice by the Department when such permit has been issued based upon erroneous or inaccurate data supplied by the applicant or designer or erroneous interpretation of the law by the Department or a building official. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

INSPECTIONS AND LICENSED INSTALLER REQUIREMENTS**§ 52.045 APPLICABILITY.**

(A) Inspections relating to the repair, replacement, or construction of a new individual ISTS shall be performed by the Department or its authorized agent.

(B) These inspections shall include, but are not limited to, the following:

(1) Site inspections to verify and evaluate soil and site conditions and to determine the suitability of soils and system design; and

(2) Necessary investigations to determine compliance of existing ISTS.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.046 CONSTRUCTION, REPAIR, OR REPLACEMENT.

For all new ISTS construction and the repair or replacement of existing systems:

(A) Mound and at-grade systems shall require a minimum of four construction inspections:

(1) When tanks are installed, including all pumps and piping;

(2) When the soil under the mound has been roughed or scarified, but prior to placement of the sand fill. Enough of the proposed sand fill must be present to be examined;

(3) After placement of rock and piping but prior to cover; and

(4) When the installation is completed, the installer is required to make an as-built sketch of the ISTS and keep this record for a minimum of three years.

(B) Rock, gravelless trench, chambered media, and pressurized bed systems shall require a minimum of three construction inspections:

- (1) When tanks are installed, including all pumps, piping;
- (2) After placement of the distribution medium but prior to cover; and

(3) When the installation is completed, the installer is required to make an as-built sketch of the ISTS and keep this record for a minimum of three years.

(C) Alternative, other, and performance systems require as many inspections as deemed necessary by the Department to verify conformity to the design and compliance with this chapter. Following completion, the installer is required to make an as-built sketch of the ISTS and keep this record for a minimum of three years.

(D) Installation inspections shall be made prior to any work having been covered by backfill. Work which is backfilled prior to required inspection may be ordered to be uncovered whenever necessary to determine compliance.

(E) The licensed installer shall be responsible to notify the Department before 4:00 p.m. the day before an inspection or re-inspection is requested.

(1) Failure by the installer to cancel an inspection at least one hour before the scheduled time will result in a penalty fee as set forth in the County Fee Schedule.

(2) Failure to pay the penalty fee will result in a freeze on all future ISTS inspections for the affected property until the penalty fee is paid.

(F) If upon inspection, any part of the system is determined not to be in compliance with this chapter, or state rule, written notice shall be provided by the Department or its authorized agent indicating the deficiency and the required correction. Noted deficiencies shall be properly corrected and re-inspected before a Certificate of Compliance is issued.

(G) No system shall be placed or replaced in service until final inspection has been completed and the system installation has been approved.

(H) The owner or occupant of a property shall be responsible to provide access at a reasonable time to the Department or its agent for the purpose of performing inspections required under this chapter.

(I) Additional inspections or evaluations may be specified for the repair, replacement of an existing system, or construction of a new system at the time the ISTS permit is issued. These requirements shall be provided by the Department to the permittee at the time the permit is issued.

(J) If the Department is unable to complete an inspection, it shall be the responsibility of the licensed installer to take photographs of each phase of the installation as outlined in division (B)(1) through (3) above and submit these photos to the Department for approval. A certificate of compliance will not be issued until the Department has reviewed and approved the installation photographs.

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(K) The licensed installer shall provide, upon request from the Department, a copy of the final electrical report to the Department. The final certificate of compliance may be withheld if the electrical report is not received by the Department within ten working days of request.

(L) It shall be the responsibility of the licensed installer that the entire system is installed in strict accordance with the design as approved by the Department. If the system is not or cannot be constructed as designed, it shall be the responsibility of the licensed installer to inform the Designer and the Department. If proposed changes are approved by the Designer and the Department, it shall be the responsibility of the licensed installer to submit new or amended designs to the Department before completing construction.

(M) Violations of this chapter that necessitate follow-up inspection will be subject to a re-inspection fee. The re-inspection payment must be received by the Department within ten days following the re-inspection. A certificate of compliance will not be issued until the re-inspection payment is received by the Department.

(N) Failure of the county to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, or installing any ISTS.

(O) (1) Temporary repair of an IPHT will be allowed without first obtaining a permit or submitting a replacement design when:

(a) The required repair permit is issued within two business days of the temporary repair.

(b) A full ISTS compliance inspection is completed within five business days of the temporary repair.

(2) If the ISTS is determined to be failing or an IPHT, the system shall be brought into compliance within the timelines set forth in § 52.075
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.047 COMPLIANCE INSPECTION.

(A) If an inspection is conducted as part of a compliance inspection and/or the disclosure required by M.S. § 115.55, subd. 6, as it may be amended from time to time, such party must be licensed in accordance with MPCA rules and regulations and the notice of compliance or noncompliance provided to the property owner must also be provided to the Department within 30 calendar days of the inspection.

(B) If no septic tank pumping records exist for a property, or the records are older than four years, the Department may order the homeowner to have a compliance inspection and tank pumping completed on the subject property in order to determine the ISTS status. The inspection and pumping must be completed within 30 days of the request, and the subsequent reports submitted to the Department within 30 days of the completion of the inspection and pumping.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

PROPERTY TRANSACTIONS

§ 52.055 STANDARDS.

No owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure which is required to have an ISTS is located, shall sell or transfer to another party the tract of land, unless the following requirements are met:

(A) The sellers of any property having an Individual Sewage Treatment ISTS must have a State Licensed Inspector or Designer I complete the MPCA Sewage System Compliance Inspection.

(1) 201 systems located outside of city limits and not utilizing a drainfield shall require a septic tank inspection only;

(2) 201 systems located outside of city limits and utilizing a community or shared drainfield shall require a complete compliance inspection.

(B) The sellers must provide a copy of the completed property transfer system disclosure form and the compliance inspection form to any person who signs a purchase agreement. The disclosure form and compliance inspection form must be provided to the buyers prior to the signing of the purchase agreement. The compliance inspection form shall include all requirements for bringing the system into compliance with this chapter.

(C) The sellers or buyers of a property containing an ISTS that is an IPHT must have the system repaired or replaced within ten months of the inspection date. If the system is not brought into compliance prior to the property transfer, funds sufficient to repair or replace the failing system shall be placed in escrow. The Department has the authority to require repair or replacement of an IPHT sooner than ten months of the inspection date.

(D) The sellers or buyers of a property containing a failing ISTS that is not an IPHT must have the sewage system upgraded to a complying system within three years of the date of the compliance inspection. If the system is not brought into compliance prior to the property transfer, funds sufficient to repair or replace the failing system shall be placed in escrow. The Department has the authority to require repair or replacement of a failing ISTS sooner than three years of the inspection date.

(E) The Sewage System Compliance Inspection form shall be filed with the County Auditor along with the Certificate of Real Estate Value. A copy of the inspection form must also be filed with the Department within 30 calendar days of the date of the inspection.

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(F) Should the seller fail to have the compliance inspection completed, and neither party has established an escrow account, the buyer of the property becomes wholly responsible and shall have the compliance inspection completed, or establish the escrow account, within 30 days of the property transfer of ownership. If the results of the compliance inspection indicate a Failing or IPHT system, the buyer shall replace the system or establish the required escrow account within 15 days of the date of the compliance inspection.

(G) Should the seller and/or buyer forego the required compliance inspection and/or fail to establish an escrow account, the system shall be deemed an IPHT and must be replaced within ten months of the closing date on the property.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

EXEMPT TRANSACTIONS**§ 52.065 EXEMPT TRANSACTIONS.**

The compliance inspection need not be completed if the sale or transfer involves the following circumstances:

(A) Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures;

(B) The existing dwelling or other building(s) are not habitable, based upon documentation submitted by the owner(s) to the Department;

(C) No certificate of real estate value need be filed with the County Auditor, as per M.S. § 272.115, as it may be amended from time to time;

(D) The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through a joint tenancy, of a testamentary nature or by trust document;

(E) The transfer is a foreclosure or tax forfeiture;

(F) A refinance of a property;

(G) The sale or transfer completes a contract for deed entered into prior to February 24, 1998. This division applies only to the original vendor and vendee on such a contract;

(H) All dwellings or other buildings with running water are connected to a municipal wastewater or treatment system;

(I) 201 systems which discharge directly to the Metropolitan Council Environmental Services interceptor/collector sewer and do not utilize a septic tank or a septic tank and soil treatment area. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.066 TRANSACTIONS OCCURRING BETWEEN DECEMBER 1 AND APRIL 1.

(A) If the transaction occurs between December 1 and the following April 1, and the compliance inspection cannot be completed, the compliance inspection shall be completed and filed with the Department and County Auditor by June 15 following the closing date.

(B) The responsibility for filing the completed compliance portion of the inspection form in this type of transaction shall be that of the buyer. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

FAILING AND NON-COMPLYING SYSTEMS

§ 52.075 TIME FRAMES.

(A) Any ISTS determined to be failing or non-complying by the Department or by a compliance inspection shall be repaired or replaced.

(B) A system determined to be failing or non-complying and an IPHT must be brought into compliance within ten months of the date of discovery by the Department or the date of the compliance inspection, whichever is the earlier date.

(C) A system determined to be failing or non-complying but not an IPHT must be brought into compliance within three years of the date of discovery by the Department or the date of the compliance inspection, whichever is the earlier date. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.076 RESTORATION.

The Department may allow a failing system to be restored to its original design rather than being fully reconstructed in accordance with the standards set forth in §§ 52.020 *et seq.* if the Department determines such restoration will abate the system's failure and reasonably assure satisfactory performance of the system as defined by Minn. Rules Chapter 7080, as it may be amended from time to time, and this chapter. (Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

MAINTENANCE, PUMPING AND DISPOSAL.**§ 52.085 PUMPING OF SEPTIC TANKS.**

The owner of any ISTS shall properly clean the septic tank or tanks at least once every three years or sooner if necessary in order to prevent the sludge from reaching any point closer than 12 inches from the bottom of the outlet baffle or the scum from reaching a point closer than 3 inches above the bottom of the outlet baffle.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.086 SEPTIC TANK ACCESS.

The owner or owner's agent shall install maintenance holes in sewage tanks in accordance with Minn. Rules Part 7080.0130, subpart 2.M, as it may be amended from time to time, to allow for maintenance to take place through the maintenance hole.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.087 LICENSED PUMPER REQUIREMENTS.

(A) Pumpers shall have equipment capable of agitating septage sludge and thoroughly removing sludge and scum from the septic tanks or holding tanks.

(B) Septage sludge shall be removed through the septic tank maintenance hole and not through inspection pipes.

(1) If the property owner or owner's agent refuses to allow removal through the maintenance hole, the pumper must obtain a signed statement from the owner or owner's agent stating said parties were informed of correct removal procedures and the reason for refusal.

(2) A copy of this statement must be submitted to the Department.

(C) All septage removed from septic tanks or holding tanks shall be removed from the site in sealed containers and disposed of in accordance with § 52.088.

(D) The pumper shall submit monthly reports to the Department listing the total number of systems pumped, address of site, approximate volume pumped, method of septage disposal, and location of septage disposal.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.088 DISPOSAL OF SEPTAGE.

All septage removed from septic tanks or holding tanks shall be removed from the site in sealed containers and shall be disposed of in accordance with state, federal, and local requirements. If the septage is to be disposed of into a municipally-controlled sewage facility or into a Metropolitan Waste Control Commission facility it shall be disposed of in a location and manner approved by said governmental authority.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.089 SEPTAGE APPLICATION AND UTILIZATION.

(A) *Land spreading location.* The land spreading site location must be such that the minimum setback distance designated in Table I below are maintained. These minimum separation distances will be maintained subject to more stringent state and/or federal regulations.

Setbacks	
Table I	
Feature	Minimum Required Separation Distance
Private water wells	200 feet
Municipal well	1,000 feet
Public road right-of-way	100 feet
Occupied buildings	600 feet
Residential or commercial dev.	1,320 feet

Property lines	25 feet
Airport	5,000 feet

(B) *Land application requirements for septage.* Minnesota Pollution Control Agency Septage and Restaurant Grease Trap Waste Management Guidelines, Water/Wastewater-ISTS #4.20 dated January 2001, are hereby adopted as county ordinance. These requirements are only for land application of septage on areas referred to as non-public contact sites. These are agricultural, forest, and mine lands. Areas frequented by the public must meet the more detailed requirements of 40 C.F.R. Part 503 for sewage sludge. It is the pumper's responsibility to keep current on all rules and ordinances related to land application.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.090 OTHER SEPTAGE DISPOSAL METHODS AND REGULATIONS.

Septage may be disposed of in a municipal sewage treatment plant only with the authorization of the plant operator. The governmental entity owning such a plant may also require a permit or other written authorization before disposal of septage at their facility.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

***ABANDONMENT OF ISTS AND CONNECTIONS
TO COMMUNITY SEWER SERVICES*****§ 52.105 ABANDONMENT.**

(A) When an ISTS is abandoned, all septic tanks, cesspools, and leaching pits shall be pumped to remove all liquid, sludge and scum. The covers to all septic tanks, cesspools and leaching pits shall be either collapsed or removed and tanks or cavities shall be filled with clean earth. The earth shall be adequately mounded to allow for settling.

(B) Sufficient documentation to describe the abandonment procedures shall be submitted to the Department by the licensed installer responsible for the abandonment procedures. This documentation must be submitted within 30 calendar days of the abandonment.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.106 CONNECTION.

(A) When sanitary sewer services are available all IPHT systems shall make connection to community sewer services within ten months from the date of inspection; failing systems shall make connection within three years from the date of inspection, unless earlier connection is deemed necessary by the Department.

(B) Sufficient documentation to describe the connection procedures shall be submitted to the Department by the licensed installer or city official responsible for the connection procedures. This documentation must be submitted within 30 calendar days of the connection.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

LICENSED DESIGNER RESPONSIBILITIES

§ 52.115 DESIGN AND SITE REQUIREMENTS.

(A) All ISTS designs shall be in compliance with this chapter. Designs submitted to the Department shall be of sufficient detail and to scale so as to allow adequate review for compliance by the Department.

(B) Rockbed, upslope, and downslope berm corners must be staked for mound and at-grade systems. Rockbed area must be staked for trench and pressurized bed systems.

(C) All ISTS sites must be identified before construction activities begin and staked and fenced to prevent construction traffic from altering the soil conditions. If construction traffic results in alteration of the soils, a revised design and permit application proposing another site must be submitted to the Department along with the required fees.

(D) The primary ISTS site for an existing dwelling must be adequately marked and fenced to keep the area secure until the system is installed. If traffic results in alteration of the soils, a revised permit application proposing another site must be submitted to the Department along with the required soil data and fees.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

VARIANCES

§ 52.125 VARIANCES.

(A) Pursuant to Minn. Rules Part 7080.0305, as it may be amended from time to time, variances to decrease the three-foot of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the Commissioner of the Minnesota Pollution Control Agency in accordance with Minn. Rules Part 7080.0030, subp. 3, as it may be amended from time to time;

(B) Pursuant to Minn. Rules Chapters 4715 and 4725, as they may be amended from time to time, variances to decrease the required setbacks from buried water pipes and water supply wells must be approved by the Minnesota Department of Health.

(C) Any person seeking a variance to other sections of this chapter shall complete a Variance Application Form and submit it to the County Environmental Services Department.

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(D) All variances shall be processed per the County Zoning Code, § 152.215.

(E) The Board of Adjustment may impose conditions it considers necessary to protect the public health, safety, and welfare.

(F) Any use that is also prohibited by the Zoning Code will require a variance to the Zoning Code and can be addressed in the same application to the Zoning Department.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

ADMINISTRATION AND ENFORCEMENT**§ 52.135 DUTIES OF THE DEPARTMENT.**

(A) The Department has the authority to administer and enforce this chapter.

(B) The Department's authority includes, but is not limited to, the following:

(1) Inspect new, repaired, or replaced ISTS and septage disposal sites located in the unincorporated areas of Carver County as provided in this chapter, issue certificates of compliance for new, repaired, or replaced systems, and investigate complaints of violations of this chapter.

(2) Recommend that legal proceedings be initiated by the County Attorney to compel compliance with the provisions of this chapter.

(3) Advise, consult and cooperate with the public and other governmental agencies in the furtherance of this chapter.

(4) Issue orders:

(a) To suspend or revoke permits issued under this chapter;

(b) To stop actions which constitute a violation of this chapter;

(c) To correct systems determined by the Department to be in a state of failure or determined to be otherwise in violation of this chapter;

(d) To cease and prevent from use any system which is operating in a manner creating hazard to public health, safety or welfare.

(5) Failure of the county to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing any ISTS.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.136 APPEALS.

(A) *Hearing.* An appeal from any order, requirement, decision, or determination from the Department shall be heard by the Board of Adjustment within 60 days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant and the officer, from whom the appeal is taken, and to the public and decide the same within 90 days of the hearing date.

(B) *Stay of action.* An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.

(C) *Action to Board of Adjustment.* The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and to that end shall have all of the powers of the officer from whom the appeal was taken and may direct issuance of the permit. The reasons for the Board of Adjustment's decision shall be stated in writing.
(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)

§ 52.999 PENALTIES.

(A) *Responsibility.* It is the responsibility of the owner of a failing ISTS to notify the Department and submit a plan for the abatement of the failure to the Department.

(B) *Time frame.* When the Department becomes aware of a failing or IPHT ISTS, the Department may require the following:

(1) The owner of the ISTS shall respond to the Department within five working days of notification by the Department by submitting a plan for abating the discharge.

(2) The owner of the ISTS shall repair or replace the failing system consistent with this chapter and Minn. Rules Chapter 7080, as it may be amended from time to time.

(3) The Department may require that the owner of an IPHT system pump the septic tank as an interim abatement measure if the Department determines that the failing system is an IPHT.

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(C) *Misdemeanor.* Any person who fails to comply with the provisions of this chapter is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(D) *Stop work orders.* Whenever any work is being done contrary to the provisions of this chapter, the County Environmental Services Department may order the work stopped by written notice personally served upon the owner or installer of the ISTS. All activities shall cease and desist until subsequent authorization to proceed is received from the Environmental Services Department.

(E) *Injunctive relief and other remedies.* In the event of a violation or a threat of a violation of this chapter, the county may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The county may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

(Ord. 21F, passed 4-17-01; Am. Ord. 52, passed 6-6-05)