

**THE SANITATION CODE
OF
OTTER TAIL COUNTY**

REVISED:

JULY 15, 1998

MAY, 16, 2008

AUGUST 1, 2011

**LAND & RESOURCE MANAGEMENT
OTTER TAIL COUNTY GOVERNMENT SERVICES CENTER
540 WEST FIR, FERGUS FALLS, MN 56537**

218-998-8095

www.co.ottertail.mn.us

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SANITATION CODE OF OTTER TAIL COUNTY

THE COUNTY BOARD OF COMMISSIONERS ORDAINS:

56.0010. PURPOSE AND INTENT.

The purpose of the Sanitation Code of Otter Tail County is to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and sewage disposal, including their proper location, design, construction, operation, maintenance and repair; to protect surface water and ground water from contamination by human sewage; to protect the public health and safety, and eliminate or prevent the development of public nuisances.

This Ordinance is enacted pursuant to Minnesota Statutes, Chapters 115, 145A, 375, 394 and 471, and specifically including Sections 115.55, 145A.05, 375.51, 394.21 through 394.37 and 471.82; and applies to all incorporated and unincorporated areas of the County of Otter Tail except incorporated areas which have adopted standards that comply with Minnesota Statute §155.55 and are at least as strict as this Ordinance.

56.0015. STANDARDS ADOPTED BY REFERENCE

The County hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.315, 7080.0700 and 7080.0910 as now constituted and from time to time amended, except as those Rules are modified by this Ordinance for application in Otter Tail County.

This Ordinance uses a similar numbering system as Minnesota Rules Chapter 7080 substituting a 56 for the 7080 to denote a provision specific to Otter Tail County. The specific numbered provisions of this Ordinance modify the parts and subparts of Chapter 7080 with the corresponding number.

Otter Tail County will continue to enforce the rules contained in 7080, as they existed prior to the 2008 amendments, until the County adopts a new Ordinance in conformity with the 2008 Rules.

56.0020.DEFINITIONS.

Subp. 1c. **Administrative Officer.** "Administrative Officer" means the Administrator of the Office of Land and Resource Management of Otter Tail County and his/her assistants.

Subp.12c.(1). **Disposal Area.** "Disposal area" means any parcel of land used for the placement of septage on or into the soil surface.

Subp. 16. **Dwelling.** "Dwelling" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or time share accommodations such as cottage, house, motel and resort rooms and cabins, tents, RV's and manufactured homes.

Subp. 24d. **Ordinary high water level (OHWL).** "Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the OHWL is the elevation of the top of the bank of the channel. For reservoirs and flowages the OHWL is the operating elevation of the normal summer pool.

Subp. 26a. **Permit.** "Permit" means a building, construction, sanitary, site, planning, zoning, or other such permit issued for new construction, replacement, repair, alteration, or extension of an individual sewage treatment system, including artificial drainage and collector systems. Permit also means a permit issued for the addition of a bedroom or bathroom on property served by an individual sewage treatment system.

Subp.28g. **Road Authority.** "Road Authority means the Commissioner of Transportation, as to trunk highways; the County Board, as to County State-Aid Highways and County Highways; the Townboard, as to Town Roads; and the governing bodies of Cities when the governing bodies or City Streets are specifically mentioned; or the aforementioned road authorities' designated representative.

Subp.52a. **Wetland.** "wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), which is hereby incorporated by reference, is available through the Minitex Interlibrary Loan System and the Land & Resource Management Office, and is not subject to frequent change.

56.0060. COMPLIANCE CRITERIA.

Subp. 4. **Required Upgrade.** A system not in compliance with these standards or a system that presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, must be upgraded, replaced, or properly abandoned within the time period established by the Administrative Officer. This time period shall not be longer than ten months after the owner receives a notice of noncompliance.

56.0120. BUILDING SEWERS.

Subpart 1. The building sewer, and all piping up to the point where the soil treatment area begins, shall be of watertight piping and joints. Joints between the piping and other appurtenances of the system shall be watertight. The use of perforated pipe or its equivalent is prohibited.

Subp. 2. No building sewer shall be less than four inches in diameter.

Subp. 3. The buried or concealed portion of any building sewer, building drain or branch thereof shall be located at least 20 feet from any well. That portion located less than 50 feet from any well shall be constructed of cast iron with air tested joints or other acceptable plastic material. The air test should be made by attaching an air compressor or test apparatus to a suitable opening and closing all other inlets and outlets to the sewer and/or drain under test by means of proper testing plugs. Air shall be forced into the system until there is uniform pressure of five pounds per square inch in the section being tested. The system shall be considered satisfactorily air tested if the pressure therein remains constant for 15 minutes without the addition of air.

Subp. 4. The portions of any buried sewer more than 50 feet from a well shall be constructed the cast iron, vitrified clay, cement-asbestos, concrete, approved plastic or other approved pipe material.

Subp. 5. All joints between pipes and fittings in the building sewer shall have watertight and root tight joints. Portland cement mortar joints shall not be allowed. Lines shall provide a grade of not less than one eighth inch per foot. Where building sewers exceed 50 feet in length, lines shall provide a grade which will allow a flow velocity of not less than two feet per second. All changes of grade shall be made by means of long sweep ells. Where long sweep ells are not used and where the direction changes by more than 22.5 degrees, accessible cleanouts shall be provided.

56.0170. FINAL TREATMENT AND DISPOSAL.

Subp. 2. **Trenches and Seepage Beds.**

A. Location of trenches and seepage beds:

(3) Soil treatment systems shall be located as specified in Table IV.

Table IV. Minimum setback distances (feet).

MINIMUM SEWAGE SYSTEM SETBACK STANDARDS

SEWAGE TANK/SOIL TREATMENT AREA FROM OHWL

Lakes	Rivers
GD..... 50 Ft.	URB & TRIB..... 75 Ft.
RD..... 75 Ft.	Ag..... 75 Ft.
NE 150 Ft.	TRANS 100 Ft.

For lots existing by virtue of a recorded plat or deed before October 15, 1971, or on lots that have an existing dwelling, which have insufficient area to meet this setback, the setback from the OHWL shall be the greatest distance possible by meeting all other setback requirements, and in no event less than 50 feet from the OHWL.

Sewer Line

Water Well 20 Ft.

Sewage Tank

Water Well 50 Ft.
 Buried Water Suction Pipe 50 Ft.
 Buried Pipe Distributing Water Under Pressure 10 Ft.
 Building 10 Ft.
 Lotline/Road-Right-of-Way 10 Ft.

Soil Treatment Area

Water Well Less Than 50 Ft. Deep and
 Less Than 10 Ft. of Impervious Material 100 Ft.
 Any Other Water Well or Buried Suction Pipe 50 Ft.
 Buried Pipe Distributing Water Under Pressure 10 Ft.
 Lotline/Road-Right-of-Way 10 Ft.
 Building - Dwelling 20 Ft.
 Non-Dwelling 10 Ft.
 OHWL, Saturated Soil or Bedrock (vertical) 3 Ft.

The setback from a water well for sewer lines, sewage tanks and soil treatment areas may be less than the established standards if a variance is obtained from the MN Dept. of Health, in which case the setback shall be the distance established in the Department of Health variance, a copy of which shall be filed with the Administrative Officer.

ISTS may be installed less than ten feet from a road right-of-way with written permission from the road authority, a copy of which shall be filed with the Administrative Officer.

The lotline setback does not apply to lotlines dividing lots in a common Collector System.

D. Design and construction of trenches and seepage beds:

(1) The bottom and sides of trenches and beds shall be in original soils at least three feet above saturated soil, OHWL or bedrock. In no case shall the bottom of the distribution medium be deeper than 48 inches from the final grade.

Subp. 5. **Mounds.**

B. Design of mounds. Drainfield rock must be used as the distribution medium in mounds.

(4) The required absorption width is calculated by multiplying the rock bed width by the absorption ratio. The absorption ratio shall be determined according to Table VI using the percolation rate of the upper 24 inches of soil in the proposed absorption area. For mounds with side-by-side rock beds, the required absorption width shall be increased by four feet.

56.0175. MAINTENANCE AND SEWAGE DISPOSAL.

Subp.2. **Sewage Disposal.**

A. General Requirements.

(1) Only a Minnesota Licensed Pumper is allowed to service, clean and pump sewage treatment systems.

(2) A record of all the sewage treatment systems serviced shall be maintained by the Pumper, indicating the date of the pumping, name of the property owner, parcel number where the tank is located, the approximate gallons removed and the disposal area where the waste was discharged. A copy of this record shall be provided on a monthly basis, to the Administrative Officer. Sewage Treatment Pumper Report Forms are available from the Administrative Officer.

(3) Disposal Area. Septage shall not be discharged into ditches, watercourses, lakes, ponds, wetlands, streams or within a Shoreland Area of Otter Tail County. It shall not be discharged within 300 feet of a road used by the public. Discharge shall not be allowed in areas where disposal is within four (4) feet from the ground water table or faultless rock where bedrock formation exists. No discharge shall be made within 300 feet of wells or 1,000 feet of a building used for human occupancy. The preceding linear footage requirements are not applicable if discharge is made into a municipal sanitary sewage treatment system.

(4) Disposal of septage must be done in compliance with all Local Ordinances, Minnesota and Federal Statutes and Rules.

56.0305. ADMINISTRATION AND ENFORCEMENT

Subpart 1. **Enforcing Officer.** The Administrative Officer shall be responsible for the administration of this Ordinance.

Subpart 2. **Penalties.**

A. Any person who violates the terms and provisions of this Ordinance shall be charged with a misdemeanor. All fines paid for violations shall be credited to the County General Revenue Fund. Each 24-hour day that a violation continues shall constitute a separate offense.

B. In the event of a violation or a threatened violation of this Ordinance, the County Board of Commissioners and/or the Administrative Officer, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

C. Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper officer or officers of any duty required by this Ordinance.

D. All employees of the Otter Tail County Land and Resource Management Office, members of the County Board of Commissioners, Planning Commission and Board of Adjustment, in the performance of their duties shall have free access on all land included within the jurisdiction of this Ordinance.

Subpart 3. **Variance.** In any case where upon application of any responsible parties to the Board of Adjustment, it appears by the reason of exceptional circumstances the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Board of Adjustment may permit a variance there from upon such conditions as it may prescribe consistent with the general purposes of this Ordinance and the intent of this and all other applicable State and Local regulations (see also Sections II.30 and V.5. of the Shoreland Management Ordinance).

Subpart 4. **Subdivision.** Subdivisions must conform to all other requirements of the Subdivision Controls Ordinance of Otter Tail County. In areas not served by publicly owned sewer and water systems subdivisions must not be approved unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. At lot shall be sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

56.0310. PERMITS

Subpart 1. No person, firm or corporation shall install, alter, repair or extend any individual sewage treatment system in the County without first obtaining a permit from the Administrative Officer for the specific installation, alteration, repair or extension. Unless other wise indicated, the permit shall be valid for a period of six months from the date of issue. The fee for said permit shall be as set forth in the Fee Schedule.

Subpart 2. Applications for permits shall be made in writing upon printed blanks or forms furnished by the Administrative Officer and shall be signed by the Applicant or his agent.

Subpart 3. Each permit application must adequately identify the property and owners, a site evaluation report, a design summary and scaled drawings, applicable construction information, and any other information requested by the permitting authority pertinent to this process. Exhibits for site evaluation, design, and applicable construction information must be complete and include a certified statement from the person who conducted the work. In the event of a change in the application information which served as the basis for issuing a permit, the Permittee must file an amended application for reapproval prior to initiating construction, detailing the changed conditions for approval or denial by the permitting authority.

56.0315. INSPECTION

Subpart 1. The Administrative Officer shall make such inspections as are necessary to determine compliance with this Ordinance. In non-shoreland areas, a State Licensed Inspector who has filed his credentials with the Administrative Officer, may make the required inspections, in which case, a copy of the inspection report shall be filed with the Administrative Officer within 7 days. No part of the system shall be covered until it has been inspected and accepted by the Inspector. It shall be the responsibility of the applicant for the permit to notify the Inspector that the authorized work is ready for inspection or reinspection, and it shall be the duty of the Inspector to make the indicated inspection within three working days after such notice has been given. The Administrative Officer shall issue to the applicant a Certificate of Approval.

If upon the inspection, the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in the Ordinance, he shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed in service until all defects have been corrected or eliminated.

56.0910. ALTERNATIVE AND EXPERIMENTAL SYSTEMS.

Subpart 1. **General**

D. A three-foot minimum separation is provided between the bottom of the distribution medium and the saturated soil, OHWL or bedrock. Proposed experimental systems which do not provide this minimum separation must follow the variance procedure in part 7080.0305, subpart 3;

Subp. 3. **Alternative Systems**

D. Floodplain areas.

(7) If a holding tank is used for a dwelling, its minimum liquid capacity shall be 1,000 gallons (see Table A-2 under J.4.). For other establishments, storage equal to at least five times the average design flow must be provided. The holding tank must be accessible for removal of tank contents under flooded conditions.

J. Holding tanks.

(4) For a dwelling, the minimum size shall be as follows:

Table A-2

No. of Bedrooms	Minimum Gallons
1 to 4	1,000
5 to 6	1,500
7 to 9	2,000

Subp. 4. **New Technologies**

New individual sewage treatment systems technologies authorized by Minnesota Statutes 115.55 as Warranted Systems are not permitted in Otter Tail County.

EFFECTIVE DATE: AUGUST 1, 2011