

# Washington County, Minnesota Ordinances

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## **Ordinance No. 59 "201" Sewer Use Ordinance**

**An Ordinance Regulating the Use of Soil Treatment Units and Associated Collection Systems which are Constructed with State and Federal Grant Assistance and are Located within the "201" Study Areas in the Unincorporated Communities of Washington County.**

Date Approved: 06/03/1986

Date Published: 06/19/1986

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### **Washington County, Minnesota "201" Sewer Use Ordinance No. 59**

The "201" Sewer Use Ordinance is an ordinance regulating the use of soil treatment units and associated collection systems which are constructed with State and Federal grant assistance and are located within the "201" study areas in the unincorporated communities of Washington County (a map is attached to the complete ordinance and is a part of that ordinance).

The intent and purpose of this ordinance is to protect the health, safety and welfare of the residents of the community present and future in accordance with the communities state disposal system and where applicable national pollutant discharge elimination system permits. In addition, it will regulate the discharge of wastes into soil treatment units and associated collection systems which would have an adverse affect on the operation and maintenance of the wastewater treatment facility and establish programs by which community sewage treatment systems and individual sewage treatment systems are maintained.

This ordinance shall be in full force and effect from and after its passage and publication according to law. (Copies of the official ordinance may be examined at the Washington County Administrator's Office and the Auditor/Treasurer's Office and may be purchased at the Department of Health, Environment and Land Management located in the Washington County Government Center, 14900 61st Street North, Stillwater, Minnesota.

Passed by the Board of County Commissioners of Washington County, Minnesota this 3rd day of June, 1986.

Sally Evert, Chairman  
Board of County Commissioners

Attest:  
Charles Swanson

County Administrator

Approved as to form and legality:  
Doug Swenson  
Assistant County Attorney

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An Ordinance Regulating the Use of Soil Treatment Units and Associated Collection Systems which are Constructed with State and Federal Grant Assistance and are Located within the "201" Study Areas in the Unincorporated Communities of Washington County(*Refer to Map - Appendix 1 - at end of document*)

Pursuant to the Authority Granted in Minnesota Statutes, Sections 145.915 and 394.21 et seq.  
The Board of Commissioners of Washington County does Ordain:

## **SECTION 1. Title**

### **101. Short Title.**

This Ordinance shall be known, cited and referred to as the Sewer Use Ordinance, except as referred to herein, where it shall be known as "this Ordinance."

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## **SECTION 2. Intent and Purpose**

### **201.**

This Ordinance is adopted for the purpose of:

(1)  
Protecting the health, safety, and welfare of the residents of the community, present and future in accordance with the community's State Disposal System, and where applicable, National Pollutant Discharge Elimination System Permit.

(2)  
Regulating the discharge of wastes into soil treatment units and associated collection systems which would

have an adverse affect on the operation and maintenance of the wastewater treatment facilities.

(3)

Establishing programs by which community sewage treatment systems and individual sewage treatment systems are maintained.

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## **SECTION 3. Rules and Definitions**

### **301. Rules.**

#### **301.01.**

In the event of conflicting provisions in the text of this Ordinance, and/or ordinances, the more restrictive provision shall apply. The Zoning Administrator shall determine which is more "restrictive" and appeals from such determination shall be made in the manner provided herein.

#### **301.02.**

Words used in the present tense shall include the past and future tense; the singular includes the plural and the plural includes the singular. The word "shall" is mandatory, and the word "may" is permissive.

### **302. Definitions.**

#### **302.01.**

For the purpose of this Ordinance, certain terms, words and phrases are hereby defined as follows:

##### **(1) Active Maintenance.**

A maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility for effecting operation, maintenance and replacement (OM&R) in a manner acceptable to the Sewer Authority.

##### **(2) BOD.**

Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

##### **(3) Building Drain.**

That part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins at least one foot outside the building line.

##### **(4) Building Sewer.**

That part of the drainage system which extends from the building drain and conveys its discharge to either a public sewer, a sewage tank, pumping chamber; or an individual sewage treatment system.

##### **(5) Community Sewage Treatment System.**

A sewage treatment system which collects sewage from two or more residents or other establishments,

consisting of: collector lines, pumps, sewage tanks, and soil treatment unit. Also known as a cluster system or a collector system.

**(6) County.**

The area within the boundaries of Washington County. The term "County" when used herein may also be used to refer to the County Board and its authorized representatives.

**(7) Easement.**

A legal transfer of rights, privileges or uses of private property.

**(8) Garbage.**

Solid waste resulting from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, or sale of meat, fish, fowl, fruit, or vegetables and condemned food.

**(9) Individual Sewage Treatment System.**

A sewage system connecting to a single dwelling or other establishment, consisting of: soil treatment unit, sewage tanks, and associated systems.

**(10) Industrial Wastes.**

The solid, liquid, or gaseous waste resulting from industrial manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

**(11) Industry.**

Any non-governmental or non-residential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, categorized in Divisions A, B, D, E, and I.

**(12) NPDES Permit.**

National Pollutant Discharge Elimination System Permit means the system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

**(13) Natural Outlet.**

Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**(14) Normal Domestic Strength Wastes.**

Wastes which are characterized by a per capita discharge of 75 gallons per day at a loading of 200 mg. per liter (BOD), biological oxygen demand and 225 mg. per liter (TSS) total suspended solids.

**(15) Operation and Maintenance.**

Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

**(16) Other Wastes.**

Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil tar, chemicals, offal, and all other substances except sewage or industrial waste.

**(17) Passive Maintenance.**

A maintenance program for community sewage treatment systems whereby the unincorporated community in which the treatment system is situated is responsible for conducting Operation Maintenance and Replacement in a manner acceptable to the Sewer Authority.

**(18) Person.**

Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

**(19) pH.**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**(20) Public Sewage Treatment System.**

Any sewage treatment system owned or operated by a unit or agency of government.

**(21) Replacement.**

The obtaining and installing of equipment accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. The term operation and maintenance includes replacement.

**(22) Sanitary Sewer.**

A sewer which carries sewage and to which storm, surface, and groundwater are not intentionally discharged.

**(23) Sanitary Waste.**

The liquid and water carried wastes discharged from sanitary plumbing facilities.

**(24) Septage.**

The solids and liquids removed during periodic maintenance of sewage tanks including holding tanks.

**(25) Sewage or Wastewater.**

The water carried waste products from residences, commercial buildings, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface, and storm waters as may be present.

**(26) Sewer.**

A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

**(27) Sewer Authority.**

The governmental entity and department thereof which has permitting and enforcement authority over sanitary improvements. The Washington County Zoning Administrator is the Sewer Authority in all unincorporated communities in Washington County. The Zoning Administrator shall be responsible to insure that all the provisions of this ordinance are complied with through routine monitoring, inspection and other appropriate means.

**(28) Sewer System.**

Pipelines or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

**(29) Slug.**

Any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in

quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

**(30) State Disposal System (SDS) Permit.**

Any permit including any terms, conditions and requirements thereof issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

**(31) Suspended Solids.**

Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

**(32) Toxic Pollutant.**

The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards pursuant to Section 307(a) of the Clean Water Act.

**(33) Unpolluted Water.**

Clean water contaminated by industrial wastes, other wastes, or any substance which renders such water unclear or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals birds, fish, or other aquatic life.

**(34) Wastewater Facility.**

The structures, equipment, or processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

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## **SECTION 4. Use of Public Sewage Treatment Systems**

### **401. General Requirements**

#### **401.01. Unlawful Surface Discharge.**

It shall be unlawful to discharge to any natural outlet within the County or any area under the jurisdiction of the County any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the County's NPDES/SDS Permit.

#### **401.02. Unlawful Connection to Public Sewage Treatment Systems.**

It shall be unlawful for any person to connect a building sewer to any public sewer without first obtaining a permit from the Sewer Authority. The Sewer Authority shall permit new connections and flow increases only if there is additional available capacity in the particular public sewage treatment system being considered. No new construction will be permitted to connect for a minimum of three years following start up of each public sewage treatment system. This moratorium is necessary to allow the Authority time to establish a base flow rate and a minimum reserve capacity for each public sewer.

#### **401.03. Unlawful increase in discharge to Public Sewage Treatment System.**

No expansion or addition to an existing structure which is served by a Public Sewer will be permitted for a

minimum of three years following start up of each public sewage treatment system.

**401.04. Lawful Connections to Public Sewers.**

New connections may be allowed, with a Sewer Authority Permit, according to the following conditions:

- (1)  
Where an existing on-site septic system is failing and where the property in question has frontage on the public sewer, a new connection may be permitted if capacity is available in all components of the public sewer.
- (2)  
New connections shall be constructed according to the specifications of the Sewer Authority's Permit for said connection. The permit conditions for new building sewer connections to public sewage treatment systems shall be as follows:
  - a. Applications for permits shall be made by the owner or authorized agent and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
  - b. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgement of the Sewer Authority. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
  - c. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the community and the Sewer Authority from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
  - d. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. Neither the community nor the Sewer Authority will assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
  - e. Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Sewer Authority, and found to meet all requirements of this Ordinance.
  - f. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the Sewer Authority. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The property owner shall provide and maintain such lifting mechanism as required at no expense to the community.

(3)

The fee for new connections shall be established by the sewer system owner from time to time.

**401.05. Unlawful Discharge to Public Sewers.**

No person shall discharge or cause to be discharged directly or indirectly any waste which, by volume or strength or nature, may harm the wastewater treatment facility or cause obstruction to the free flow in sewers or endanger health or life or cause a nuisance.

(1)

No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the Sewer Authority.

(2)

Storm waster and all other unpolluted water shall be discharged to a storm sewer if available or to the ground surface, except that unpolluted cooling or processing water may be discharged to a storm sewer or natural outlet on approval and issuance of a discharge permit by the MPCA.

(3)

No person shall discharge or cause to be discharged directly or indirectly to any treatment system for the following substances:

a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.

c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and people.

d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities such as, but not limited to, ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products.

e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to health or life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

f. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, including wastes which may adversely effect the permeability of soils, such as dairy products and blood.

**(4)**

No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewers unless in the opinion of the Sewer Authority such discharge will not harm the wastewater facilities, nor cause obstruction to free flow in sewers, nor otherwise endanger life, limb, or public property nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the Sewer Authority may give consideration to such factors as the materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, the County's SDS permit, and other pertinent factors. The Sewer Authority may make such determination either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

- a. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F. (Sixty-five (65) degrees C.)
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (Zero (0) and sixty-five (65) degrees C.)
- c. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half ( $\frac{1}{2}$ ) inch in any dimension.
- d. Any water or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- f. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
- g. Any water or wastes having a pH in excess of 9.5.
- h. Materials which exert or cause:
  1. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the wastewater treatment facilities.
4. Unusual volume of flow or concentration of waste constituting a slug.

**401.06. Pretreatment, Control and Refusal of Extraordinary Wastes.**

If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection, or which in the judgement of the Sewer Authority may have a deleterious effect upon the treatment facilities, processes, equipment, or receiving waters or which otherwise create a hazard to health or life, or constitute a public nuisance, the Sewer Authority may take all or any of the following steps:

- Refuse to accept the discharges.
- Require control over the quantities and rates of discharge.
- Require pretreatment to an acceptable condition for the discharge to the public sewers.
- Require payment to cover the added cost of handling or treating the wastes.

The design and installation of a plant or equipment for pretreatment or equalization of flows shall be subject to the review and approval of the Sewer Authority, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

**(1)**  
Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subdivision 401.04 (4) b of this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Authority and shall be located as to be readily and easily accessible for cleaning and inspection.

**(2)**  
Where preliminary treatment, flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the Sewer Authority at all reasonable times.

**(3)**  
When required by the Sewer Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the Sewer Authority and shall be maintained by the owner so as to be safe and accessible at all times.

**(4)**  
All measurements, tests, and analysis of the characteristics of water and waste to which reference is made in this Ordinance shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods for the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent

constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Sewer Authority.

(5)

The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the Sewer Authority, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the Sewer Authority or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the Sewer Authority. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the Sewer Authority. At such times as deemed necessary the Sewer Authority reserves the right to take measurements and samples for analysis by an outside laboratory.

(6)

New connections to the sanitary sewer system shall be prohibited unless sufficient flow capacity is available in all downstream facilities.

(7)

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Sewer Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Sewer Authority for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the County's NPDES and/or State Disposal System Permit limitations are not violated.

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## **SECTION 5. Use of Individual Sewage Treatment Systems**

### **501. General Requirements**

#### **501.01. Mandatory Sewage Treatment.**

Where a public sanitary sewer is not available under the provisions of SECTION 4, the building sewer shall be connected to an individual sewage treatment system complying with the rules and regulations of the Washington County Individual Sewage Treatment System Ordinance. The owner of a privately owned individual treatment system shall be responsible for all operation and maintenance, and other costs associated with the system.

#### **501.02. New Installation.**

No new private sewer systems or sewer system extensions shall be constructed within the jurisdiction of the Sewer Authority without first obtaining a permit for said system or expansion from the Sewer Authority.

#### **501.03. Unlawful Discharge to Individual Treatment System.**

It shall be unlawful to discharge such wastes as are prohibited by Section 401.04. of this Ordinance to an individual sewage treatment system.

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## **SECTION 6. Maintenance**

### **601. Mandatory Maintenance**

#### **601.01.**

All sanitary improvements constructed, in whole or in part, with state and federal "201" grant assistance shall be maintained according to the provisions of either the Passive or Active Maintenance Program.

#### **601.02. Passive Maintenance Program.**

All properties which are connected to a sanitary sewer improvement which serves two or more properties (Refer to Section 302.01 (5) Community Sewage Treatment System and 302.01 (18) Passive Maintenance) and which is constructed in whole or in part with state and federal "201" grant assistance shall be required to participate and comply with the provisions of the passive maintenance program.

#### **(1)**

Via this maintenance program the community in which the sewage treatment system is situated, the sewer system owner, shall be responsible for operation, maintenance and replacement of all publicly owned components of the community sewage treatment system.

- a. Public ownership shall include all components of a collector system which are purchased and constructed, in whole or in part, with state and federal grant assistance. Unless otherwise prescribed, public ownership shall begin at the end of the building sewer and shall include all components to and including the soil treatment unit and the land it is constructed on.
- b. The sewer system owner shall be responsible for complete operation, maintenance and replacement including: inspections, tank pumping, sewer line repair and cleaning, pump maintenance, and operation, maintenance and monitoring of the soil treatment system.
- c. The sewer system owner shall be responsible for establishing a sewer user charge system to support the operation, maintenance and replacement requirements.

#### **(2)**

Property owners shall be responsible for operation and maintenance of all plumbing lines and components that lie within the walls of the structure. It is also the property owners responsibility to maintain the building sewer which extends from the building to the sewage tank, pump chamber or public sewer. The property owner shall also be responsible for paying the cost of electricity for operating the effluent pump for his sanitary improvement.

- a. The property owner shall be responsible for maintaining the ground surface on his property which overlies the sewer system.
- b. The property owner has the primary responsibility for informing the sewer system owner of any sewage system problems.
- c. Each property owner shall make timely payments of the user charges established by the sewer system owner.
- d. The owner or occupant of a property shall be responsible to provide access, at reasonable

times, to the sewer system owner or its agents, for the purpose of performing inspection and operation, maintenance and replacement required under this Ordinance.

**601.03. Active Maintenance Program.**

Each individual on-site sewage treatment system which is constructed or improved, in whole or in part, with state and federal "201" grant assistance shall be operated and maintained according to the provisions of this section.

**(1)**

Responsibility for proper operation, maintenance and replacement of individual sewage treatment systems shall be as follows:

a. The owner of each dwelling unit or other establishment served by an individual sewage treatment system shall be responsible for the proper functioning and operation, maintenance and replacement of the system.

b. The Sewer Authority shall be responsible to insure, through a biennial return mail reporting system, through routine periodic monitoring, investigation of complaints, and other appropriate means, that corrective action is ordered to protect the health, safety and welfare of the community in the event that the responsible owner is negligent or fails to take action as required by this Ordinance and by the applicable NPDES/SDS permit(s).

c. When it has been determined that maintenance and replacement is necessary on an individual sewage treatment system (apart from Septic Tank Pumping addressed below), such maintenance and replacement shall be accomplished in a manner acceptable to the Sewer Authority. Replacement parts, equipment, and appurtenances shall be of a design and quality acceptable to the Sewer Authority and shall be installed in a manner acceptable to the Sewer Authority and in conformance with requirements of State of Minnesota Rule 7080 "Individual Sewage Treatment Systems Standards". In the absence of code provisions or in the amplification thereof, materials and procedures shall be as set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9.

**(2) Maintenance inspections shall be performed annually by the owner.**

It must also be performed biennially (once every two years) by a certified and licensed professional inspector, soil tester or installer who shall report such inspection and/or maintenance effort to the Sewer Authority. Such inspection shall include, but is not limited to:

a. Measurement of accumulated sludge and scum in the septic tank.

b. Inspection of effluent levels in soil treatment systems which are provided with inspection wells.

c. Inspection of pumps and pump stations when included as part of the system.

d. Inspection of distribution devices, valve boxes and drop boxes.

**(3)**

Whenever inspection of the septic tank discloses that the accumulated sludge in the bottom of the tank has reached a point twelve (12) inches or less from the bottom of the outlet baffle device, or that the bottom of the floating scum layer is less than three (3) inches above the bottom of the outlet baffle device, the owner shall

have the tank promptly pumped to remove all accumulated septage.

***Exception:***

Where a conforming septic tank serving a dwelling is regularly pumped on an annual or biennial basis, the biennial professional inspection of sludge and scum accumulation is waived.

**602. Septage Management**

**602.01.**

Whenever inspection of pump stations, distribution devices, valve or drop boxes, either on the passive or the active maintenance program, indicates the accumulation of solids, such device shall be promptly cleaned.

**(1)**

Pumping of sewage tanks and other components of sewage treatment systems shall be performed only by contractors licensed by Washington County to provide such services.

**(2)**

Septage shall be disposed of only by approved means as follows:

a. Into a municipal sewage treatment system capable of treating such wastes and as authorized by the Metropolitan Waste Control Commission.

b. At a land disposal site approved by the Minnesota Pollution Control Agency (MPCA).

***In no case shall*** septage be discharged to any body of water or to the ground surface at locations which have not been approved by the MPCA for surface application.

**(3)**

Licensed contractors shall maintain accurate records of pumping activity and shall report such data quarterly to the Sewer Authority.

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**SECTION 7. Administration**

**701. Applicability**

**701.01.**

This Ordinance shall apply and be in effect for the "201" constructed systems for the stated purposes within the "201" study areas in the unincorporated areas of Washington County (Refer to Map - Appendix 1).

**701.02. Enforcement**

**(1)**

The Washington County Zoning Administrator shall be responsible for administration and enforcement of this Ordinance.

**(2)**

The Zoning Administrator or his agent shall be qualified and certified by the MPCA as competent in the

design, evaluation and inspection of individual on-site sewage treatment systems, and shall carry a current Individual Sewage Treatment System Certificate and a current Class D Operators Certificate.

### **701.03. Appeals and Variance Requests**

(1)  
The Washington County Board of Adjustment & Appeals shall hear and decide appeals and review any order, decision or determination made by the Zoning Administrator regarding the enforcement of this Ordinance.

(2)  
The Board of Adjustment & appeals shall hear and act upon variance requests.

(3)  
Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by the decision.

### **701.04.**

Inspections as required to determine compliance with this Ordinance shall be performed by the Zoning Administrator or his authorized agent under the following circumstances:

(1)  
Duly authorized employees of the County shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Those employees shall have no authority to inquire into processes including metalurgical, chemical, oil refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(2)  
The owner or occupant of a property shall be responsible to provide access at reasonable times, to the Zoning Administrator or his agent, for the purpose of performing inspections required under this Ordinance.

(3)  
While performing the necessary work on private property as referred to in Subdivision 1 of this Subsection, the authorized employees of the County shall observe all safety rules applicable to the premises.

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## **SECTION 8. Enforcement**

### **801. Violations and Penalties**

**801.01.**  
It is hereby declared unlawful for any person, firm or corporation to violate any term or provision of this Ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

**801.02.**  
In the event of a violation or a threatened violation of this Ordinance, the Zoning Administrator, in addition to

other remedies, may request 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 initiate such action.

**801.03.**

Any person found to be violating any provisions of this Ordinance shall be served by the County with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation.

**801.04.**

Any person who shall continue any violation beyond the time limit provided for in said written notice shall be guilty of a misdemeanor and on conviction thereof shall be subject to imprisonment not exceeding 90 days and a fine not exceeding \$700.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**801.05.**

Any person violating any of the provisions of this Ordinance shall become liable to the County for any expense, loss or damage occasioned by the County by reason of such violation.

**801.06.**

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

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**SECTION 9. Effectuation**

**901. Separability**

**901.01.**

It is hereby declared to be the intent that the several provisions of this Ordinance are separable in accordance with the following:

**(1)**

If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.

**(2)**

If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

**902. Effective Date**

**902.01.**

Passed by the Washington County Board of Commissioners this 3<sup>rd</sup> day of June, 1986.

An official copy of this Ordinance is on file in the office of the Washington County Administrator, 14900 - 61st Street North, Stillwater, Minnesota.

Appendix 1

Ordinance No. 59  
Map of 201 Sewer  
Planning Areas

- \*AREA 7A  
Point Douglas - Highway 10
  - \*AREA 7B  
Cedar Heights
  - \*AREA 2A  
North Grey Cloud
  - \*AREA 2B  
South Grey Cloud
  - AREA 3A  
Richard's Acres
  - AREA 3B  
Tomahawk Hills
  - AREA 3C  
East of Stagecoach Trail
  - AREA 3D  
Sweden Hill
  - AREA 3E  
River Road
  - AREA 3F  
Old Village
  - AREA 3G  
Schmitt's Alton Course Ridge
  - AREA 3H  
Alton Hills
  - AREA 4  
Lake Saint Croix Beach
  - \*AREA 5  
Baytown Township
  - \*AREA 6A  
Aare Ranch
  - \*AREA 6B  
Bunny Brook Lake
  - \*AREA 6C  
Oak Oak Terrace
  - \*AREA 6D  
Wake Robin
  - \*AREA 6E  
Withrow
  - \*AREA 6F  
Pine Tree Lake
  - \*AREA 6G  
Sandeen's Heights
  - \*AREA 7A  
Stillwater Township West
  - \*AREA 7B  
Stillwater Township East
  - \*AREA 8A  
Squire Lake
  - \*AREA 8B  
Williamsport
  - \*AREA 8C  
Crescent Beach
  - \*AREA 8D  
Comedian Park
  - \*AREA 8E  
Carmichael - Oak Point Park
  - \*AREA 8F  
Moonlight Bay
  - \*AREA 8G  
Cannon Hill
  - AREA 8A  
Marina South
  - AREA 8B  
Marina North
  - AREA 8C  
Central Marina
  - \*AREA 10A  
Seaside Village
  - \*AREA 10B  
Copes - Osawabe
  - \*AREA 10C  
Gene Lake
  - \*AREA 10D  
Oak Ridge
  - \*AREA 11A  
Valley Hills
  - \*AREA 11B  
Sylvan Lake
  - \*AREA BML  
Big Marlin Lake
  - AREA LP  
Lake Elmo
- \* UNINCORPORATED AREAS
- washington county**  
**201 SEWER PLANNING AREAS**

