CHAPTER 1

TITLE 4

SUBSURFACE
SEWAGE TREATMENT SYSTEM ORDINANCE NO. 4

(Cite as e.g.)

(Scott County Subsurface Sewage Treatment System Ordinance No. 4 Section)

SCOTT COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE NO. 4

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1.00 PURPOSE AND AUTHORITY.

1.01 Purpose. An ordinance establishing the minimum standards and criteria for the design, location, installation, use, and maintenance of Subsurface Sewage Treatment Systems (SSTS) and Community Sewage Treatment Systems (CSTS); penalties for failure to comply with provisions of this Ordinance; issuing, denying, modifying, imposing conditions upon, suspending or revoking licenses and permits; the proper removal, transport, treatment and disposal of domestic septage; and other matters as determined to be necessary, and thus protect the groundwater and surface waters of the County of Scott and the State of Minnesota, and promote the public health, safety, general welfare and natural resources.

1.02 Intent. It is intended by Scott County that this Ordinance will promote the following:

A. The protection of lakes, rivers and streams, wetlands, and groundwater in the County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.

B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting surface water and groundwater from degradation.

C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

E. The provision of SSTS technical assistance and education, plan review, inspections, surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

1.03 Authority. This Ordinance is adopted pursuant to Minnesota Statutes, Sections 115.55, 115.56, 145A.01 through 145A.08, 375.51, or successor statutes, and Minn. Rules chapters 7080, 7081 and 7082, or successor rules.

2.00 DEFINITIONS.

2.01 Certain Terms. The following words and phrases shall have the meanings ascribed to them in this section. If not specifically defined in this section, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For the purposes of these standards, the words "shall" and "must" are mandatory, and the words "should" and "may" are permissive.

2.02 Alternate Site. "Alternate Site" means that portion of real property that is designated by a licensed SSTS professional and approved by the Department to be protected from all vehicular traffic, construction and other disturbances and that will allow for the construction of a future Type I SSTS.

2.03 County. "County" means Scott County, Minnesota.

2.04 County Board. "County Board" means the Scott County Board of Commissioners.

2.05 Community Sewage Treatment System. "Community Sewage Treatment System" or "CSTS" means a collector-type sewage treatment system serving two or more dwellings or other establishments on separate lots and managed by a public entity such as a Subordinate Service District or Sanitary District.

2.06 Department. "Department" means the Scott County Environmental Services Department or its successor.

3.00 GENERAL PROVISIONS.

3.01 Scope. This Ordinance regulates the siting, design, installation, alteration, operation, maintenance, monitoring, and management of all SSTS within the County including but not limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the Minnesota Pollution Control Agency (MPCA).

3.02 Jurisdiction. This Ordinance applies to all land area within the County except for those incorporated and unincorporated areas that administer an SSTS program by ordinance within their jurisdiction that is at least as strict as this Ordinance and has been approved by the County.

3.03 Administrative Procedures. Except to the extent superseded by this Ordinance, all of the provisions of the Scott County Administrative Procedures Ordinance No. 13 relating to definitions; license and permit provisions; administration of the Ordinance; license and permit application and processing; suspensions and revocations; variances; severability; provisions cumulative; and no consent, shall apply as if fully set forth herein.

3.04 Administration of Ordinance. This Ordinance shall be administered by the Department. The Department's responsibilities shall include, but not be limited to, the following:

A. Review and consider all permit applications submitted to the Department for the site evaluation, installation and maintenance of an SSTS within the County.

B. Conduct routine inspections of SSTS installations and site evaluations in such frequency as to ensure consistent compliance with the provisions of this Ordinance. The permittee or licensed SSTS professional shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. The permittee or licensed SSTS professional shall be required to allow free access to the Department, County Board or to the proper representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation, or for the purpose of making written and documented notice of any deficiencies, or recommendations for their correction and the date by which corrections shall be accomplished.

C. Investigate complaints of violations of this Ordinance and recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated to achieve compliance with this Ordinance and protect public health and the environment.

D. Advise, consult and cooperate with other governmental agencies and the various offices of Scott County.

E. Resolve conflicts and other technical disputes among SSTS certified individuals and licensed businesses. If a documented discrepancy arises on the depth of the periodically saturated soil for SSTS design or compliance purposes, the Department shall resolve the disagreement. The disagreeing party may obtain the opinion of a Minnesota licensed professional soil scientist who is also a licensed SSTS professional.

3.05 Compliance Required.

A. Any person who conducts site evaluations or designs, installs, alters, repairs, replaces, maintains, pumps, or inspects all or part of an SSTS in Scott County shall comply with the requirements of this Ordinance and the appropriate portions of Minn. Rules chapters 7080 or 7081.

B. Any SSTS, irrespective of the date of original installation, which is found to be in violation of Minn. Rules part 7080.1500, 7080.2150, subpart 2, or 7081.0080, shall be relocated, reconstructed or reinstalled so as to be in compliance with this Ordinance. This requirement may be waived in part or in whole in a situation involving an imminent threat to public health or safety as determined by the Department.

C. A surface discharge is strictly prohibited unless a national pollutant discharge elimination system permit has been issued by the MPCA.

D. Any sewage tank that is exposed for inspection or repairs shall be repaired or replaced in accordance with this Ordinance to meet the applicable requirements of Minn. Rules part 7080.1900 or 7081.0240.

3.06 Conditions. The County may impose conditions on a license, permit or variance to protect human health and the environment or to ensure that the provisions of this Ordinance are met. Violation of any conditions imposed by the County on a license, permit or variance shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in this Ordinance.

3.07. Hydric Soil Delineation Disputes. Hydric soil delineation disputes may be resolved through acceptable written documentation from a Minnesota licensed professional soil scientist.

3.08. Class V Injection Wells. All owners of new or replacement Class V injection wells, as defined in Code of Federal Regulations, title 40, part 144, must submit inventory information to the U. S. Environmental Protection Agency, the MPCA and Scott County. All Class V wells must be identified as such in property transfer disclosures.

3.09. Installation in Floodplains. The installation of an SSTS is allowed in a floodplain if it meets Minn. Rules part 7080.2270 and local floodplain requirements.

3.10 Installation on Adjoining Lots.

A. A replacement SSTS may be installed on an adjoining lot without a variance if it is under common ownership. The owner must first file with the Office of the County Recorder or Registrar of Titles an easement agreement acceptable to the Department that allows continued full use and access to the SSTS on the neighboring lot in case it is sold separately.

B. The Department will not approve an SSTS permit when a variance is required to install the SSTS on the lot when the owner owns an adjoining unoccupied lot where it is possible to install a Type I or Type III SSTS without a variance.

C. When an owner is not able to install a Type I or Type III replacement SSTS on the same lot as the building(s) from which the sewage emanates, the owner may install an SSTS on a neighboring lot under different ownership after an easement agreement acceptable to the Department that allows continued full use and access to the SSTS on the neighboring lot has been recorded with the Office of the County Recorder or Registrar of Titles.

3.11 SSTS Professional Lists. The Department may provide lists of licensed SSTS professionals to the public. The lists shall include those SSTS professionals for which there are records of having performed satisfactory SSTS services in Scott County as determined by the Department within the previous two calendar years. SSTS professionals out of compliance with this Ordinance, as determined by the Department, will not be listed. Reasons for not being listing include, but are not limited to: failure to submit information to the Department resulting in a delay for issuing a notice of compliance; failure to submit pumping permits or compliance inspections as required; failure to submit adequate site evaluation information which prevents the issuance of an SSTS permit; outstanding SSTS fees owed to Scott County; or other unresolved violations of this Ordinance.

4.00 SSTS STANDARDS.

4.01 Standards Adopted by Reference. Minn. Rules chapters 7080 and 7081 relating to SSTS are hereby adopted by reference and made part of this Ordinance as if fully set forth herein, except as modified by or inconsistent with provisions of this Ordinance. State Statutes authorize counties to adopt more restrictive regulations, but not less restrictive, unless so approved by the Agency. Therefore, if Minn. Rules chapter 7080 or 7081 is amended following enactment of this Ordinance, the provision that establishes the most restrictive standard for the promotion and protection of the public health, safety, and general welfare shall prevail as provided in Section 4.05 until or unless the Agency approves the County's less restrictive standard.

4.02 Type II, III, IV and V Systems. Type II, III, IV and V systems shall only be allowed/permitted for existing lots of record (as defined in section 5.01, item A.) where a Type I system cannot be reasonably installed as determined by the Department and municipal sanitary sewer is not available. This applies regardless of whether or not a Permit is required from the County except as otherwise specified in section 4.04. The SSTS shall meet all applicable provisions contained in Minn. Rules parts 7080.2250 through 7080.2400, shall only be used to manage sewage from existing dwellings and Other Establishments, and shall not be used to accommodate the construction or expansion of a dwelling or Other Establishment or to accommodate an unacceptable increase in wastewater to the SSTS as determined by the Department. In addition to these standards, the following shall apply:

A. All Type II, III, IV and V systems shall include a method to accurately measure flow.

B. The Department may also require a monitoring plan for a Type III system. The Monitoring Plan shall identify the name of a licensed SSTS professional that will monitor the system.

C. Type IV and V systems must be licensed as provided in section 6.04.

4.03 Operating Permits. Operating permits are required for all systems installed under parts 7080.2350 and 7080.2400 and chapter 7081.

4.04 Use of Holding Tanks. The use, operation and maintenance of a holding tank shall comply with all requirements as specified on forms approved by the Department. At a minimum, a monitoring and disposal contract signed by the owner and a licensed maintenance business is required unless the owner is a farmer exempt from licensing under Minnesota Statues, section 115.56, subdivision 2 paragraph (b), clause (3). The owner is responsible for ensuring that the contract guarantees the proper removal of the tank contents before overflow or any discharge. Holding tanks shall only be used in the following circumstances:

A. For a lot where it is impossible or practically difficult as determined by the Department to construct a new SSTS, connect to municipal sanitary sewer, or connect to an existing SSTS due to limited use or availability (economic considerations alone do not constitute a practical difficulty);

B. To capture wastewater that cannot be treated in an SSTS as determined by the Department;

C. For new construction or expansion as defined in 7.03 D if the lot is scheduled to receive municipal sanitary sewer service within one year;

D. For temporary uses as controlled by a development contract; or

E. For temporary occupancy before a soil dispersal system can be installed due to temporary adverse soil conditions.

4.05 Highest Standards Prevail. Where the conditions imposed by a provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by a provision of this Ordinance or any other applicable law, ordinance, rule, or regulation, the provision that establishes the higher standard for the promotion and protection of the public health, safety, and general welfare shall prevail.

4.06 Scarification. The entire footprint area must be roughened for all above grade systems.

5.00 SITE EVALUATION, CREATING NEW LOTS AND SITE PRESERVATION.

5.01 Site Evaluation for SSTS Permit Application.

A. General. Site evaluations must be conducted in accordance with Minn. Rules parts 7080.1700 and 7081.0100 through 7081.0230, this section, or as otherwise provided in Minn. Rules chapters 7080 and 7081. Each SSTS permit application shall include a primary and an alternate site. Both sites shall meet the requirements of Minn. Rules parts 7080.2050 through 7080.2240 and be located on the same lot as the building(s) from which the sewage emanates unless it is a CSTS or as otherwise provided in this Ordinance.

On existing vacant lots recorded with the Office of the County Recorder or Registrar of Titles prior to May 12, 1992, where it is not possible to locate two Type I system sites, at least one Type I system site must be identified unless otherwise allowed by this Ordinance for the purposes of obtaining a building permit. The site shall meet the requirements of Minn. Rules parts 7080.2050 through 7080.2240. The building pad cannot be larger than 5,000 square feet if a larger pad would preclude the use of an alternate site or partial site on the lot.

B. Fencing and Staking. Fences and stakes shall be clearly visible at least two feet above surrounding vegetation or snow and the stake labeling shall be legible. In addition, surface contours must be clearly visible.

1. Staking. The following must be field staked before the Department will conduct a site inspection:

a. The septic and pump tanks.

b. Soil observation and percolation test locations.

c. Treatment and dispersal areas:

1. The four corners of the mound footprint and mound rockbed;

2. Four corners of a pressure bed or at-grade;

3. Drop boxes and both ends of each trench of a trench SSTS; or

4. As necessary to easily identify the location of other system types.

d. The boundaries of the alternate site.

e. Property lines, easements and other features requiring a setback as specified by the Department within 20 feet of any part of the SSTS. A survey may be required if the exact location of the property line, easement or feature cannot be determined.

f. Building corners.

2. Fencing. Unless otherwise waived by the Department, both the primary and alternate soil dispersal areas shall be fenced prior to applying for a permit to construct an SSTS. The fence shall consist of four-foot high orange construction fence, wooden snow fence, or two strands of weatherproof high-visibility roping attached to posts placed no more than 20 feet apart with either high visibility ribbon at least one-half inch wide tied to the rope no more than 6 feet apart or signs no smaller than 16 inches by 20 inches no more than 20 feet apart, that clearly identify the soil dispersal area and prohibit trespass. The fencing or roping and signs shall be clearly visible at least two feet above surrounding vegetation or snow. The choice between fencing and roping with signs shall be at the discretion of the designer and property owner and should take into consideration any risk such barrier may present.

C. Tanks.

1. Sizing. Sewage tanks must be sized based on the anticipated use of a garbage disposal. The tank size requirement may be waived by the Department for an existing SSTS.

2 Depth. The top of any sewage tank shall not be buried deeper than four feet below the final grade. The tank depth requirement may be waived at the discretion of the Department for difficult lots where options are limited, but must not exceed the tank manufacturer's maximum designed depth.

3. Reuse. Whenever an applicant proposes the reuse of a tank, the tank must be inspected by a certified SSTS Maintainer and the results of that inspection shall be submitted with the design on forms approved by the Department. The reuse of a tank will only be allowed if the tank was permitted and approved by the Department for its initial installation.

D. Effluent Loading and Absorption Area Size. The effluent loading and absorption area size must be determined in accordance with Minn. Rules chapter 7080.1720, subpart 6, items A or B, and 7080.2150, subpart 3, item E. There must be a minimum of four soil borings and three percolation tests done within the primary site, and at least one soil boring must be done in the portion of the soil treatment area anticipated to have the most limiting conditions. At least two soil borings shall also be done within the alternate site. Alternatively, two or more soil pits plus at least one additional soil observation in the portion of the soil treatment area anticipated to have the most limiting conditions may be substituted per site to assess soil conditions in accordance with Minn. Rules chapter 7080.2150 subpart 3, item E, Tables IX and IXA. The pits must be left open or reopened to accommodate a site inspection and be fenced, roped off or refilled as needed to prevent accidents. Additional pits, percolation tests and soil borings may be required in either or both sites if the Department determines that more information is needed to accurately define the soil conditions.

E. Conditional Approvals. Applications for SSTS permits which lack sufficient soils information for approval (due to weather/seasonal soil conditions), but which the Department believes contain sufficient information for conditional issuance of a building permit, shall be allowed to proceed through the permit process with the condition that the SSTS permit will not be issued until complete soil information is submitted and approved. At a minimum, at least one acceptable soil observation must be available. If the soils information submitted is still determined to be insufficient, the Department may deny the permit or request that soil observations be performed in an exposed pit. However, in all cases, the missing soil information must be submitted to the Department by the following May 15th. No part of the SSTS, including tanks, shall be installed until the Department has issued the SSTS permit. An additional permit fee shall be paid as established by the County Board.

F. Easements. An SSTS shall not be constructed within the boundaries of an easement nor shall any part of the SSTS cross an easement without written permission from the individual(s) or entity(ies) possessing the rights to the easement.

G. Pools. Below ground pools shall meet the SSTS setback requirements established for structures as described in this Ordinance.

H. Alternate Site. The proposed alternate site shall be 5,000 square feet or of a size, location and configuration deemed suitable by the Department for the intended use.

I. Management Plan. The designer must submit a management plan for all new or replacement SSTS permits as described in Minn. Rule part 7082.0600, subpart 1.

5.02 Creating New Lots.

A. Rezoning and New Lots. All proposed development that requires rezoning or would result in the creation of a new lot shall be submitted to the Department for review. No new lots shall be approved by Scott County unless the Department renders a favorable recommendation that a primary and alternate site can be located on each lot or will be served by a CSTS. Each site shall meet the requirements of section 5.02 and Minn. Rules parts 7080.2050 through 7080.2230 and shall be sized to accommodate a Type I system. The review and recommendation provided pursuant to this section shall not eliminate the need for compliance with section 5.01.

Lot Line Adjustment. A lot line between two or more lots shall not be adjusted if such adjustment could result in the damage or encroachment upon an existing or potential site unless another alternate site(s) is first approved by the Department.

B. Soil Observations.

1. Percolation Tests. There shall be a minimum of two percolation tests conducted on each lot of the proposed development except for those served by a CSTS. Additional percolation tests may be required in the primary or alternate sites if soil conditions, topography, land-use, etc., indicate a change of soil characteristics that would influence the percolation test results. Both percolation tests shall be conducted within the boundaries of the primary site.

2. Soil Borings. At least two soil borings shall be done within the boundary of each primary and alternate SSTS site. Additional soil borings may be required upon review of the information submitted.

3. Soil Pits. In lieu of items 1 and 2, two or more soil pits may be substituted per site to assess soil conditions in accordance with Minn. Rules chapter 7080.1720, subparts 4 and 5.

4. Hydric Soil. A site cannot be located in an area where County soil survey records indicate hydric soil is present. However, the Department may allow a site to be located where those records indicate hydric soil is present if sufficient evidence is provided to determine that the site is not in hydric soil.

C. Damage to Site. The County may deny approval of an SSTS permit where significant soil disturbance has occurred.

D. Layout Details. The following shall be located on each lot of a proposed preliminary plat layout where lots will be served by an SSTS on forms and to a level of detail acceptable to the Department:

1. Contours, as required by the Scott County Land Subdivision Ordinance No. 7.

2. A proposed building pad of 5,000 square feet for each residential lot, and 10,000 square feet for each non-residential lot.

3. Two SSTS sites.

4. All percolation tests and soil observations.

5. Drainage and utility easements, required buffer strips, bluff setbacks, trails, driveways, private drainage systems (including tile, ditches, culverts) and other similarly restricted areas and features for construction of an SSTS including those described in Minn. Rule part 7080.1720, subpart 3, items C and D.

6. Ordinary high-water level of public waters and wetlands.

7. Existing wells within 100 feet and public supply wells within 300 feet from any proposed SSTS site, the inner wellhead management zone or wellhead protection area of a public water supply or as otherwise established by the Minnesota Department of Health.

E. Location and Sizing. Sufficient information shall be provided to demonstrate that the proposed building(s) and SSTS can be reasonably constructed, accessed and maintained within the proposed lot boundaries, are sized sufficiently to meet the requirements as set forth below, and are consistent with site features and limitations including soils and topography. Each soil dispersal area must have dimensions consistent with a typical Type I system that has been installed numerous times in the County. In some cases, the Department may require a septic design to show that a site is viable. The Department may require one or more soil dispersal areas to be sized larger than those listed in items 1 and 2 below if the anticipated house dimensions exceed 5,000 square feet, if non-residential building(s) dimensions exceed 10,000 square feet in total area, or due to other site features or limitations.

1. Residential Lots. The soil dispersal areas for new residential lots shall be located on non-hydric soils and sized at a minimum of 5,000 contiguous square feet or to accommodate a typical Type I system for a five-bedroom dwelling, whichever results in the larger area. However, when the split involves only one lot being split into two lots and the building(s) size and sewage flow rate are known, the applicant may provide an SSTS design along with building plans showing all areas finished with sufficient detail that is acceptable to the Department.

2. Non-Residential Lots. The soil dispersal areas for new non-residential lots shall be located on non-hydric soils and sized at a minimum of 5,000 contiguous square feet.

F. Fencing and Staking. Any soil dispersal area within fifty feet of a proposed construction activity (i.e., road construction, house construction, or other construction or improvement activities associated with the plat) shall be fenced and staked by the developer in accordance with section 5.01, item B.

G. CSTS. Design plans of a detail acceptable to the Department shall be submitted for consideration of a proposed preliminary plat for new lots to be served by a CSTS and:

1. The Subordinate Service District (SSD) or Sanitary District (SD) shall be fully established as required by Minnesota statutes.

2. The SSD/SD shall review and approve the design of the CSTS in coordination with the Department.

3. Preliminary plat layouts must include the information required in section 5.02, item D, subitems 1, 2, 5, 6 and 7. Sufficient information shall also be provided as deemed

necessary by the Department to identify two acceptable soil dispersal area locations per CSTS. These locations must be fenced and staked as outlined in section 5.02, item F.

4. The number of soil observations and percolation tests shall be sufficient to accurately depict soil conditions as determined by the Department in consideration of topography, soils and other pertinent site features and limitations.

5. The infiltration area shall be based on the anticipated wastewater generated from all sources that could use the CSTS. All assumptions and estimates made for wastewater generation must be acceptable to the Department. Unless otherwise known, the estimated number of bedrooms to use per dwelling for wastewater generation determination shall be five.

6. All plans for a CSTS shall be prepared by a licensed designer and qualified Minnesota licensed professional engineer. Any system over 2,500 gallons per day would require an advanced designer to complete the work.

7. Soils information shall also include hydraulic conductivity testing as specified in Minn. Rule part 7081.0170 and applicable groundwater testing as specified in Minn. Rule part 7081.0210. The dispersal system shall be configured to comply with all applicable requirements of Minn. Rule parts 7081.0080 through 7081.0300 including groundwater mounding. Methods for determining the potential for groundwater mounding shall be acceptable to the Department. Consideration should be given for the use of GMound and GPond or similar software approved by the Department and the findings and recommendations developed in the Scott County GMound Proofing Study.

5.03 Preservation of Sites.

A. An area which has been identified for future use as an SSTS site shall be maintained in its original, natural soil condition so a future SSTS may be constructed that meets all Ordinance requirements unless a substitute alternate site acceptable to the Department can be identified and maintained. Each site shall be protected during lot development, road and building construction and during any other improvement, disturbance or activity to prevent any impairment of the treatment ability or hydraulic performance of the site.

B. No permit shall be issued for land use, grading, building, building expansion or remodel or for any other use that could, in the opinion of the Department:

1. Damage or encroach upon an identified site unless a substitute alternate site acceptable to the Department can be identified and maintained. In situations where an alternate site is not available, a permit shall not be issued which will result in damage to or encroach upon a possible partial site.

2. Destroy or eliminate a potential or partial site regardless of when the lot was created unless another site or potential site acceptable to the Department is identified.

3. Increase sewage flow to an existing SSTS unless the additional sewage flow can be accommodated in conformance with this Ordinance.

C. It is a violation of this Ordinance and may be cause for denial of a building or other permit if a site or potential site is damaged, regardless of when the lot was created.

6.00 PERMITS AND LICENSES.

6.01 General Permit Requirements.

A. Unless a site-specific permit to construct and operate an SSTS has been issued by the MPCA, no person shall install, alter, repair, replace or extend any SSTS in Scott County without first obtaining a permit from the Department for each specific installation, alteration, repair or extension; and, at the time of applying for said permit, shall pay a fee established by the County Board. Such permits shall be valid for a period of 12 months from the date of issuance unless the applicant pays a permit renewal fee established by the County Board.

All SSTS design, installation, repair, maintenance, operation and inspection activities must be completed by licensed businesses and qualified employees or are otherwise exempted under Minn. Rules parts 7083.0700. An owner may install as provided in Minn. Rule part 7083.0700, but shall be limited to installing only an SSTS that does not contain a pump.

B. No building permit shall be issued until all associated SSTS permit applications are approved and issued.

C. No dwelling or Other Establishment shall be redesigned or enlarged if such redesign or enlargement results in exceeding the designed capacity of the SSTS unless a permit has been granted by the Department to enlarge or redesign the SSTS to accommodate the expected increase in sewage and the permittee agrees in writing, on forms approved by the Department, to replace the SSTS within one year.

D. No more than one dwelling or Other Establishment shall be connected to the same SSTS unless such connection was specified in the application submitted and in the permit issued for the SSTS and it can be demonstrated to the satisfaction of the Department that the existing SSTS can accommodate the additional effluent. However, no permit will be issued when the dwelling(s) and/or Other Establishment(s) are on separate lots unless the system is managed as a CSTS or has been issued a land use permit specifically covering that exception.

E. The County will not issue an SSTS permit when the owner has been or will be required to connect to a municipal sanitary sewer system within five years unless otherwise approved by the municipality or governing authority(s). However, the Department may waive this provision and allow an SSTS to be installed when the SSTS presents an imminent threat to public health or safety or when documentation is insufficient regarding when that municipal service will be available.

F. Final approval of the SSTS permit shall be evidenced by a certificate of compliance issued by the Department.

6.02 Permit Not Required. An SSTS permit is not required to repair or replace the following: a crushed pipe, a pump, floats or other electrical devices of the pump, baffles, a tank cover or a maintenance hole riser. Permits may be required by other governmental agencies for activities related to or in conjunction with such activities.

6.03 Permit Application Requirements.

A. An application for an SSTS permit shall be made in writing on forms acceptable to the Department and shall be signed by the applicant. If the applicant fails to submit all of the items required in this section or as otherwise required by the Department, the application

will be considered incomplete. This may result in a delay in the issuance or denial of the permit application. Each application shall include the site evaluation information listed in section 5.01 and shall also contain the following:

1. One copy of an SSTS design and a site map which includes the items required in section 5.01, as appropriate, and the following:

    a. All existing and anticipated future buildings and improvements on the lot, including additions, decks, three-season porches, roads and driveways.

    b. Elevation of building outlet, pump, restricting layer, and bottom of soil treatment and dispersal system.

    c. Location of existing SSTS.

    d. Cross-section of the SSTS.

    e. When specifically required by the Department, show contours when excavation, grading or fill has impacted, will impact or will be impacted by the soil dispersal area.

2. A management plan acceptable to the Department.

3. Any additional information that may be required by the Department to ensure compliance with this Ordinance and groundwater protection, including the potential for groundwater mounding for a CSTS.

B. In the event of a change in the application information that served as the basis for issuing a permit, the permittee must file an amended application with acceptable supporting documentation and receive approval for the amended permit prior to initiating construction. An additional permit fee shall be paid as established by the County Board.

C. Setback encroachments between septic system locations and structures may be resolved through acceptable written documentation from a licensed SSTS professional who is also a qualified Minnesota licensed professional engineer demonstrating that the proposed activity will not adversely impact the structure or SSTS. However, no setback encroachment will be allowed in the following circumstances:

1. For an SSTS or building permit where municipal sanitary sewer is available or will be available within two years as determined by the Department. However, if the SSTS is an imminent threat to public health or safety, the Department may approve an SSTS permit allowing for encroachment when municipal sanitary sewer will not be available within one year.

2. For the purpose of creating new lots as described in section 5.02.

6.04 Operational License Required.

A. The following SSTS require an operational license and shall comply with the licensing provisions of this section. In addition, such SSTS shall comply with Minn. Rules parts 7080.2290, 7080.2350, and 7080.2400, and chapters 7080 and 7081, as applicable. An annual license fee shall be paid as established by the County Board.

1. CSTS not managed under a state operating permit.

2. Type IV and Type V SSTS.

3. SSTS with a design flow between 2,500 and 10,000 gallons per day unless otherwise exempted by the Department.

4. Situations where most or all of the wastewater from a dwelling or other establishment is not managed/treated onsite, including the use of holding tanks, unless otherwise exempted by the Department.

5. As conditionally required by the Department for any permit or agreement.

B. Licenses shall be valid for a period of up to 12 months from the date of issuance and shall be renewed annually. The license period for a new SSTS shall commence on March 1 following the year of installation. The annual license period shall be from March 1 to February 28/29. Annual reports required as a license condition shall be due by January 31.

C. A County permit or license shall not be issued on any lot that has an SSTS in use as identified in item A where the SSTS is not licensed as required in this section.

D. Prior to issuing an SSTS license, the licensee must demonstrate that the SSTS is designed and installed to accommodate the current daily flow of wastewater and provide for adequate treatment. A current certificate of compliance may also be required. The compliance inspection must include a flow diagram for all sewage and commercial and industrial wastewaters.

E. Licensees shall demonstrate at the time of license renewal that the SSTS has been monitored, properly maintained and is functioning in accordance with the approved design and operating license.

7.00 INSPECTIONS.

7.01 Inspection Required. Inspections are required by the Department for all County regulated SSTS prior to design approval, during construction and before being placed into service, in part or in whole. No SSTS shall be covered, in part or in whole, prior to an inspection by this Department unless approval has been given by the Department.

A. It shall be the responsibility of the permittee to notify the Department that the job is ready for inspection. The Department shall be notified before 9:00 A.M. on the requested day of the inspection. Failure to request an inspection before 9:00 A.M. on the requested day of the inspection may result in a scheduled inspection at a time other than requested and/or a delay or denial in the issuance of a certificate of compliance from the Department. The Department shall also be notified prior to commencement of any part of the installation if a weather event (such as freezing temperatures or precipitation) is likely or predicted to occur that could adversely impact the SSTS during any part of the installation including final grading. In addition, the Department shall be notified when the installation of a system has been commenced (including scarification) but may not be finished within 72 hours of commencement. In that situation, the soil dispersal area must be covered within 72 hours of commencement or as required by the Department.

B. Failure of the Department to inspect the SSTS does not relieve or lessen the responsibility or liability of any person owning, controlling or installing any SSTS.

C. The Department shall make every effort to inspect an SSTS within one hour of the scheduled inspection.

D. The Department shall cause such inspections to be made as are necessary to determine compliance with this Ordinance. If upon inspection the Department discovers that any part of the SSTS is not constructed in accordance with the minimum standards provided in this Ordinance and the approved design, the Department shall give the licensed installer and/or the permittee written notification describing the defects.

E. It shall be the responsibility of the permittee to provide the Department with free access to the property at reasonable times for the purpose of making inspections.

F. The permittee shall pay applicable fees established by the County Board.

G. The permittee or installer, as determined by the Department, shall be responsible for the correction or elimination of all defects. No SSTS shall be placed or replaced in service until all defects have been corrected or eliminated. A certificate of compliance from the Department may be delayed or denied if the permittee or installer fails to correct or eliminate all defects as required by the Department.

H. The SSTS professional installing the SSTS shall be present during the inspection.

7.02 Inspection Alternative.

A. If the Department is unable to inspect within twenty-four hours, the SSTS professional responsible for the installation must:

1. Have approval from the Department before commencing the installation of the SSTS.

2. Leave the SSTS open for inspection as required by the Department, including the ends of each trench and the distribution device, the four corners of the sand and rockbed of a mound, or as required by the Department for other systems.

3. Sign, date and submit for approval an as-built drawing of the SSTS as installed when requested by and on forms approved by the Department within five (5) days. The form must include a certified statement that the SSTS was built in accordance with Minn. Rules chapters 7080, 7081 and this Ordinance.

B. Failure to receive approval from the Department to cover an SSTS prior to completion of an inspection shall be cause to order the SSTS to be exposed for inspection. The amount of the SSTS to be exposed for inspection shall be determined by the Department at the time of inspection.

7.03 Compliance Inspections Required. A compliance inspection is required:

A. When an inspection is done for any new or replacement SSTS;

B. If a permit or variance is applied for to alter an existing SSTS;

C. Any time an SSTS is reviewed to determine if the SSTS is in compliance;

D. When a permit is applied for or otherwise is or was required for a bedroom, to build a horizontal addition onto an existing structure, to build or move a structure, or that would damage or eliminate a potential or partial site;

E. When an action, including the application of any land use, building or Department permit, has been or will be taken that may negatively impact the functionality, operation or longevity of an SSTS or that would result in a change in wastewater characteristics or increase in the flow rate;

F. Where a permit or an amendment to an existing permit is required for a change in use of a property (i.e. residential to commercial, commercial to industrial, etc., or the addition of a business, or a change of a business type or use) including grading, additional parking or outside storage area; or

G. When any parcel of land is developed, subdivided, rezoned, split or otherwise changes in size and there is an existing SSTS on any of the parcels.

H. Exemptions: The compliance inspection requirement may be waived when the proposed action will not result in an increase in water usage over the designed capacity of the SSTS and the Department records indicate that the existing SSTS does not include an unsealed tank, is not an imminent threat to public health or safety, and there are:

1. Acceptable design, construction, maintenance and location records of the SSTS; or

2. Limited options to locate a replacement SSTS.

I. Alternate Site and Tank Maintenance. In lieu of or in addition to requiring a compliance inspection as noted above, the Department may require the identification of an alternate site and that the tank(s) be pumped if records show that it has been more than six years since the tank(s) was last pumped. The action proposed shall not result in the encroachment upon the alternate site, a partial site or the existing SSTS.

7.04 Reduced Vertical Separation Allowance. The Compliance Inspector may allow for up to a 15 percent reduction in the vertical separation distance as described in Minn. Rules part 7080.1500 subpart 4, item D.

7.05 Schedule to Repair or Replace SSTS.

A. Any SSTS for which a notice of noncompliance has been issued shall be replaced or repaired in accordance with Table 1, except as provided in section 7.05, item D. However, if the action that necessitated a compliance inspection occurred prior to the inspection date, the timeline to replace shall begin when that action first occurred. Table 1 does not supersede compliance with Federal Class V requirements. Table 1 is based on information supplied to the County by the Minnesota Geological Survey.

Those SSTS that pose an imminent threat to public health or safety must immediately have the threat abated by pumping, restricted use, or other means approved or ordered by the Department. This abatement must continue, as needed, until the SSTS is upgraded, repaired, replaced or the use of the SSTS is discontinued.

C. Compliance with Table 1 may be waived when the Department determines that the existing SSTS is not an imminent threat to public health or safety and meets one or more of the following conditions:

1. Municipal sanitary sewer service to the lot is likely within five years;

2. There are acceptable design, construction, maintenance and location records and the SSTS does not pose a significant threat to groundwater; or

3. Constraints due to small lot size, topography or hydric or wet soils severely limit the options for replacement.

The Department may revoke the waiver and require the SSTS to be replaced within a specified timeframe if there is a change to one or more of the conditions that originally allowed the waiver. The Department may also allow the timeline for replacement outlined in Table 1 to be postponed to a later date for good cause or extenuating circumstances when doing so will not jeopardize public health or safety.

TABLE 1

Septic Location	Imminent Threat to Public Health or Safety	Unsealed Tank, Cesspool, Drywell, Leaching Pit, Seepage Pit or other Pit.	Less than the Required Vertical Separation per Minn. Rules part 7080.1500. subpart 4, items D & E.
Areas highly susceptible to groundwater contamination or in Wellhead Protection area	10 months	10 months	3 years
Areas moderately susceptible to groundwater contamination or in Shoreland area*	10 months	3 years	5 years
Areas with low susceptibility to groundwater contamination	10 months	5 years	10 years

* If a property in shoreland is also in a highly susceptible to groundwater contamination or wellhead protection area, the shortest time period applicable shall apply.

D. For a building permit or any other action that would or did result in the designed capacity of the SSTS to be exceeded, including the addition of a bedroom, the applicant shall obtain an SSTS permit, if necessary, to upgrade, repair, replace or discontinue use of the SSTS in accordance with the most restrictive applicable timeline below:

1. Table 1 if the SSTS is noncompliant, or

2. Within one year of the approved SSTS permit date if the existing SSTS is inadequate in size to accommodate the increased use.

7.06 Stop Work Order. Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order all work stopped by the installer or owner of the land. All installation

and construction shall cease and desist until subsequent authorization to proceed is given by the Department.

8.00 SSTS MAINTENANCE PROGRAM.

The SSTS and all its components must be maintained in compliance with this Ordinance, Minn. Rules chapters 7080, 7081 and 7083 and any manufacturer requirements which do not conflict with the requirements of this Ordinance or the Rules adopted herein.

This maintenance program shall apply throughout Scott County in accordance with section 1.03.

8.01 Management of Septage.

A. The owner of any tank or the owner's agent shall maintain the tank in accordance with Minn. Rules part 7080.2450.

B. All tank and waste trap contents including septage removed from any portion of an SSTS shall be removed from the site in approved containers and be managed in a manner approved by the Department and in accordance with all applicable rules and regulations.

C. Any tank or related apparatus used for removing or transporting septage shall be maintained and operated in such a manner as to avoid emission of offensive odors, spilling or loss of any septage.

D. Septage removed from an SSTS shall be managed to prevent a nuisance or a menace to public health or safety.

8.02 Owner Responsibility.

A. It is the responsibility of the property owner or the owner's representative to maintain and protect the SSTS and alternate sites in accordance with this Ordinance.

B The owner shall be responsible for assuring both access to the SSTS for maintenance and preventing damage to the SSTS from lot improvement activities such as landscaping, fencing, retaining walls, retaining ponds, installing an irrigation system, construction or placement of small buildings, pools or other structures, and from activities that disturb or compact the soil such as planting crops, gardening, and driving vehicles over the SSTS.

8.03 Notification. All owners who, according to Department records, have not properly maintained an SSTS within the last three calendar years shall be notified by the Department.

8.04 Permit Required. All septage pumped in Scott County shall be reported by the maintainer to the Department by the end of the following month. A permit from the Department is required for each pumping. The licensed maintainer or permittee shall obtain the permit prior to any work being done. There shall be only one permit required for pumping all tanks one time in a single SSTS or per lot for a CSTS (unless performed by the Subordinate Service District in which case no permit is required). If there is more than one SSTS per property, a separate permit is required for each SSTS.

Permit and other related fees shall be established by the County Board.

8.05 Maintenance Inspection Requirements. A maintenance inspection shall be conducted by a licensed SSTS professional and submitted on forms approved by the Department. A permit is not needed to conduct a maintenance inspection to determine if pumping is required.

8.06 Record Keeping. Scott County shall maintain a record of each SSTS pumped in Scott County.

9.00 LAND APPLICATION OF DOMESTIC SEPTAGE.

9.01 Requirements for Land Application Sites. To land apply septage on a site in Scott County, the following minimum requirements must be met:

A. The site shall:

1. Be a non-public site;

2. Not be in a shoreland area;

3. Be located in an Agricultural Zoning District. No land application is allowed in residential, institutional or commercial/industrial zones;

4. Contain soils that are not rapidly permeable at the application depth;

5. Not be located in a floodway or floodplain;

6. Not contain slopes greater than 12 percent; and

7. Not be located in an area classified as highly sensitive to groundwater contamination.

B. Unless limed, septage shall either be injected or incorporated within six hours of surface application to a minimum depth of six inches. No significant amount of septage shall be present at the land surface after septage is injected or incorporated.

C. Be protected from unauthorized access.

D. Septage shall not be applied such that ponding or runoff occurs.

E. Septage must not be applied unless the soil has dried adequately from previous applications or rainfall so that ponding does not occur.

F. Septage shall not be applied by spray irrigation or other methods that will cause aerosols to drift from the application site.

G. Septage shall be land applied only at rates that will be agronomically beneficial.

H. The application must be done in accordance with all local, state and federal requirements.

9.02 Site Reporting. The land applicator must submit a report annually to the Department by January 31 indicating the location of and volume of septage applied to each land application site in the previous calendar year on forms approved by the Department.

10.00 ABANDONMENT OF AN SSTS.

A. All tanks must be abandoned in accordance with Minn. Rules part 7080.2500.

B. A maintenance permit is required whenever a tank is abandoned except when there is no septage present that can be removed.

11.00 VARIANCES.

11.01 Variance Requests. A property owner may request a variance from the standards as specified in this Ordinance pursuant to County policies and procedures.

11.02 Affected Agency. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

11.03 Variance Permitted. If the Department finds that by reason of exceptional circumstances, the strict enforcement of provisions of this Ordinance would cause unnecessary hardship, or that strict conformity with the standards would be unreasonable, and impractical, or not feasible under the circumstances, a variance may be granted in individual cases based on conditions that may be prescribed for prevention, control or abatement of pollution consistent with the general purposes and intent of this Ordinance and of all other applicable state and local regulations and law. Variances related to zoning may be granted by the Variance Board. All other eligible variances may be granted by the Environmental Services Manager ("Manager"). However, the Manager or designee has the discretion at any time to require the applicant to instead prepare an application to the Variance Board. The "Variance Board" shall be the County Board in incorporated areas, the Orderly Annexation Board, where Agreements exist, or the County Board of Adjustment, appointed by the County Board, in unincorporated areas where there is not an Agreement.

11.04 Prohibited Variances. Variances may not be granted from the following standards:

A. Minn. Rules part 7080.2150, subpart 2, items A through E.

B. Minn. Rules 7081.0080, subparts 2 through 5.

C. Flow determinations under Minn. Rules part 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

D. Variances to wells and water supply lines must be approved by the Minnesota Department of Health;

11.05 Variance Conditions. Unless otherwise provided, the Variance Board or Manager, as applicable, shall consider all applications for variance in accordance with the provisions of this Ordinance. A variance may be granted provided that:

A. Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property have had no control.

B. The variance is proved necessary in order to secure for the applicant right or rights that are enjoyed by other persons in the same area or district.

C. Granting of the variance will not be contrary to public interest or damaging to the rights of other persons or of properties in the same area or district.

D. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

E. The special conditions or circumstances do not result from the actions of the applicant.

F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

G. The variance requested is the minimum variance which would alleviate the practical difficulty.

H. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than approved hardship.

I. Economic considerations alone do not constitute practical difficulties.

11.06 Procedures for Applications to the Variance Board.

A. Pre-Application Meeting. Prior to submission of a variance application, the property owner may submit a concept plan and meet with the Department to discuss the variance application. Through the pre-application, the Department will summarize the informational requirements and issues related to the specific variance request. A second pre-application meeting may be conducted if deemed warranted to assist the applicant in preparing their application.

B. The property owner applying for a variance shall submit to the Department a completed variance application stating the practical difficulties that are present, and provide all other information required by the Department. The application shall be completed when the applicant has complied with the following requirements:

1. A written and/or graphic description of the variance request including an explanation of compliance with section 11.05 (Variance Conditions) of this Ordinance. The application shall include a site plan consistent with section 5.00 of this Ordinance.

2. Supporting information described by the Department during the pre-application meeting and required in other sections of this Ordinance.

3. Applications must be accompanied by a fee(s) established by the County Board.

C. The Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Section 15.99 if the application is found to be incomplete.

D. Upon receipt of a complete application, the Department shall prepare a report and refer the application to the Variance Board.

E. The Variance Board shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. In unincorporated areas, the property owners of record within five hundred (500) feet of the subject property shall be notified in writing of the proposed variance. Where the subject site is located in or adjoining to an incorporated area, the County shall mail written notification of the proposed variance to property owners within the incorporated area located within three hundred fifty (350) feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

F. The applicant or their representative shall appear before the Variance Board in order to answer questions concerning the proposed variance.

G. The Variance Board and Department shall have the authority to request additional information from the applicant concerning a variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

H. The Variance Board shall act upon the request within the time permitted by Minnesota Statutes Section 15.99, as amended.

I. A certified copy of any order issued by the Variance Board acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Recorder or Registrar of Titles. The order issued by the Variance Board shall include the legal description of the property involved. The Department shall be responsible for the document recording requirements of this section and shall maintain records of the variance request.

J. All decisions by the Variance Board in granting variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in Scott County on questions of law and fact.

K. A variance shall expire one year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.

L. If necessary, an extension of a variance shall be requested in writing and filed with the Department at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed one year. Upon receipt of a request for variance extension, Department shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Variance Board. The applicant shall be informed of the decision within the time permitted by State Law. No extension shall be for more than one year, after which if the variance is not utilized

the variance would become void. In no case shall more than one variance extension be approved for an individual variance request.

11.07 Procedures for Applications to Manager.

A. The property owner applying for a variance shall submit to the Department a completed variance application stating the practical difficulties that are present, and provide all other plans and information required by the Department. The plans shall contain sufficient information for the Department to determine whether the proposed variance will meet all applicable standards if the variance is granted. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request. The variance application must be accompanied by a fee(s) established by the County Board.

B. The Department, upon receipt of the application, shall notify the applicant in writing within fifteen (15) County business days or as amended by Minnesota Statutes Section 15.99 if the application is found to be incomplete.

C. The Manager or designee shall act upon the request within the time permitted by Minnesota Statutes Section 15.99, as amended. The results of that action shall be filed with the Office of the County Recorder or Registrar of Titles, including the legal description of the property involved, if the variance is approved. The Department shall be responsible for the document recording requirements of this section and shall maintain records of the variance request.

D. All decisions by the Manager or designee in granting variances may be appealed to the Variance Board. An appeal must be requested in writing within thirty (30) calendar days of receiving a notice of decision from the Department. The appeal must include the submittal of a complete application to the Variance Board as outlined in section 11.06.

E. A variance shall expire one year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial except on the grounds of new evidence or proof of change on conditions found to be valid.

F. A violation of any condition set forth in granting a variance shall be a separate violation of this Ordinance and may result in revocation of a permit granted on the basis of the variance.

12.00 VIOLATIONS AND PENALTIES.

12.01 Misdemeanor. Any person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished thereof as provided by law. Any person who violates, omits, neglects or refuses to comply with the provisions or the enforcement of this Ordinance, shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation of any provision of this Ordinance occurs or continues.

12.02 Injunctive Relief. In the event of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations.

12.03 Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this Ordinance, the County may recover the cost incurred for corrective action in a civil action in any court of competent jurisdiction.

12.04 Notice on Property Title. The County may, after giving the property owner of record 30 days' written notification by mailing said notice to the property owner at their last known address on file for that parcel with the Office of the County Recorder or Registrar of Titles, file a notice of non-compliance of the SSTS on the property title for any property served by a non-complying SSTS in addition to or in lieu of other remedies intended to achieve compliance. The property owner shall be responsible for any fees established by the County Board for posting, removing said notice and any established administrative fees for that purpose.

13.00 EFFECTIVE DATE.

The standards, procedures and provisions adopted herein shall be effective immediately upon the publication of the minutes of these proceedings in the official newspaper of the County, unless otherwise noted.

14.00 SEVERABILITY.

It is hereby declared to be the intention that the several provisions of this Ordinance are severable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

15.00 AMENDMENTS.

The procedure for amending this Ordinance is the same as prescribed by law for its adoption.

Adopted by the Scott County Board of Commissioners this 18th day of August, 2020.

Amended by the Scott County Board of Commissioners on:

October 29, 1971
August 18, 1981
August 12, 1986
May 12, 1992
December 23, 1996
October 23, 2001
January 26, 2010