

**ORDINANCE NO. 41**

**INDIVIDUAL WASTEWATER TREATMENT ORDINANCE**

An ordinance authorizing and providing for the sewage and wastewater treatment: establishing minimum standards for and regulation of individual sewage treatment systems (ISTS) within the incorporated areas of the City of Royalton; requiring permits for installation, alteration, repair or extension of ISTS in the City of Royalton; imposing penalties for failure to comply with these provisions; providing for enforcement of these requirements; and promoting the health, safety and welfare of the public.

**THE CITY OF ROYALTON HEREBY ORDAINS:**

**SECTION 1.        PURPOSE AND INTENT.**

(a) The purpose of the Individual Sewage and Wastewater Treatment Ordinance shall be to provide standards for regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

**SECTION 2.        GENERAL PROVISIONS.**

(a) The City of Royalton hereby adopts the standards of Minnesota Rules, parts 7080.0010 to 7080.0315 and 7080.0910 as now constituted and from time to time amended. Said standards, together with any amendments thereto, shall be considered as part of this ordinance, as if set forth herein.

**SECTION 3.        PERMITS.**

(a) No person shall install, alter, repair or extend any individual sewage treatment system within the City limits without first applying for and obtaining a permit from the City of Royalton's authorized building inspector and at the same time paying a fee for the permit, design approval, inspection fees. State fees and any other related costs to the City, in such amounts as the City Council shall designate. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

**SECTION 4.        LICENSE REQUIREMENTS.**

(a) No person shall engage in evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1.

SECTION 5. FAILING SEPTIC SYSTEMS.

(a) A notice of Noncompliance shall be issued by the City Building Inspector to the property owner and to The City of Royalton within 30 days of the discovery of a failing septic system.

(b) A failing ISTS shall be upgraded, replaced, repaired or its use discontinued within one (1) year. The City will give consideration to weather conditions as it establishes compliance due dates. Any discontinued system shall be abandoned utilizing the procedure required by Minnesota Law and the aforementioned standards.

(c) An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced, repaired or its use discontinued within an appropriate time no greater than ten (10) months.

SECTION 6. ADDITIONAL SOIL TREATMENT AREA REQUIREMENTS.

(a) On all lots created after January 23, 1996, the system design shall include two (2) drainfield sites. Sites must be designated and platted by proper testing before any building permits or platting approval will be granted.

(b) All drainfield sites must be properly protected at the time of platting and / or before construction begins on any parcel or adjacent parcel.

SECTION 7. MORE RESTRICTIVE STANDARDS.

(a) Minnesota Rules Chapter 7080 are hereby modified by the following more restrictive standards.

(1) A minimum of one (1) two (2) chamber 1,500 gal. tank for all systems.

(2) Minimum pump tank capacity will be 1000 gallons.

(b) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards" and the Septic System shall be located in a manner which will best facilitate the eventual connection of the residences and or business constructed on the property to the public system. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(c) After passage and publication of this ordinance when a new public sewer becomes available to a property serviced by private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with the Ordinance, and within 120 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material. All property's that now have a public sewer available to the property can use there existing ISTS until the system fails or needs to be upgraded, repaired or replaced.

(d) The owner(s) shall operate and maintain the private waste water disposal facilities in a sanitary manner at all times at no expense to the City.

(e) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

SECTION 8. ENFORCEMENT.

(a) Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

(b) In the event of a violation of this Ordinance, in addition to other remedies, the City Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: **5/20/10**

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CLERK

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MAYOR