

**CHAPTER 5  
HOUSING AND BUILDING CODES, PERMITS AND REGULATIONS**

Section 5.01 **Adoption of Codes.**

Subd. 1. **Building code.** The Minnesota State Building Code, established pursuant to Minn. Stat. 16B.59 to 16B.73, one copy of which is on file in the office of the Building Official, is hereby adopted as set forth herein as the building code, including all codes, for the City of Alexandria. Such code(s) are hereby incorporated in this ordinance as completely as if set out in full.

A. The most current edition of the Minnesota State Building Code, pursuant to Minnesota Statutes, 16B.59 to 16B.75, includes all of the referenced amendments, rules and regulations and is hereby adopted by reference with the exception of the optional chapters, unless previously, separately, or subsequently adopted by City ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Source: Ord. 720-2<sup>nd</sup> Series  
Effective Date: 1/12/15

1. **Chapter 1306** - Special Fire Protection Systems; subpart 3 - New Buildings shall be designed and installed fully throughout building with Fire Department connection on outside of building. Connection to the municipal water system is required only when the municipal water system is available to the site. All buildings shall connect when municipal water becomes available.

Source: Ord. 537-2<sup>nd</sup> Series  
Effective Date: 6/28/04

2. **Chapter 1307** - Elevators and Related Devices;
3. **Chapter 1309** - Adoption of the International Residential Code;
4. **Chapter 1311** - Minnesota Conservation Code for Existing Buildings;
5. **Chapter 1315** - Adoption of the National Electrical Code;
6. **Chapter 1325** - Solar Energy Systems;
7. **Chapter 1330** - Fallout Shelters;
8. **Chapter 1335** - Floodproofing Regulations;
9. **Chapter 1341** - Minnesota Accessibility Code;
10. **Chapter 1346** - Adoption of the Minnesota Mechanical Code;
11. **Chapter 1350** - Manufactured Homes;
12. **Chapter 1360** - Prefabricated Buildings;

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13. **Chapter 1361** - Industrialized/Modular Buildings;
14. **Chapter 1370** - Storm Shelters (Manufactured Home Parks);
15. **Chapter 4715** - Minnesota Plumbing Code; and
16. **Chapter 7670, 7672, 7674, 7676, and 7678** - Minnesota Energy Code

Source: Ord. 720-2<sup>nd</sup> Series  
Effective Date: 1/12/15

Subd. 2. The following appendix chapters of the Minnesota State Building Code are hereby adopted:

A. Excavation and Grading. Except that the fees for grading and fills shall be set forth in the 1988 Uniform Building Code, Tables 70-A and B.

Source: Ord. 504 - 2<sup>nd</sup> Series  
Effective Date: 3/10/03

Section 5.02. **Establishment of Building Department.**

Subd. 1. **Establishment.** The Office of the Building Department is hereby established. The Building Department shall be under the jurisdiction of a State Certified Building Official designated by Resolution of the City Council.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Subd. 2. **Organization and Enforcement.** The organization of the Building Department and enforcement of the Code(s) shall be as established by Chapter 1 of the 2006 Edition of the International Building Code and including all other codes. The Code(s) shall be enforced within the incorporated limits of the City and within an area not exceeding a distance of two (2) miles from the Alexandria City limits as further described as in Alexandria Township, T128N, R37W - Section 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 20, 21, 22, 27, 28, 29, 32, and 33; in Hudson Township, T127N, R37W - Section 4, 5, 6, 7; in LaGrande Township, T128N, R38W - SE1/4 of the SE1/4 of 11, 12, 13, E1/2 of 14, 23 except NW1/4 of the NW1/4, 24, 25, 26, E1/2 of NE1/4 and E1/2 of SE1/4 and S1/2 of SW1/4 and SW1/4 of SE1/4 of SE1/4 of 27, 34, 35, and 36; in Lake Mary Township, T127N, R38W - Section 1, 2, E1/2 of 3, NE1/4 of the NE1/4 of 10, N1/2 and SE1/4 of 11, and 12.

Source: Ord. 625-2<sup>nd</sup> Series  
Effective Date: 8/25/08

**A. Unsafe Buildings.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this ordinance or the Minnesota State Building Code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided by Minnesota Statutes Sections 463.15 through 463.261.

**B. Responsibilities Defined.** Every owner remains liable for violations of duties imposed upon them by this ordinance and the Minnesota State Building Code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this ordinance or the Minnesota State Building Code.

Every owner, or owner's agent, in addition to being responsible for maintaining their building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary, and safe condition including the shared or public areas in a building containing two or more dwelling units.

Every owner shall, where required by this ordinance, Minnesota State Building Code, the health ordinance or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy or control, shall dispose of all their rubbish, garbage and other organic waste in the manner required by law.

Every occupant shall, where required by this ordinance, the Minnesota State Building Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

C. **Board of Appeal.** In order to determine questions and appeals arising under this chapter and the Minnesota State Building Code as applied to the City of Alexandria, e.g., alternate materials and methods of construction, there shall be and is hereby created a Board of Appeals consisting of five members, who are not employees of the City of Alexandria, who are qualified by experience and training to pass upon matters pertaining to building construction. The Board shall be appointed by the City Council and shall serve at its pleasure. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decision and findings in writing to the appellant with a copy to the Building Department, and a copy to the Minnesota State Building Administrator.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Section 5.03. **Permits and Inspections.**

Subd. 1. **Building Permit Fees.**

A. **Permit Fees.** Building permit fees will be charged according to the estimated cost of the work to be done. The estimated cost will be determined by the administrative authority through consulting the established estimating procedures obtained from the building valuation data table from the State Building Codes and Standards Division.

B. Permit fees shall be charged in accordance with the fee schedule adopted by the City Council.

Source: Ord. 720-2<sup>nd</sup> Series  
Effective Date: 1/12/15

C. **Class "A" and Class "B" Surcharges.**

1. A surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes, 16B.70.

Source: Ord. 720-2<sup>nd</sup> Series  
Effective Date: 1/12/15

D. **Certificate of Occupancy.** Certificates of Occupancy shall be issued as stated in the International Building Code. A fee of \$10 shall be collected.

Source: Ord. 504-2<sup>nd</sup> Series  
Effective Date: 3/10/03

E. **Surcharge.** In addition to the permit fees required, the applicant shall pay a surcharge in the amount fixed by law. The amount required by law shall be remitted quarterly to the Minnesota Department of Administration.

F. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Subd. 2. **Plan-Checking Fees.** A Plan Review fee shall be charged as follows: 65% of the building permit fee for all buildings except for dwellings in which case 50% of the permit fee shall be charged. When a Plan Review is done on a plan in which a permit is not acquired within six months of Plan Review, the Plan Review fee shall be forfeited.

Source: Ord. 504-2<sup>nd</sup> Series  
Effective Date: 3/10/03

Subd. 3. **Lapse of Permit.** Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if 1) the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or 2) if the building or work authorized by such permit is commenced and is thereafter suspended or abandoned for a period of 90 days unless such time is extended by Council, or 3) if the building or work authorized by such permit is commenced and is thereafter suspended so that the manufacturing material exposure warranty is exceeded.

Subd. 4. **Licensing.** No building permit shall be issued contrary to Minn. Stat. 326.84.

Subd. 5. **Building Moving Permits.**

A. **Scope.** The moving of any principal building within the Alexandria City building code enforcement area shall require an Initial Inspection Permit, a Conditional Use Permit, and a Building Permit. The moving of any building outside the Alexandria City building code enforcement area or the moving of any accessory building within the City Limits, shall only require a building permit.

B. **Moving Permits.** The Building Inspector shall issue building permits for moving buildings outside the City Limits and for accessory buildings moved within the City Limits. The applicant shall review the moving route and any site utility changes with the local utility companies, the Alexandria Police Department, and the Alexandria Park Department. The cost of utility changes and tree removal shall be the responsibility of the applicant. Copies of the moving permit shall be submitted to the Alexandria City Assessor and appropriate utility companies and retained in the Building Inspector's property files.

C. **Initial Inspection Permit.** All principal buildings moved within the City building code enforcement area require an Initial Inspection Permit. The Alexandria Building Inspector shall inspect the building to be moved, determine improvements necessary to bring the building into compliance with the building, electrical, mechanical and plumbing code requirements, and report such findings back to the applicant. The applicant shall review the moving route and any site utility changes with the local utility companies, the Alexandria Police Department, and the Alexandria Park Department. The cost of utility changes and tree removal shall be the responsibility of the applicant. The Initial Inspection Permit shall be retained in the Building Inspector's property file. If a building is moved, the fee for the initial inspection shall be applied to the building permit, if one is also required.

D. **Conditional Use Permit.** All principle buildings moved within the City Limits require a Conditional Use Permit. The City Planner shall process the conditional use application as set forth in Section 10.21 of the City Code. Each application shall designate the moving route, the site to which the building is to be moved, and the initial inspection report. Copies of the application shall be retained in the City Planner's property files and submitted to the appropriate utility companies and City departments. The applicant shall review the moving route with the local utilities and the Alexandria Park Department to

determine if any utilities or trees need to be moved.

E. **Building Permit.** Upon approval of the conditional use application, the applicant is responsible for obtaining a Building Permit from the Building Inspector.

Subd. 6 **Plumbing Permits**

A. **Permit Required.** It is unlawful for any person to construct, reconstruct, repair or maintain any system of pipes, drains or appurtenances connected with a sewer or water system without a permit therefor. Provided that no permit shall be required for removal of stoppage in waste or drain pipes, repair or replacement of faucets or repair of leaks in drain pipes.

B. **Permit Fees.** Plumbing permit fees will be charged according to the fee schedule below, with the exception that the minimum fee will be \$20.00.

C. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

D. **Licensing.** No plumbing permit shall be issued contrary to Minn. Stat. §326.38 and 326.40.

Subd. 7. **Heating and Air Conditioning Permits.**

A. **Permit Required.** It is unlawful for any person to construct or install any heating or air conditioning plant or equipment in or for any building, or to alter or repair any such existing plant or equipment, without first obtaining a permit from the city.

B. **Conditions and Regulations.**

1. In making application, the City may require a complete set of plans and specifications.

2. Plans, engineering calculations, diagrams, and other data shall be submitted in one or more sets with each application for a permit. The building official may require that the plans or other data be prepared in accordance with the rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design, Chapter

1800 and Minnesota Statutes, section 326.02 to 326.15, and other state laws relating to plan and specification preparation by occupational licensees.

3. No permit shall be required in cases where the alterations or repair does not change the required capacity of the existing heating or air conditioning plant or equipment.

4. No permit shall be issued to a person not licensed as a master mechanical installer under the provisions of the city code.

C. **Administrative Fee.** Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees above specified shall have an administration fee added, but the payment of such administration fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

Source: Ord. 428-2<sup>nd</sup> Series  
Effective Date: 1/11/99

Section 5.04. **Violations and Penalties.** Violation of Alexandria City Code Chapter 5 shall be a misdemeanor.

Source: Ord. 720-2<sup>nd</sup> Series  
Effective Date: 01/12/15

Section 5.05. **Mechanical Contractors/Installers License.**

Subd. 1. **Licenses.**

A. Definitions:

1. For the purpose of this ordinance, certain words and terms used herein and hereby defined in the subdivisions of this section which follow; and they shall have the meaning herein ascribed thereto unless a different meaning is clearly indicated by the context in which they are used.

2. "Person" means any individual person, corporation, partnership, or association of individual persons.

Source: 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92



3. "Inspector" means those persons designated by the City Council to inspect heating equipment and devices and to enforce compliance with the provisions of the State of Minnesota Mechanical Code.

4. "Installer" means any person doing any work on any heating equipment subject to the provisions of this ordinance.

5. "Master Installer" means the installer who holds a permit for a particular job.

6. "Heating Contractor" means a person engaged in the business of doing any work on heating equipment subject to the provisions of this ordinance.

7. "Code" means the Minnesota Mechanical Code.

Source: Ord. 504-2<sup>nd</sup> Series  
Effective Date: 3/10/03

8. "Engage in Business" means entering into agreement or contract with another person for the furnishing or installation of materials, apparatus or equipment or for the doing of any work on any equipment, such as are subject to the provisions of the code.

Subd. 2. **License Required.** No person shall engage in the business of installing, altering, soliciting, repairing or servicing of any heating, ventilating, cooling, refrigeration, incinerators, or other heat producing appliances without first securing a mechanical contractor's license from the City permitting them to engage in such business. Installers in the employment of the mechanical contractor shall be licensed as journeyman mechanic or apprentice mechanic. Mechanical permits shall be issued to master installers only or their approved agent. A journeyman or master mechanic shall be present at all jobs issued a permit while work on mechanical systems is being done.

Subd. 3. **Use of Licensee's Name by Another.** No person duly licensed as a master or journeyman mechanical installer shall allow their name to be used by another person for the purpose of obtaining permits, for doing business or for doing work under that license, and no one is permitted to use a licensee's name for stated purposes.

Subd. 4. **Qualifications to Obtain License.**

A. All applicants for a mechanical contractor's license, journeyman mechanic's, or apprentice mechanic's license shall successfully complete a written examination to be conducted by appointment at the Building Department office in the City of Alexandria, MN.

B. The written examination subject material shall be confined to the general nature of work for which the applicant is requesting to be licensed. It shall be of a nature that will assist the City to determine if the skill and ability of the applicant is of the level to enable them to construct, install, alter, maintain, service and repair mechanical systems in the City for the nature of work for which the applicant is examined.

C. A passing grade shall be seventy percent (70%) correct out of a possible one hundred percent (100%). Any applicant who fails to receive a passing grade will be eligible to take subsequent examinations following a thirty (30) day waiting period.

D. The names of all successful applicants shall be certified to the City Clerk which shall constitute a recommendation that the license be issued by the Council.

E. Neither a mechanical contractor's license, a journeyman mechanic's license nor an apprentice mechanic's license shall authorize the doing of any work which is subject to the provisions of the National Electrical Code or the Minnesota Plumbing Code.

F. The Building Official may approve licensing without examination, upon payment of fee, for non-licensed applicants who are licensed under the law of another jurisdiction. The Building Official will determine if the standards of the other jurisdiction are equivalent to those in this jurisdiction.

G. An exception to the written examination will be made if the applicant holds a heating contractors license from the City of Alexandria for 5 consecutive years or more.

H. Continuing education will be required for all license holders with at least eight (8) hours of mechanical education every year to maintain their journeyman mechanics licenses.

Subd. 5. **Application Procedures and Requirements for Obtaining a Mechanical Contractor License.**

1. Any individual person, corporation, partnership or association of individual persons desiring to engage in business as herein defined, within the City, shall first obtain a mechanical contractor's license for doing so from the Building Official.

2. A person desiring to obtain a mechanical contractor's license shall make written application to the Building Official for such license, stating therein the name of the individual person, corporation, partnership, or association of individual persons desiring such license and his, its or their place of business.

3. Upon the presentation to the Building Official of the foregoing application and upon approval by the City Council or city staff if the City Council has adopted a resolution delegating such approval to staff, the Building Official shall issue to such applicant the mechanical contractor's license.

Source: Ord. 335-2<sup>nd</sup> Series  
Effective Date: 12/28/92

Source: Ord. 711-2<sup>nd</sup> Series  
Effective Date: 11/24/15

Subd. 6. **Homeowner Exempted.** Notwithstanding any other provision of this code or ordinances to the contrary, and where permitted by state law, permits may be issued to make repairs, additions, replacements, and alterations of any steam or hot water boiler, warm air furnace, air conditioning or ventilating equipment of any single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided there is no change in the required capacity of the systems involved and that all such work in connection therewith shall be performed only by the person who is the bona fide owner and occupant of such dwelling as his residence or a member of said owner-occupant's immediate family.

Source: Ord. 504-2<sup>nd</sup> Series  
Effective Date: 3/10/03

Subd. 7. **Time of Permit.** Each installation shall be completed within ninety (90) days unless otherwise stated from the date of permit. Upon the expiration of said period, if the installer has not already requested final inspection, the heating inspector shall inspect the installation. If he finds (a) that the work of installation is not completed, he shall notify the

installer to complete the work with fifteen (15) days, or (b) if he finds that it does not comply with the provisions of this ordinance, he shall notify him in writing thereof, specifying in what respects it does not comply, and direct him to correct the deficiencies within fifteen (15) days. Upon the expiration of said fifteen (15) days, he shall again inspect the installation.

Subd. 8. **License Terms and Fees.**

1. Initial and renewal master, journeyman and apprentice licenses in the City shall be issued on a calendar year basis, expiring on December 31 of each year.

2. Fees:

- a. Mechanical contractor's license
  - Initial fee \$100.00
  - Renewal fee 50.00
  
- b. Journeyman and apprentice mechanic's license
  - Initial fee \$10.00
  - Renewal fee 10.00

3. The initial fee will be waived for those holders of current heating contractor licenses.

Source: Ord. 416-2<sup>nd</sup> Series  
Effective Date: 7/13/98

Subd. 9. **License Suspension or Revocation.** The City Council may in its sole discretion and for any reasonable cause, upon notice and hearing, suspend or revoke any mechanical contractor/installer license issued pursuant to the Alexandria City Code.

Source: Ord. 638-2<sup>nd</sup> Series  
Effective Date: 6/22/09

Section 5.06. **Minnesota State Fire Code.**

Subd. 1. **Purpose.** The Minnesota State Fire Code is hereby adopted to provide uniform fire safety standards governing maintenance of buildings and premises, regulate the storage, use and handling of dangerous and hazardous materials, substances, and processes; and regulate the maintenance of adequate egress facilities.

Subd. 2. **Scope.** The scope of the Minnesota State Fire Code shall be consistent with Minn. Stat. Section 229 F.011.

**Subd. 3. Rules and Standards Adopted by Reference.**

Adoption of the 2006 edition of the International Fire Code (IFC) including all appendix's promulgated by the International Code Council, (Falls Church, Virginia, December 1999) is incorporated by reference and made part of the Minnesota Rules pursuant to statutory authority, subject to alterations and amendments in this chapter. The International Fire Code is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

Source: Ord. 616-2<sup>nd</sup> Series  
Effective Date: 2/11/08

**Subd. 4. Enforcement.** The Minnesota State Fire Code shall be enforced by the Fire Chief/Fire Marshal of the Fire Department of the City of Alexandria as established by Chapter 1 of the 2006 edition of the International Fire Code (IFC). The Fire Marshal position is appointed by the Fire Chief and City Council as the code official.

Source: Ord. 616-2<sup>nd</sup> Series  
Effective Date: 2/11/08

**Subd. 5. Definitions.** Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it is the City of Alexandria.

**Subd. 6. Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks.** The storage of flammable or combustible liquids in outside aboveground tanks exceeding that allowed in the State Building Code is prohibited without a conditional use permit being issued by the City of Alexandria.

**Subd. 7. Storage of Liquefied Petroleum Gases.** The storage of liquefied petroleum gases in excess of that allowed in the State Building Code is prohibited without a conditional use permit issued by the City of Alexandria.

**Subd. 8. Storage of Explosives and Blasting Agents.** The storage of explosives and blasting agents is prohibited without a conditional use permit issued by the City of Alexandria.

**Subd. 9. Appeals.** Whenever the Fire Marshal refuses to approve a request, or when it is claimed that the provisions of the Minnesota State Fire Code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshal to the Alexandria City Council within thirty (30) days from the date of the Fire Marshal decision.

Source: Ord. 507-2<sup>nd</sup> Series  
Effective Date: 4/28/03

Subd. 10. **Penalties.** Any person who a) shall violate any of the provisions of this Code or fail to comply therewith, or b) who shall violate or fail to comply with any order made thereunder, or c) who shall build in violation of any detailed statement of specifications or plans submitted and approved

thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or d) who fails to comply with such an order as affirmed or modified by the fire marshal, within

the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor.

Source: Ord. 455-2<sup>nd</sup> Series  
Effective Date: 11/27/00

Subd. 11. **Validity.** The Alexandria City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 5.07. **Burning Permits.**

Subd. 1. **Open Burning Restrictions and Permits.** It shall be unlawful for any person to conduct or burn by open fire any materials within the City of Alexandria unless a permit therefor shall have been issued by the Alexandria Fire Marshal, the Alexandria Fire Chief, or the Assistant Chief of the Alexandria Fire Department consistent with the requirements set forth in Minnesota Rules Section 7005.0700 through 7005.0820, as the same may be hereafter amended from time to time.

Subd. 2. **Issuance of Permits.** Open burning permits may be issued by any of the herein identified persons, however, such permits must be secured in advance of the conduct of any open fire or burning within the City of Alexandria.

Subd. 3. **Fees.** The fee for securing an open burning permit shall be \$10.00 per application and permits shall be issued consistent with Minnesota Rules, the Uniform Fire Code and subject to the restrictions and regulations set forth therein, and upon the permit itself.

Subd. 4. **Persons Authorized.** The City Administrator shall, from time to time, inform the Minnesota Pollution Control Agency of the identity of the officers authorized under this Ordinance to issue permits and shall notify the Minnesota Pollution Control Agency of changes to such person's identification as the same may occur.

Source: Ord. 377-2nd Series  
Effective Date: 10/10/95

Section 5.08. **Rental Unit Registration and Inspection.**

Subd. 1. **Purpose And Findings.**

1. The Council Members of the City of Alexandria find that there is a need for periodic inspection of residential rental units in the City to ensure that such units meet City, County and State safety, health, fire, and zoning codes and to promote the public health, safety, and welfare of the community at large and the residents of rental units within the City.

2. The Council members find that a registration program is appropriate to effectively identify residential rental units.

Subd. 2. **Definitions.** For purposes of this Ordinance, the following definitions shall apply:

A. "Rental Unit" or "Residential Rental Unit" means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit which is leased or rented for occupancy for a period of not less than thirty (30) days, but not including private/vacation home rental, bed and breakfast, resort, hotel or motel.

Source: Ord. 793-2nd Series  
Effective Date: 01-14-19

B. "City" means the City of Alexandria, its Council and staff.

C. "Dwelling" means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

D. "Premises" means a dwelling unit and the grounds on which the structure containing the dwelling unit is located, or in the case of a multiple dwelling unit structure,

the dwelling units and any common areas including those both inside and outside of the building and the grounds on which the dwelling units and/or common areas are located.

E. "Rent", "Lease", "Let" or "Sublet" means the leasing or a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

F. "Shall" and "must" as used in the Ordinance are each mandatory. "Should" and "may" as used in this ordinance are each permissive or directory.

G. "Registration Holder" means a person or entity to whom registration for a rental unit is issued under this ordinance.

H. "Local Property Manager" means a natural person residing within 50 miles of the City of Alexandria who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

I. "Private/vacation home rental" - Any home, cabin, condominium, bedroom(s) or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, resort, hotel or motel.

J. "Resort" - An establishment that includes buildings, campgrounds, lodges, structures, dwelling units/sites, homes, enclosures or any part thereof kept, used, maintained or advertised as or held out to the public to be, a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one (1) day, one (1) week, or longer, and having for rent two (2) or more homes, cabins, units, campsites or enclosures. All cabins, rooms, dwellings units/sites or enclosures must be included in the resort rental business. The entire parcel(s), lot(s), or tract(s) of land must be controlled and managed by the licensee.

Source: Ord. 793-2nd Series  
Effective Date: 01-14-19



Subd. 3. **Registration Requirements.**

1. It shall be unlawful for any owner to rent or cause to be rented, leased or let within the City, any Rental Unit for other than short-term occupancy (of not less than thirty [30] days) unless that Rental Unit is registered for occupancy pursuant to a valid and current rental registration issued by the City of Alexandria.

Source: Ord. 793-2nd Series  
Effective Date: 01-14-19

2. Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Alexandria, as specified in Section 5.08, Subd. 2.H.

3. Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using forms furnished by the City for that purpose. The application must provide the following information:

A. Name, address, telephone number, and email address, if any of the property owner.

B. Name, address, telephone number, and email address, if any of the Local Property Manager.

C. The street address of the rental property.

D. The number of units within the rental property.

E. The name, telephone number, address and email address, if any of the person authorized to make, or order make, repairs or services for the property if in violation of City or State codes, if the person is different from the owner or Local Property Manager.

F. The name, telephone number, address and email address, if any, of the waste collection company serving the rental property, or any alternative method of waste disposal as authorized by City Code Section 2.70, Subd. 8.

Subd. 4. **Exemptions.** This Ordinance does not apply to campus dormitories and campus residence units owned, operated or managed by a governmental entity or agency, hospital units or rooms, nursing homes, assisted living facilities, retirement homes or other similar rental space which is registered by the State of Minnesota, or to a house, townhouse or condominium which is being "rented back" to its immediate prior owner.

Subd. 5. **Manner Of Registration Renewal.** Registration shall be required each calendar year and may be issued on a calendar year basis prior to January 1 of each successive year. The City will annually remind rental unit owners (or their designated Local Property Managers) of this requirement. Registration renewal forms must be delivered to the City no later than the 15<sup>th</sup> day of December each year. Failure of the City to issue reminder notice and/or failure of an owner (or Local Property Manager) to receive a reminder notice, does not excuse or waive the registration required by this Ordinance.

Subd. 6. **Transfer Of Property.** Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner's name, address, telephone number and fax number (and the name, address, telephone number and fax number of the new owner's designated Local Property Manager) before taking possession of the rental property upon closing the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

Subd. 7. **Posting Of Registration.** Each rental unit registration holder must provide the currently value rental unit certification to the tenant/renter of each unit in building with fewer than four (4) units. Buildings with four or more units and a common entry shall have the certification posted near the common entry. Buildings with four or more units and no common entry shall post the certification in a conspicuous location on the premises.

Subd. 8. **Fees.** The fees for rental unit registration, registration renewal, late fees and inspection may be set by resolution of the Alexandria City Council adopted from time to time.

Subd. 9. **Maintenance Of Records.** All records, files and documents pertaining to rental unit registration and rental unit inspections will be maintained by the City and will be available to the public as allowed, permitted or required by State Law and City Ordinance.

Subd. 10. **Maintenance Standards.** Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing. In addition, the Minimum Housing Quality Standards (or successor standards) of the Department of Housing and Urban Development (hereinafter "HUD Housing Standards") shall be used as a guideline to govern use, occupancy, construction and maintenance of rental units. An alleged violation of the HUD Housing Standards shall create a rebuttable presumption of a violation of this section. This presumption may be rebutted by evidence and findings that the alleged violation does not relate to housing safety, sanitation, or habitability. In addition, for basement living units, or sleeping rooms below the ground floor, an egress window meeting the requirements of the Uniform Building Code, or another acceptable means of exit must be provided. Additionally, site conditions constituting a nuisance as described in Section 9.55 or elsewhere in the City Code shall be considered a violation of the Maintenance Standards of this Ordinance.

Subd. 11. **Inspections And Investigations.**

1. Fire Department personnel, police officers, building department officials and their respective designees/representatives or "contractors" hired by the City, are hereby authorized to make inspections reasonably necessary to the enforcement of this Ordinance.

2. All persons authorized herein to inspect shall have the authority to enter, at reasonable times, and following 48 hours written notice to the property owner or designated Local Property Manager, any rental unit or structure containing a rental unit registered or required to be registered, for the purpose of enforcing this Ordinance. Property owner or designated Local Property Manager may be present while the inspection is being performed.

3. Written notice of a violation of this Ordinance may be given to the Registration Holder by certified mail directed to the address of the Registration Holder as shown by the City's registration application file. Said notice may contain a Compliance Order stating that compliance with this Ordinance shall be made immediately and, in that case, the notice

shall advise the Registration Holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the City based on good cause.

4. A Registration Holder may appeal to the City Council the requirements of any Compliance Order by filing a written appeal with the City no later than ten (10) days after the date of issuance of the Compliance Order. Enforcement of the Compliance Order shall be stayed pending the decision of the City Council on the appeal.

**Subd. 12. Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.**

1. The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance.

2. Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the Registration Holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked, or not renewed if the Registration Holder complies with a compliance order or orders in a reasonably timely manner as determined by the City.

Source: Ord. 793-2nd Series  
Effective Date: 01-14-19

3. The City shall notify the applicant that registration has been denied, or the Registration Holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification.

4. A determination by the City to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council of Alexandria by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City mails such determination to the applicant or Registration Holder. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

5. At any appeal of a determination by the City under this Ordinance, the Registration Holder or applicant, (Local Property Manager for the Registration Holder or applicant), or an attorney representing said party, may appear and make a presentation to the City Council. The City shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City based upon the provision of this Ordinance and upon the protection of the public health, sanitation safety or general welfare of the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.

6. A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

**Subd. 13. Summary Action.**

1. As a condition of receiving rental unit registration, each Registration Holder agrees and consents that when the conduct of any Registration Holder or Registration Holder's agent, representative, employee or lessee, or the condition of their rental unit or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the residents of the rental units so as to constitute a fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the City shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the City deems necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall describe the units or areas affected. No person shall remove the posted notice, other than the Fire Marshal, building official or their designated representative. Any person aggrieved by the decision or action of said building official or Fire Marshal set out in this Ordinance, may appeal the decision following the procedures set out in this Ordinance. The hearing shall be conducted in the same manner as provided in this Ordinance, however, the date of the hearing may be expedited with the consent of the Registration Holder.

2. The decision of the City set forth in this Subdivision is not voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City be affected.

Subd. 14. **Applicable Laws.** Registration Holders are subject to all of the ordinances and/or laws of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

Subd. 15. **Violations, Injunctive Relief.**

1. Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

2. Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper registration and/or operation of a rental unit after revocation or suspension of registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.

Source: Ord. 753-2<sup>nd</sup> Series  
Effective Date: 10/10/16

3. This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

Source: Ord. 793-2<sup>nd</sup> Series  
Effective Date: 01/14/19

Subd. 16. **Written Notices.** Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addressee to the address shown in the City file pertaining to the rental unit involved in the notice.

Subd. 17. **Severability Clause.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.

Source: Ord. 753-2<sup>nd</sup> Series  
Effective Date: 10/10/16

**Section 5.09. Licensing and Inspection of Short Term Vacation Rentals, Regulating Their Design, Operation and Maintenance, and Providing for the Administration and Enforcement.**

**Subd. 1. Purpose.**

The purpose of this ordinance is to establish standards for short-term vacation rental establishments and to protect the health, safety and general welfare of the people of the City of Alexandria, including the following general objectives:

1. Provide a minimum standard for the design, operation and maintenance of such short-term vacation rental establishments.

2. Correct and prevent conditions that may adversely affect persons utilizing such establishments.

3. Meet consumer expectations for the quality and safety of such establishments.

4. Establish inspection requirements and associated procedures involved with administering and enforcing this Ordinance.

**Subd. 2. Definitions.**

For the purpose of this ordinance, the following words shall have the following meanings:

1. Administrator: "Administrator" means the Administrator of Horizon Public Health and his or her respective designee(s) operating under the authority of the Horizon Community Health Board to administer environmental health programs and public health services.

2. Agency: "Agency" means Horizon Public Health, providing review, inspection, and administrative services for the City of Alexandria.

3. Bedroom: "Bedroom" means a part of the inside of a private/vacation home that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as a sleeping quarters, containing a bed or furniture that can convert to a bed, and having more than one egress door and window.

4. Boarding Establishment: "Boarding establishment" means a food and beverage service establishment where food or

beverages, or both, are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

5. Commissioner: "Commissioner" means the commissioner of health.

6. Delegation Agreement: "Delegation Agreement" means the properly executed delegation of responsibility to the Horizon Community Health Board by the State of Minnesota, as provided in Minnesota Statutes.

7. Grade: "Grade" means the average of the finished ground level at the center of the exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

8. Good Neighbor Brochure: "Good Neighbor Brochure" means a brochure to be given to guests that includes a summary of the City's regulations relating to private/vacation home rentals; local rules or ordinances related to lakes, aquatic invasive species, and water use; and best practices for neighborly behavior.

9. Hazard: "Hazard" means any biological, chemical, or physical property that may cause an unacceptable health risk.

10. Hotel or Motel: "Hotel or motel" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.

11. Imminent Health Hazard: "Imminent Health Hazard" means a significant threat or danger to health that exists when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based upon:

a. the number of potential injuries; and  
b. the nature, severity and duration of the anticipated injury.

12. License: "License" includes the whole or part of any permit, certificate, approval, registration or similar form of permission or renewal required by City ordinance or State law administered by the City for the operation of any business, service, or facility.

13. Licensee: "Licensee" means the person who has been given the authority by the issuance of a license by the City



to establish, operate, and/or maintain a facility or activity regulated by City ordinances.

14. Lodging Establishment: "Lodging establishment" means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public. For the purpose of this ordinance, lodging establishment shall also include boarding establishment, hotel, motel, private/vacation home rental, and resort.

15. Owner: "Owner" means any person or person(s) having a legal interest in real or personal property or any person in possession or control of real or personal property including, but not limited to, mortgages, contract for deed vendees, and contract for deed vendors.

16. Overnight guest: "Overnight Guest" means a person that is boarding overnight at a private/vacation home rental, hotel, motel, bed and breakfast, or resort.

17. Person: "Person" means a natural person over the age of 5 years, that is patronizing, staying, or visiting a private/vacation home either as the renter of the facility or a guest of the renter; or an individual, firm, partnership, association, or corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

18. Private/Vacation Home Rental: "Private/Vacation Home Rental" means any home, cabin, condominium, bedroom or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than 30-day time period, and is not a bed and breakfast, resort, hotel or motel.

19. Public Health Services: "Public health services" means the services of Horizon Public Health that are authorized under Minnesota Statutes.

20. Resort: "Resort" means any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream, skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week or longer, and having for rent five or more cottages, rooms or enclosures.

21. Risk Categories:

A. High-risk establishment. "High-risk establishment" means any food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

1. Serves potentially hazardous foods that require extensive processing on the premise, including manual handling, cooling, reheating, or holding for service;
2. Prepares foods several hours or days before service;
3. Serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illnesses;
4. Has a public swimming pool; or
5. Draws its drinking water from a surface water supply.
6. Must be inspected at least once every 12 months.

B. Medium-risk establishment. "Medium-risk establishment" means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

1. Serves potentially hazardous foods but with minimal holding between preparation and service; or
2. Serves foods, such as pizza, that require extensive handling followed by heat treatment
3. Must be inspected at least once every 18 months.

C. Low-risk establishment. "Low-risk establishment" means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that is not a high-risk or medium-risk establishment that:

1. Must be inspected at least once every 24 months.

Subd. 3. **Design, Operations, and Performance Standards.**

A. Parking Requirements: Required Number of On-Site Parking Spaces.

1. On-site parking area of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided. The minimum number of required on-site parking spaces for the following uses shall be:

<u>Number of Land Use</u>	<u>Parking Spaces</u>	<u>Per Unit Measure</u>
Private/vacation home rental	1	Bedroom

B. General requirements

1. Noise levels shall not exceed the standards established in MN Rules, chapter 7030, or successor rules. Noise levels shall not exceed 50 dB for more than 30 minutes, as measured at the property line of the rental property, between the hours of 10 pm and 7 am.

2. Parking shall meet the standards listed in Section 3, Subpart A. of this ordinance and:

a. Public streets and rights-of-way shall not be used for parking of trailers or overnight parking of vehicles by tenants.

b. On-site vehicle parking shall be on a designated improved surface (gravel, class-5, asphalt, concrete, pavers)

c. Trailer parking shall be designated and meet detached accessory structure setback requirements from City zoning ordinance.

d. Designated parking shall be set-back 10-ft from property boundaries.

3. The boundaries of the rental property shall be visually demarcated by signs, a fence, vegetation, landscaping, or other method.

4. Overnight guest occupancy is the maximum number of overnight guests allowed at a private/vacation home rental. Overnight guest occupancy shall not exceed the lesser of the following limits:

a. Three (3) overnight guests per bedroom.

b. For a rental property with an individual septic treatment system which is considered to be substandard the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 75 gallons per overnight guest. (i.e.; 450gal/day / 75gal = 6 overnight guests)

c. Not more than a total of 12 overnight guests.

5. The use of detached or temporary sleeping accommodations such as RVs, tents, fish-houses, campers or others to increase the overnight guest capacity shall be prohibited.

6. Not more than one private/vacation home rental unit shall be allowed on a parcel.

7. The property capacity is the total number of overnight guests and visitors allowed to be present on

the property at any given time. The property capacity shall not exceed the following thresholds:

a. Two times (2x) the overnight guest occupancy for properties where neighboring dwellings are 200 feet or less from the rental dwelling or the property is less than 2 acres in area.

b. Three times (3x) the overnight guest occupancy for properties where neighboring dwellings are more than 200 feet from the rental dwelling and the property is 2 acres or greater in area.

C. Rental Property Management and Notifications

1. The rental owner, operator, or manager shall designate a local contact who meets the following requirements:

a. Is available 24 hours/day, seven days per week.

b. Can respond by phone within ten (10) minutes and in-person within twenty (20) minutes of notification.

c. Has administrative authority over the property and guests.

d. Has knowledge of the vacation rental unit, the property, rental and City rules, standards, and procedures.

2. The rental owner, operator, or manager shall provide the name and phone number of the contact in subpart C above to the City at the time of licensing and to all property owners within 200 feet of the rental property boundary. Any change of contact or contact information shall be noticed as above to the City and neighbors within 10 days of the change.

3. The following information shall be posted within the rental unit in a prominent location so as to be easily visible and read by the guests:

a. The full name and phone number of the owner or operator

b. The full name and phone number of the local contact person or local management agent

c. Local emergency contact information (police, fire, ambulance, septic maintainer)

d. Aerial image of the property clearly showing property boundaries, parking areas, shore recreational facilities, garbage receptacles, septic treatment system.

e. The maximum number of overnight guests and total guest capacity of the property.

f. The maximum number of parking spaces.

g. Any applicable City ordinances governing noise, parking, pets, or lakes (AIS laws, water surface zoning).

h. A copy of the Good Neighbor Brochure.

4. The total permitted overnight guest occupancy and the total number of persons permitted on the property shall be included on all advertisements or web-based reservation service pages.

5. Prior to occupancy, the owner, operator, or manager shall:

a. Obtain the full name, address, and vehicle license plate information from the person renting the property.

b. Record the number of guests and dates of the rental.

c. Require the guest(s) to formally acknowledge responsibility for the compliance by all tenants or guests with the applicable laws, rules, and ordinances pertaining to vacation rentals in the City of Alexandria.

d. Maintain a copy of the above records for one year and make available to the City upon request.

#### D. Sanitation

1. The private/vacation home rental shall be served by central sanitary sewer (ALASD) or be connected to a compliant individual septic treatment system (ISTS). If connected to an ISTS, the following shall be required:

a. A current compliance inspection showing the system to be in compliance with State and local requirements shall be submitted with the application for license with Horizon Public Health.

b. The ISTS shall be pumped not less than annually and records shall be submitted to the City before the end of the calendar year.

2. Garbage, refuse, or recycling shall be stored completely enclosed within designated containers. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.

#### Subd. 4. **Fees.**

Fees for the administration of this Ordinance shall be established and amended periodically by action of the City Council, acting in concert with Horizon Public Health and matching the fees charged by Horizon Public Health and/or Douglas County for similar services.

**Subd. 5. Regulatory Agency.**

Horizon Public Health is hereby established in this Ordinance as the Agency responsible for the enforcement and administration of this Ordinance. The Agency shall:

1. Act as the inspecting Agency for the City;
2. Issue licenses and maintain records relating to this Ordinance;
3. Provide informational materials regarding this Ordinance;
4. Administer this Ordinance; receive applications, requests, documentation; interpret and apply the Ordinance; and enforce the Ordinance.
5. Assist in the enforcement of this Ordinance or successor ordinances/sections pertaining to private/vacation home rental.

**Subd. 6. Incorporation of Minnesota Lodging Code.**

Minnesota Rules, Chapter 4625, parts 4625.0100 to 4625.2300, the Minnesota Lodging Code, in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

**Subd. 7. Licenses.**

A. General. It shall be unlawful for any person, firm, corporation or partnership to operate a lodging establishment within the City who does not possess a valid license issued by the Agency as required by this ordinance. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a license.

B. Application. Any person desiring to operate a private/vacation home rental shall first make application for a license on forms provided by the Agency, pay the required fee, and receive approval for operation, including plan review approval if a plan review is required. The application shall include: the full name and address of the owner of the building, structure, or enclosure; the lessee and manager of the establishment; the name under which the business is to be conducted; and any other information as may be required by the Agency to complete the application for license. The license shall be issued for the calendar year for which application is made and

shall expire on December 31 of such year. Any person who operates a place of business after the expiration date of a license or without having submitted an application and paid the fee shall be deemed to have violated the provisions of this ordinance and shall be subject to enforcement action, as provided in this ordinance.

C. License renewals. License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the Agency on forms provided by it no later than December 1 of the year proceeding the year for which application is made; or in the case of a new business, not later than the opening date of such a business.

D. Expiration Date. Initial and renewal licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

E. Initial & Renewal Fee Schedule. Initial and renewal license applications shall be accompanied by the applicable fee. All license fees are non-refundable.

F. Reduced License Fee. Beginning on or after October 1 of each year, the license fee for new establishments or operators shall be one-half of the appropriate annual license fee.

G. Issuance or Denial of License:

a. Unless otherwise provided in this ordinance under which a license is issued, the Agency shall have fifteen (15) days to approve or deny an application for license or renewal. All establishments requiring a license under this ordinance are expected to submit their application for an initial license or renewal by December 1 of the year prior to the requested license period.

b. If December 1 falls on a weekend, the annual license renewal application and fee is due at the end of the county business day the following Monday.

c. Where an application is approved by the Agency, the establishment's license(s) shall be issued according to Agency policies and procedures.

d. Where a license is denied, the Agency shall state the factual basis for its decision and notice of its decision shall be hand delivered by the Agency to the applicant or shall be served by registered or certified mail to said applicant at the address designated in the license application. The applicant shall have ten (10) working days, exclusive of the day of service, to request a hearing. The request shall be in

writing stating the grounds for appeal and served personally or by registered or certified mail on the Agency by midnight of the tenth (10th) agency working day following service of the notice of denial. If the applicant fails to request an appeal within the specified time period, any opportunity for a hearing is forfeited and the Agency's decision is final. After receipt of an appeal request, the Agency shall set time and place for the hearing.

G. License Non-Transferable:

a. A license is not transferable and non-refundable.

b. The discontinuation of an operation by the licensee at the address covered by the license voids the license.

c. A voided license shall be surrendered to the Agency immediately by anyone in possession of it.

I. Change of Ownership: A license shall not be issued to any person when an establishment changes ownership until an inspection by the Agency has been conducted and a compliance schedule has been established that is mutually agreeable to the owner and the Agency regarding previous orders.

When an establishment has been closed for 90 days or more, the Agency shall conduct an inspection and set forth a compliance schedule that is mutually agreeable to the new owners and the Agency to achieve compliance with the Minnesota Lodging Code prior to issuing a license.

J. License Displayed. A valid license shall be conspicuously posted in every lodging establishment.

**Subd. 8. Inspection/Enforcement.**

A. Horizon Public Health shall inspect lodging establishments according to Minnesota Statutes, Chapter 157, and Chapter 327 (327.10-327.13), Chapter 4625 (parts 4625.0100 to 4625.2300) and rules adopted under Minnesota Statutes, Chapter 157, and the Horizon Inspection and Enforcement Policy. Horizon Public Health shall also have the authority to inspect lodging establishments (including private/vacation home rental) for compliance with Section 5.09 or successor section of the City Code.

B. The person operating a lodging establishment shall, upon request of the Agency and after proper



identification, permit access to all parts of the lodging establishment at any reasonable time for purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with the provisions of this Ordinance.

C. Every person engaged in the operation of a lodging establishment, shall upon request; furnish reasonable samples free of charge to the Agency for laboratory analysis.

D. Whenever an inspection of a lodging establishment is made, the findings shall be recorded on the inspection report form. One copy of the inspection report form shall be furnished to the person in charge of the establishment. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it, except when report forms are a part of a pending litigation.

E. The inspection report form shall specify a specific and reasonable period of time for the correction of violations. Correction of violations shall be accomplished within the period specified.

**Subd. 9. Suspension and Revocation of License.**

A. Licenses may be suspended temporarily by the Agency, at any time for failure by the holder to comply with the requirements of this ordinance. Whenever a license holder or operator has failed to comply with any notice requiring corrective action, issued under the provisions of this ordinance, that license holder or operator may be notified in writing with a form of suspension that the license upon service of notice is immediately suspended and that an opportunity for a hearing before the City Council will be provided if a written request for appeal is filed within ten (10) agency working days with the Agency by the license holder.

B. Notwithstanding the other provisions of this ordinance, whenever the Agency finds unsanitary or other condition(s) in the operation of a lodging establishment which, in their judgment, may constitute a substantial hazard to the public health, they can without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition(s), specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended, and all lodging operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Agency, shall be afforded an appeal before the City Council.

C. Any person whose license or permit has been suspended may at any time make application for a re-inspection for the purpose of reinstatement of the license. Within ten (10) agency working days following receipt of a written request, including a statement signed by the applicant that in their opinion the condition(s) causing suspension of the license has/have been corrected, the Agency shall make a re-inspection. If the applicant is in compliance with the requirements of this ordinance and Minnesota Rules, Chapter 4625, parts 4625.0100 to 4625.2300, and (Chapter 327 (327.10-327.13), the license shall be reinstated.

D. Revocation of License. Licenses issued under this Ordinance may be revoked by the process outlined in City Code Section 5.08, Subd 12.

E. Emergency Closure. Whenever the Agency finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such Order shall be effective immediately. Any person to whom an Emergency Order is directed shall comply therewith immediately.

a. Emergency Closure Procedure. Emergency Closure of an Establishment will be ordered if a prohibited activity is occurring or it is determined that the Establishment is an imminent health hazard.

b. Following an Emergency Closure, the Establishment shall not reopen without written permission from the Agency.

c. The Agency must give written permission to reopen upon submission of satisfactory proof that the problem condition(s) causing the need for emergency closure have been corrected or removed by the operator(s).

d. Following an emergency closure, correction of the problem condition requires that all inanimate objects, equipment and surface areas in the room or area where the prohibited activity or imminent health hazard occurred be cleaned and sanitized.

**Subd. 10. Procedure When Infection Is Suspected.**

When the Agency has reasonable cause to suspect the possibility of disease transmission from a lodging establishment employee, the Agency shall under the direction and/or guidance of the Minnesota Department of Health, secure an illness or morbidity history of the suspected employee, and/or make other

investigations as may be required, and take appropriate action. The Agency may require any or all of the following measures:

1. The immediate exclusion of the employee from all lodging establishments;

2. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

3. Adequate medical and laboratory examinations of the employee, or other employees, and their body discharges, and;

4. The immediate closure of the lodging establishment concerned, until in the opinion of the Agency no further danger of disease outbreak exists.

**Subd. 11. Appeals.**

Request for Hearing. Any person affected by a notice of suspension or revocation shall be granted a hearing on the matter under the terms of City Code Section 5.08, Subd.12.

**Subd. 12. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and for this purpose the provisions of this ordinance are severable.

**Subd. 13. Violations, Injunctive Relief.**

A. Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health, safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

B. Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper

registration and/or operation of a rental unit after revocation or suspension of registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.

C. This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

Subd. 14. **Provisions Cumulative.**

The provisions of this Ordinance are cumulative and are additional limitations upon all other rules, statutes, and ordinances heretofore passed covering any subject matter.

Subd. 15. **No Consent.**

Nothing contained in this Ordinance shall be deemed to be consent, license or permit to operate, construct or maintain any site, facility or establishment or to carry on any activity, trade, profession or privilege.

Source: Ord. 789-2nd Series  
Effective Date: 12-10-18

Subd. 16. **Effective Date.**

Effective date This Ordinance shall be in full force and effect after its passage and publication provided by law, but no sooner than January 1, 2019, whichever comes later, except that the total capacity limits of overnight guests as set in Subd. 3.B.4.c. shall not be implemented until January 1, 2020.

Source: Ord. 801-2nd Series  
Effective Date: 03-25-19

Section 5.10. **Sanitation - Subsurface Sewage Treatment Systems**

This is a section authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the City. It establishes:

1. Minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered areas of the City incorporating by reference minimum standards established by Minnesota Statutes and administrative rules of the Minnesota Pollution Control Agency;

2. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS;

3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan;

4. Standards for upgrade, repair, replacement, or abandonment of SSTS;

5. Penalties for failure to comply with these provisions; and

6. Provisions for enforcement of these requirements.

7. Standards which promote the health, safety, and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, and the **City Code**, including the Shoreland Ordinance.

Subd. 1. **Title, Purpose, Intent, and Authority**

A. Title, Purpose, and Intent.

1. Title.

This section shall be known, cited, and referred to as the "City of Alexandria Subsurface Sewage Treatments System Ordinance." When referred to herein, it shall be known as "this Ordinance."

2. Purpose.

The purpose of this Ordinance is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the jurisdiction, to protect public health and safety, groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interest of the City's citizens by protecting its health, safety, general welfare, and natural resources.

3. Intent.

It is intended, by the City, that this Ordinance will promote the following:

a) The protection of lakes, rivers, and streams, wetlands, and groundwater in the City essential to the promotion of the public health, safety, welfare, socioeconomic growth and development of the county in perpetuity.

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

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

#### B. Authority.

This Ordinance is adopted pursuant to Minnesota Statutes, Chapters 115, 145A, 375, or successor statutes, and Minnesota Rules, Chapters 7080, 7081, 7082, or successor rules.

### Subd. 2. General Provisions

#### A. Scope.

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's jurisdiction 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 City 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 MPCA.

B. Jurisdiction.

The jurisdiction of this Ordinance shall include all lands within the City.

C. Administration

1. City

The Building Department, hereafter referred to as "Department," shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the City shall review, revise, and update this Ordinance as necessary. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

2. State of Minnesota.

a. When a single SSTS or group of SSTSs under single ownership within one-half (.5) mile of each other have a design flow greater than ten thousand (10,000) gallons per day, the owner or owners shall make application for and obtain a state disposal system permit from the MPCA in accordance with Minnesota Rules, Chapter 7001. If the measured daily flows for a consecutive seven-day period exceed ten thousand (10,000) gallons per day, a state disposal system permit is required.

b. A state disposal system permit is also required for any SSTS or group of SSTSs that the MPCA commissioner determine has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management. (Minnesota Rules, Chapter 7081.0040, subp. 1(C)).

Subd. 3. **General Requirements**

A. Retroactivity.

1. All SSTS.

Except as provided in Section b., Existing permits, below, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

2. Existing permits.

Unexpired permits, which were issued prior to the effective date of this Ordinance, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.

3. SSTS on lots created after January 1, 1996.

All lots created after January 1, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds or at-grade systems as described in Minn. R. Chs. 7080.2200 through 7080.2230; or successor rules, and must have site conditions as described in Minn. R. Ch. 7081.0270, Subpart 3 through 7; or successor rules. The two (2) identified soil treatment and dispersal areas shall be located on the lots they are intended to serve, unless the soil treatment and dispersal areas are approved by the City as part of a cluster SSTS. If a cluster SSTS is utilized, then all the lots within the plat shall be part of the cluster SSTS, unless otherwise approved by the Department.

B. Upgrade, Repair, Replacement, and Abandonment.

1. SSTS capacity expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the provisions of this Ordinance. For parcels with multiple SSTS, the upgrades shall be limited to the system that is adding capacity.

2. Failure to protect groundwater.

An SSTS that is determined not to be protective of groundwater in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B), shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within two (2) years of receipt of a notice of noncompliance.

3. Imminent threat to public health or safety.



An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minn. R. Ch. 7080.1500, Subp. 4(A), shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten (10) months of receipt of a notice of noncompliance.

#### 4. Abandonment.

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Section E., SSTS Permitting, below, and Minn. R. Ch. 7080.2500.

##### C. SSTS in Floodplains.

SSTS for new construction shall not be located within any part of the General Floodplain District. Locating a replacement SSTS for an existing structure within the General Floodplain District should be avoided. If no option exists to locate a SSTS outside of the General Floodplain District, location within the District may be permitted if the requirement of Minn. R. Ch. 7080.2270, and all requirements of this Ordinance are met.

##### D. Class V Injection Wells.

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (See 40 C.F.R. Parts 144 and 146).

##### E. SSTS Practitioner Licensing.

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minn. R. Ch. 7083; or successor rules, except as exempted in Minn. R. Ch. 7083.0700; or successor rules.

##### F. Prohibitions.

1. Sewage discharge to ground surface or surface water.

It is unlawful for any person to willfully discharge raw or partially treated wastewater/sewage to the ground surface or into any surface water, unless permitted by the MPCA under the National Pollutant Discharge Elimination System program.

2. Sewage discharge to a well or boring.

It is unlawful for any person to willfully discharge raw or treated wastewater/sewage into any well or boring as described in Minn. R. Ch. 4725.2050, or any other excavation in the ground that is not in compliance with this Ordinance.

3. Discharge of hazardous or deleterious materials.

It is unlawful for any person to willfully discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

Subd. 4. **SSTS Standards**

A. Standards Adopted by Reference.

The City hereby adopts and incorporates by this reference MPCA's SSTS Rules in Minn. R. Chs. 7080 and 7081 as amended in their entirety as now constituted and from time to time amended. This adoption does not supersede the City's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

B. Amendments to the Adopted Standards.

1. List of various adopted local standards.

a. Land application of septage must be done on sites that are filed and approved by the Department prior to the licensed SSTS maintenance business applying septage.

b. All new and replacement SSTS systems must establish a relative benchmark. A written

description and photo documentation of the benchmark must be submitted to the Department as part of the design.

c. Any activity involving an existing system that requires a SSTS construction permit shall require that the entire SSTS system meet Minn. R. Chs. 7080 - 7083.

d. A Management Plan is required in the Residential Shoreland District when a compliance inspection is needed and no management plan exists.

e. All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.

f. All documentation submitted to the Department for evidence of vertical soil separation for existing SSTS shall be completed on forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an equivalent form. The form shall include, but not be limited to, elevations of the surface grade; dispersal media/soil interface and limiting layers; soil profile as outlined in Minn. R. Ch. 7080.1720, Subpart 5, item A through H; or successor rules; a statement clearly indicating the vertical separation distance; a sketch showing the location of the SSTS; soil observation(s); and a certification statement signed by the licensed professional conducting the observation(s).

g. For all new and replacement SSTS designs submitted to the Department for review, documentation shall be provided on the SSTS Professional Worksheets and Forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an approved equivalent form. The Department may reject any design that does not meet the minimum of the SSTS Professional Worksheets and Forms. Digitally submitted forms are preferred.

h. All systems designed for dwellings shall be based upon design flows of a Classification I dwelling. The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860 Table IV; or successor rules.

i. A written easement shall be recorded with the deed for any SSTS that is installed on a

property held in ownership separate than that of the systems owner.

j. Soil verifications shall be conducted according to Section E., 2., a., (5.) (c.), below.

k. Licensed/Certified SSTS professional(s) completing a certification of compliance on their own private existing system must have a soil verification conducted by a Qualified Employee of the Department.

l. Existing soil dispersal systems that are located under or within a structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B).

m. The owner of a holding tank shall maintain a valid contract with a Licensed SSTS maintenance business to pump and effectively handle the sewage in accordance with all applicable Minnesota Rules. The owner shall also submit to the Department, by January 31st of each calendar year, maintenance records for the previous year's tank maintenance.

n. All property owners and certified SSTS professionals shall ensure all portions of any SSTS placement, design, or construction, meet or exceed any applicable setbacks, including the specified setbacks as listed in Table A, below.

o. Commercial establishments that utilize a private SSTS, and do not have an operating permit shall operate under a standing Certificate of Compliance with the Department. These establishments shall certify the existing SSTS once every three (3) years, or upon the Department finding evidence of noncompliance.

p. In cases where a sewage pipe must cross a waterline, the sewage pipe must be pressure tested to hold five (5) pounds of pressure for fifteen (15) minutes and meet or exceed the standards set forth in Minn. R. Ch. 4715.1710, Subpart 2, item E; or successor rules.

q. New Structures. Sewage tanks for new structures shall not be buried deeper than four (4) feet from final grade, unless the tank manufacturers designed depth for the tank allows the tank to be buried deeper, but not to exceed seven (7) feet from final grade.

r. Existing Structures. Sewage tanks for existing structures cannot exceed the tank manufacturers designed depth for the tank and shall not be buried deeper than seven (7) feet from final grade.

s. All pump tanks and holding tanks must have an electric visual and/or audio alarm device to warn of failure and prevent of overflow.

t. An effluent screen with an alarm must be employed on all new and replacement systems excluding holding tanks.

u. All SSTS shall be located as specified in Table A., Minimum Setback Distances (feet), listed below.

v. A Management Plan is required for any system without a management plan when a property is transferred.

w. The major components of a new or replacement SSTS must be marked (flagged or staked) on site at the time of application for system installation to protect those areas from disturbance and compaction. Major components include but are not limited to tanks and soil treatment area.

x. If any proposed construction or alteration to an existing dwelling requires a Building Permit and would increase the design flow to the SSTS, then the system must be sized to accommodate the increased flow regardless of the compliance status. Design flows shall be calculated in accordance with Minn. R. Ch. 7080.1860.

y. Maintainers must submit a copy of the required reporting responsibilities in Minn. R. Ch. 7083.0770, Subp. 2. to the Building Department by January 31st of each calendar year for work completed during the previous calendar year.

TABLE A  
Minimum Setback Distances (feet)

Sewage or Soil Treatment or Holding Tank	Absorption area	Building Sewer or Supply Pipes
Water Supply Wells <sup>1</sup>	50	50 <sup>2</sup>
Water Supply Wells <sup>1</sup> (less than 50 feet of continuous casing)	50	100
Buried water suction pipe <sup>1</sup>	50	50 <sup>2</sup>
Buried pipe distributing water pressure <sup>1</sup>	10 10 under	10
Buildings <sup>3</sup>	10	20
Property Lines <sup>4</sup>	10	10
State, County, and Township Road Rights-of-Way	10	10

The ordinary high water level of the following types of waterbodies:

Natural Environmental Lakes and Trout Streams	150	150	-
Recreational Development Lakes	75	75	-
General Development Lakes	75	75	-
Transition Rivers	100	100	-
Agriculture and Tributary Rivers	75	75	-
Public drainage systems as defined <i>Statutes, section 103E.005, or successor statutes.</i>	50 50	in Minnesota	-
All public waters protected wetlands defined by <i>Minnesota Statutes, section 103G.005, or successor statutes</i>	50	50 as	-
Unprotected wetlands within NES Zoning	50	50	-
All Other Wetlands	25	25	-

<sup>1</sup>Setbacks from buried water pipes and water supply wells are governed by *Minn. R. Chs. 4715 and 4725, or successor rules, respectively.*

<sup>2</sup>If building sewer or supply pipe and water line are schedule forty (40) (or equivalent) and hold five (5) pounds of air pressure for fifteen (15) minutes, the setback can be reduced from fifty (50) to twenty (20) feet. In no case shall a building sewer or supply pipe be installed less than twenty (20) feet from a water supply well.

<sup>3</sup>For structures other than buildings, these setbacks are allowed to be reduced, if necessary, due to site conditions (as determined by the Department), but in no case shall any part of a SSTS be located under or within the structure or other impermeable surface.

<sup>4</sup>Infringement on property line setbacks may be permitted with the approval of the Department prior to installation of the system.

2. Local standard for determination of hydraulic loading rate and SSTS sizing.

a. Table IX entitled, "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and Table IXa entitled, "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minn. R. Ch. 7080.2150, Subp. 3, item E; or successor rules, and herein adopted by reference shall both be allowed for utilization to size SSTS infiltration areas based on the following criteria:

1) Table IX or Table IXa shall be allowed to be utilized by those certified design professionals/licensed design companies that hold an Advanced Designer certification from the MPCA.

2) Table IXa shall be utilized by all certified design professionals/licensed design companies that hold a Basic Designer certification from the MPCA.

3. Local compliance criteria for existing SSTS.

a. SSTS built before April 1, 1996, outside of areas designated as Shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two (2) feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

b. SSTS built after March 31, 1996, or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under Minn. R. Ch. 7080.1100, Subp. 84 shall have a three (3)-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a fifteen percent (15%) reduction in this separation distance (a separation distance no less than thirty and six tenths (30.6) inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made

outside the area of system influence but in an area of similar soil. Minn. R. Ch. 7080.1500, Subp.4.

c. An existing SSTS System installed prior to April 1, 1996, and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. Ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard SSTS systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860, Table IV; or successor rules.

#### 4. Local standards for holding tanks.

a. Undeveloped lots of record on which a holding tank is the only practical means of sewage treatment are unsuitable for residential use.

b. Holding tanks may be used as an alternative for existing failing SSTS, or SSTS that pose an imminent threat to public health or safety.

c. For vault toilets built in any public facility.

d. For residential accessory structures with lavatory facilities where it is not feasible to connect to an existing SSTS on the property.

e. For replacement dwellings constructed under Minnesota Statutes, Section 394.36; or successor statutes with a previous existing, permitted holding tank.

f. For recreational vehicle dump stations located in a licensed recreational vehicle campground.

g. A holding tank designed to service a recreational vehicle may be installed and used on an undeveloped lot of record if:

1) A design, completed by a licensed designer, is submitted that states the lot has an acceptable area to accommodate a standard soil treatment system; and



2) The designated future soil treatment area is protected from compaction and/or development.

h. Note that to qualify as a holding tank, tanks must comply with Minn. R. Ch. 7080.2290, items A through F. Further, all owners of holding tanks shall be issued an operating permit (Minn. R. Ch. 7082.0600, Subp.2A), which must include the minimum provisions listed in Minn. R. Ch. 7082.0600, Subp.2B, (1) through (8).

i. Conditions for holding tanks installed or changes made to holding tanks after the enactment of this Ordinance include:

1) Maintain a current operating permit.

2) At the time of the final installation inspection, evidence of a water tightness test as described in Minn. R. Ch. 7080.2010, Subp. 3; or successor rules, shall be submitted to the Department.

3) A water meter, accessible to be read at time of pumping, shall be installed on the incoming waterline servicing fixtures attached to the holding tank, recorded at time of pumping, to verify the water usage.

4) The owner of a holding tank shall maintain a valid contract with a Licensed SSTS Maintenance Business to pump and effectively handle the sewage in accordance with all applicable Minnesota Rules.

5) The owner shall also submit to the Department, by January 31st of each calendar year, maintenance records and flow readings for the previous year's tank maintenance.

6) Holding tanks must have an electric visual and/or audio alarm for the prevention of overflow.

7) Failure to meet any of the above requirements shall be cause for the operating permit to be revoked and holding tank to be considered non-compliant.

j. Holding Tank Installation Requirements. The installation of a holding tank shall occur in accordance with Minn. R. Ch. 7080.2290.

k. At the time of property transfer, the new property owner must apply for a continuation of the operating permit and meet the conditions of the operating permit and provide a current pumping contract.

l. Storage of septage at a centralized location. Maintenance businesses may store septage until weather and soil conditions are more favorable for the land application of septage, providing the following conditions are met:

- 1) Limit of fifty-thousand (50,000) gallons of septage storage.
- 2) Storage is limited to the Agricultural Zoning District.
- 3) SSTS construction permit and operating permit are required.
- 4) Storage conducted by MPCA-licensed SSTS maintenance business.
- 5) Tanks and facility must meet requirements for holding tanks following MPCA requirements.
- 6) If a maintenance business seeks storage on more than one site, the MPCA permit threshold will be evaluated based on the provision of Minn. R. Ch. 7081.0040, Subp. 1(B).
- 7) Tanks must meet a one hundred (100) foot setback to property lines.

#### C. Variances.

##### 1. Variance requests.

A property owner may request a variance from the standards as specified in this Ordinance pursuant to Section VII., Administration, H., Variances.

##### 2. Affected agency.

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

Subd. 5. **SSTS Permitting**

A. Permit Required.

It is unlawful for any person to construct, install, modify, replace or operate an SSTS without the appropriate permit from the Department. The issuing of any permit, variance, or conditional use shall not absolve the applicant of responsibility to obtain any other required permit. Conducting work on an SSTS without first securing the appropriate permits shall result in the imposition of additional fees, as set forth in the **City's** current fee schedule.

B. SSTS Construction Permit.

An SSTS construction permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, and repair or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by an appropriately licensed MPCA practitioner.

1. Activities requiring a SSTS construction permit.

A SSTS construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

2. Activities not requiring a permit.

A SSTS construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

3. SSTS construction permit required to obtain land use permit.

For any property on which a SSTS construction permit is required, approval and issuance of a

valid SSTS Construction Permit must be obtained before a Building Permit may be issued by the Department.

4. Conformance to prevailing requirements.

When an SSTS Construction Permit is required for an activity such as a repair, addition or replacement of a component of an existing SSTS that activity shall require the entire system is brought into compliance with this Ordinance.

5. SSTS Construction Permit Application Requirements.

a. SSTS Construction Permit applications shall be made on forms provided by the Department and signed by the property owner, or their authorized agent. The applications shall include the following information:

1) Name, mailing address, and telephone number of the property owner;

2) Parcel Identification Number, property address, and legal description of property location;

3) Site Evaluation Report as described in Minn. R. Ch. 7080.1730; or successor rules;

4) Design report as described in Minn. R. Ch. 7080.2430; or successor rules;

5) Management plan and operating permit as described in Minn. R. Ch. 7082.0600; or successor rules;

6) City soil verification sheet;

7) Site relative benchmark which includes:

a). Descriptive location of the benchmark;

b). Elevation of the limiting layers, installed soil treatment area, tank excavation bottom, and the top of the installed tank; and

8) If applicable, a copy of a recorded easement agreements allowing installation of a SSTS on

property held in ownership separate than that of the systems owner.

b. Preliminary Design Criteria for SSTS Construction Permit Applications. During the period between December 1st and April 15th, or when a comprehensive SSTS design cannot be determined due to frozen soil conditions, a preliminary SSTS design may be submitted. A preliminary SSTS Construction Permit application shall be made on forms provided by the Department and signed by the property owner, or their authorized agent. A complete SSTS design shall be submitted for review and the issued SSTS Construction Permit amended accordingly prior to any SSTS construction activity. The applications shall include the following information:

1) Name, mailing address, and telephone number of property owner;

2) Property Identification Number, property address, and legal description of the property location;

3) Site Evaluation Report as described in Minn. R. Ch. 7080.1730; or successor rules;

4) A site map and soil descriptions generated from the United States Department of Agriculture Natural Resources Conservation Service web soil survey. <http://websoilsurvey.nrcs.usda.gov/app/>;

5) Proposed management plan and operating permit as described in Minn. R. Ch. 7082.0600; or successor rules; and

6) If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.

c. Soil Verification Process. A soil verification, as described in Minn. R. Ch. 7082.0500, Subp. 3, item A, and Ch. 7082.0700, Subp. 4, item B (2); or successor rules, shall be conducted as follows:

1) New designs.

a). Soil verifications shall be conducted by a Qualified Employee, or a Qualified Contract Inspector hired by the **City** for all new/replacement SSTS designs/installations.

b). Soil verifications are to be completed prior to the application of an SSTS permit. Design contractors shall arrange a meeting time with the Department to meet at the site and complete the soil verification. A twenty-four (24) hour notice by the contractor to the Department is required.

c). Soil pits are the preferred method of observation, with appropriate access into, and out of, the pit provided by the contractor. If soil pits cannot be completed, then manual auguring of soil samples may be allowed. Other accommodations will be considered on an as-needed basis, with extended completion timeframes subject to Department availability.

d). Upon completion of soil verifications, a copy of the verification form will be given to the designer and a copy retained by the Department. The original copy of the verification form shall be submitted as part of the SSTS design for permit review. If the verification form does not accompany the design submittal, and the Department copy cannot be located, the design will not be accepted. This soil verification can be used as one of the three (3) soil observations per site as required by Minn. R. Ch. 7080.1720, Subp. 4; or successor rules.

e). A fee established by resolution of the City Council for the soil verification will be charged in addition to the cost of the SSTS Construction Permit application fee, and both will be due at the time of permit application. Multiple verification fees shall be charged for multiple trips to a single site if the multiple verifications are due to system relocations, contractor changes, or other conditions caused by the property owner or authorized representative.

f). The design contractor is responsible for all utility locates, time arrangements, and actual excavation/boring activities.

g). All property owners and Certified SSTS Professionals shall ensure all portions of any SSTS placement, design, or construction meet or exceed the specified setbacks as listed in Table A, Section D., SSTS Standards, above.

2). Existing systems.

a). A total of two (2) soil observations shall be required for existing SSTS compliance certifications unless lifetime verification has been completed. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour.

b). Lifetime verifications may be used to verify the soils for the life of the system. A lifetime verification is completed by an independent, private, licensed professional and the Department prior to certification of an existing SSTS. A total of two (2) soil observations shall be required. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour. Only soils verified on or after January 1, 2010, will qualify for lifetime verification.

c). A fee established by resolution of the City Council for the Lifetime Verification will be charged.

3). If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the dispute resolution procedure described in Minn. R. Ch. 7082.0700, Subp. 5.

#### 6. Application review and response.

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation. The Department shall complete the review within fifteen (15) days of receipt of a complete application. If the permit application is incomplete, or does not meet the requirements of this Ordinance, the Department shall deny the application. A notice of denial shall be provided to the applicant, stating the reason(s) for the denial.

#### 7. Design change to application or permit.

In the event a significant change is proposed to be made to an approved application, the applicant or his agent must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification or operation. The proposed changes must be approved by the signature of the licensed designer who completed the design for the application.

#### 8. Appeal.

The applicant may appeal the Departments decision to deny the SSTS Construction Permit in accordance with the City's established policies and appeal procedures.

#### 9. Permit expiration.

An SSTS Construction Permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by a Qualified Employee of the Department or a Qualified Contract Inspector and shall include an as-built drawing and a signed certification that the construction or installation of the system was completed in conformance with the approved design documents.

#### 10. Extension and renewals.

The Department may grant an extension of the SSTS Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than one (1) additional year.

#### 11. Suspension or revocation.

The Department may suspend or revoke a SSTS Construction Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid SSTS Construction Permit is obtained.

#### C. Operating Permit.



1. SSTS requiring and operating permit.

a. An operating permit is required for all new holding tanks, Type III, Type IV, Type V, Commercial Establishments, and MSTS. Sewage shall not be discharged to a holding tank or MSTS until the department certifies that the holding tank or MSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS, and a valid operating permit is issued to the owner. Owners of existing SSTS that are not operated under a management plan must inspect and remove solids from septic tanks as necessary but in no case less frequently than every three (3) years.

2. Operating permit application requirement.

a. Application for an operating permit shall be made on a form provided by the Department and shall include the following information:

1) Property owner name, mailing address, and telephone number.

2) SSTS Construction Permit reference number and date of issue.

3) Final as-built drawings of the SSTS.

4) Owners of holding tanks must submit and keep current, a copy of a valid executed monitoring and disposal contract with a licensed maintenance business. Any change due to property ownership or contractor listed on the monitoring and disposal contract shall require the current property owners to obtain a valid executed monitoring and disposal contract with a licensed maintenance business.

5) Payment of application fee.

b. Monitoring and disposal contract.

Owners of holding tanks shall provide the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minn. R. Ch. 7082.0100, Subpart 3, item G; or successor rules. This requirement is waived if the owner is a

farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, Subdivision 2, Paragraph (b), Clause (3); or successor statutes. The owner must hold a valid contract with a licensed maintenance business at all times until such time the holding tank is abandoned or the property sold.

c. SSTS existing prior to the effective date of this Ordinance.

All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.

### 3. Application review.

The Building Official shall review the complete application, any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Building Official. If the submitted application and documents fulfill the requirements, the director shall issue an operating permit within fifteen (15) working days of receipt of the complete permit application.

4. Operating Permit terms and conditions.  
The Operating Permit shall include the following:

- a. System performance requirements.
- b. System operating requirements.
- c. Monitoring locations, procedures, and recording requirements.
- d. Maintenance requirements and schedules.
- e. Compliance limits and boundaries.
- f. Reporting requirements.
- g. Department notification requirements for non-compliant conditions.
- h. Valid contract between the owner and a licensed maintenance business.

i. Disclosure, location, and condition of the acceptable soil treatment and dispersal system site.

j. Descriptions of acceptable and prohibited discharges.

5. Permit expiration and renewal.

a. Operating permits issued in conjunction with a new SSTS Construction Permit shall have an initial five (5) year timeframe of compliance. Renewal operating permits and all other operating permits issued shall be valid for a three (3) year time frame.

b. An operating permit must be renewed when one of the following conditions exists: expiration of an existing operating permit, transfer of ownership, replacement, any modification or expansion that requires a permit, or following any SSTS enforcement action. Renewal of an operating permit must occur within thirty (30) days of its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety (90) days of the expiration date, the **City** may require that the system be abandoned in accordance with paragraph 4., Abandonment Certification, below.

c. The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least thirty (30) calendar days before the expiration date.

d. Application shall be made on a form provided by the Department and shall include:

1) Property owner name, mailing address, and phone number.

2) Reference number of expired operating permit.

3) Any and all outstanding Compliance Monitoring Reports as required by the operating permit.

4) Certified SSTS inspection signed by a certified designer, maintenance contractor, or operator.

5) Any revisions made to the operation and maintenance manual.

6. Payment of application fee.

7. Amendments to existing operating permits not allowed.

The City may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

8. Transfers.

The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with paragraph 3., Operating Permit, paragraph b., above. The Department shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a compliance inspection of the treatment system.

9. Suspension or revocation.

a. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.

b. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.

c. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with paragraph 4., Abandonment Certification, below.

d. Failure to follow the conditions of the operating permit or management procedures prescribed in the management plan shall result in the systems being deemed noncompliant by the City.

e. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

10. Performance monitoring.

a. Performance monitoring of a SSTS shall be performed by an appropriately licensed professional hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.

b. A monitoring report shall be prepared and certified by an appropriately licensed professional. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

- 1) Owner name and address.
- 2) Operating Permit number.
- 3) Average daily flow since last compliance monitoring report.
- 4) Description of type of maintenance at date performed.
- 5) Description of samples taken (if required), analytical laboratory used, and results of analyses. Include a statement that the results are within a defined parameter.
- 6) Problems noted with the system and actions proposed or taken to correct them.
- 7) A clear description of process used to determine compliance including the use of sampling and field verification.
- 8) Name, signature, license and license number of the licensed professional who performed the work.

D. Abandonment Certification.

1. Purpose.

The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.

2. Abandonment requirements.

a. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.

b. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.

c. An owner of a SSTS must abandon all components of the treatment system not in use within five (5) calendar days of a system replacement. Abandonment shall be completed in accordance with Minn. R. Chs. 7080.2500. The owner or owner's agent must provide the Department notification two (2) days prior to abandoning a system.

d. Abandonment's must be certified and shall be completed by either of the following methods within five (5) days of a new SSTS system construction:

1) A licensed SSTS business may abandon all components of the discontinued SSTS. Abandonment shall be completed in accordance with Minn. R. Ch. 7080.2500; or successor rules. An abandonment report shall be submitted to the Department. The report shall include:

(a) Property owner's name and contact information.

(b) Property address.

(c) SSTS Construction Permit and operating permit reference numbers.

(d) The reason(s) for abandonment.

(e) A brief description of the abandonment methods used, description of the system components removed or abandoned in place and final disposal method for any materials or residuals.

An owner of an SSTS may abandon all components of the discontinued SSTS by personally performing the required work. Abandonment shall be completed in accordance with Minn. R. Ch. 7080.2500; or successor rules. Prior notification of the Department of an owner's intent to abandon a system is necessary, and the Department shall conduct an abandonment inspection.

### 3. Abandonment approval

Upon receipt of an abandonment report, the Building Official shall determine if the SSTS has been abandoned according to the requirements of this Ordinance. If the abandonment is not completed according to the requirements of this Ordinance, the Building Official shall notify the owner of the SSTS of the deficiencies, which shall be corrected within thirty (30) calendar days of the notice. Once the abandonment is completed according to the requirements of the Ordinance, the Building Official shall approve the report and place into the City records.

### Subd. 6. **Management Plan**

#### A. Purpose

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by a certified designer to the system owner when the SSTS has been designed and submitted to the Department for a SSTS Construction Permit.

#### B. Management Plan Requirements.

##### 1. SSTS requiring management plans:

a. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the SSTS construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

b. Management plans shall be required for any existing system requiring a permit for a repair, modification, or expansion and for any system without a management plan when a property is transferred.

c. Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.

2. Required contents of a management plan. Management plans shall include:

a. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.

b. Monitoring requirements.

c. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.

d. Statement that the owner is required to notify the Department when the management plan requirements are not being met.

e. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.

f. Any performance component; which shall include a description of the performance system component, how the system functions, equipment specifications, emergency operating procedures in the event of a malfunction, and a troubleshooting guide.

g. Other requirements as determined by the Department.

3. Requirements for systems not operated under a Management Plan.

Owners of SSTS that are not operated under a management plan or operating permit must have septic tanks inspected and provide for the removal of solids as necessary, but in no case less frequently than every three (3) years. Solids must be removed when their accumulation meets the limit described in Minn. R. Ch. 7080.2450; or successor rules.



4. Required submission of Maintenance Reports.

Licensed maintenance businesses must abide by the requirements described in Minn. R. Ch. 7083.0770, Subp. 2. All written reports of any noncompliance required by Minn. R. Ch. 7083.0770, Subp. 2 must be provided to the homeowner and the Department within thirty (30) days after any maintenance work is performed.

Subd. 7. **Compliance Management**

A. Public Education Outreach.

Programs shall be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

B. Compliance Inspections.

1. Required inspections.

a. Inspections must be performed:

1) Any time deemed appropriate by the Department to ensure compliance with this Ordinance.

2) Prior to issuance of any Building Permit, Conditional Use Permit or Variance within all districts, the onsite sewage treatment system must be verified for compliance, with the exception of those buildings in the Agricultural District that are repaired or constructed which are not used for human habitation and do not contain plumbing of any sort. If the inspection requires the upgrade or replacement of any portion of the system, a design must be submitted to the Department and SSTS permit obtained in order to obtain a Building Permit, Conditional Use Permit, or Variance. The inspection may be delayed if the permit application is made during the period when a compliance inspection is not able to be completed due to winter conditions. A Building Permit may not be able to be issued until a Certificate of Compliance is issued. A compliance inspection must be performed and submitted before the following June 1.

3) For all new SSTS construction or replacements.

4) Upon the transfer of property ownership.

5) Any time there is an expansion of use of the building being served by an existing SSTS, which may impact the performance of the system.

6) Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.

7) Anytime there is a permit issued in the Shoreland District.

b. All Compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

c. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor a SSTS. As used in this paragraph, "property" does not include a residence.

d. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance.

## 2. Compliance inspection procedure.

a. For New SSTS installation, repair, replacement, or modification of existing systems:

1) Compliance inspections must be performed on new SSTS installations or repair and replacement of SSTS to determine compliance with Minn. R. Chs. 7080 or 7081. SSTS found not to be in compliance with Minn. R. Ch. 7080.1500, Subp. 4A or Minn. R. Ch. 7081.0080, Subp. 3 must be repaired or replaced within ten (10) months. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit.

2) It is the responsibility of the SSTS owner or the owner's agent to notify the Department one (1) calendar day prior to any permitted work on the SSTS.

3) It is the responsibility of the installer to verify the design benchmark elevation of the soil treatment area depth with a laser level for the inspector.

4) A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Department if the Department determines that the system was built in accordance with the applicable requirements as specified in the Ordinance and SSTS construction permit.

5) The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within fifteen (15) calendar days of the completed inspection. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.

6) Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the department finds evidence of noncompliance.

7) The property owner shall be responsible for elimination of defects in the SSTS. No SSTS shall be placed in service until all defects have been corrected, the necessary inspections made and a Certificate of Compliance has been issued by the Department.

b. Existing systems.

1) Compliance inspections of existing SSTS shall be reported on the Existing SSTS Compliance Inspection Form provided by the Department. The following conditions must be assessed or verified.

(a) Water tightness assessment of all treatment tanks including a leakage report.

(b) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated Procedure described in soil verification process Section E., 2., a., (5.), (c.), above.

(c) Sewage backup, surface seepage, or surface discharge, including a hydraulic performance report.

(d) A Management Plan is required for any system without a management plan when a property is transferred.

(e) Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.

(f) All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit following a compliance inspection.

(g) Existing soil dispersal systems that are located under or within a structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B).

(h) An existing SSTS System installed prior to April 1, 1996, and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. Ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860 Table IV; or successor rules.

2) The certificate of compliance must include a certified statement by a Qualified Employee or Licensed Inspector, indicating whether the SSTS is in compliance with the requirements of this Ordinance. If the SSTS is determined not to be in compliance with this Ordinance, a Notice of Noncompliance must be issued and include a statement specifying the provisions in which the SSTS does not comply with this Ordinance.

3) The complete inspection report must be submitted to the Department within fifteen (15) days of the inspection.

4) Certificates of compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

5) Continued use of a treatment tank(s) where the tank(s) is/are to become an integral part of a replacement system or a sanitary sewer system requires the existing tank(s) to be inspected by the Department unless the

tank(s) is/are currently operated under a valid Certificate of Compliance.

6) Continued use of a soil dispersal system, whether in part or in whole, must have a lifetime soil verification, where it is to become an integral part of a replacement system requires the existing soils dispersal system to be inspected by the Department unless the soil dispersal system is currently operated under a valid Certificate of Compliance.

### C. Transfer of Properties.

1. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:

a. A compliance inspection has been performed and a Certificate of Compliance has been issued by the Department within three (3) years for SSTS older than five (5) years, or within five (5) years if the system is less than five (5) years old prior to the intended sale or transfer of the property, unless evidence is found identifying an Imminent Threat to Public Health and Safety.

b. The compliance inspection must have been performed by a qualified employee of the department or a licensed inspection business following procedures described in paragraph 2., b., above.

c. The seller of the property must disclose in writing information about the status and location of all known SSTS on the property to the buyer on the form acceptable to the Department.

d. If the seller fails to provide a Certificate of Compliance or the system is noncompliant, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in escrow with a licensed and certified agent and meet the following criteria:

(1) The amount escrowed shall be equal to either seven thousand, five hundred dollars (\$7,500) or one hundred fifty percent (150%) of a written estimate by a licensed and certified installer to install a

compliant SSTS, but at no time shall the escrow be less than five thousand dollars (\$5,000).

(2) The agent shall file with the Department at closing a signed statement on a form provided by the Department, or the form's equal, confirming the escrow of such funds. The statement shall be executed by the buyer and the seller and shall establish responsibility for the costs in excess of the escrow amount and to whom excess monies will be refunded following issuance of a Certification of Compliance and notice of release issued by the Department.

e. All property conveyances subject to this Ordinance occurring during winter conditions (snow cover and/or frozen ground), when SSTS compliance cannot be determined, shall require a winter agreement that meets the requirements of paragraph (4.), above. A compliance inspection must be performed and submitted before the following June 1.

f. If upon inspection the SSTS is found to be in compliance, the Department will issue a letter to the escrow agent allowing the funds to be immediately released. If upon inspection the system is found to be non-compliant, the system shall be required to be upgraded according to Minnesota Rules, Chs. 7080-7082.

2. The compliance portion of the Certificate of Compliance need not be completed if the sale or transfer involves the following circumstances:

a. The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.

b. The transfer does not require filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, Subdivision 1.

c. The transfer is foreclosure, tax forfeiture, or court ordered.

d. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such contract.

e. Any dwellings or other buildings that are connected exclusively to a wastewater treatment system.

f. There is an existing Certificate of Compliance less than three (3) years old.

g. In the case where a contract for deed is paid off or otherwise satisfied in its entirety and the SSTS servicing the property was certified or replaced at the time the original contract for deed was entered. This exemption only applies to the original vendor and vendee on such a contract for deed.

h. When title to real property is held jointly by a husband and wife and one spouse becomes deceased and the only change that occurs is to remove the deceased spouse's name from the title.

3. Neither the issuance of permits, certificates, or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

#### D. Conflict of Interest.

A licensed inspection business that inspects an existing SSTS is allowed to subsequently design and install a new SSTS for that property provided the inspection business is also licensed to design and install. A licensed inspection business working on behalf of the County must not design or install a system if there is likelihood that the inspector or business will be responsible for permitting or inspecting the system or system site. A person working for or on behalf of the City shall not use the person's position to solicit for private business gain. (Minn. R. Ch. 7082.0700, Subp. 2(B)).

#### Subd. 8. Enforcement

A. Enforcement of this Ordinance may be through criminal prosecution and/or administrative actions and/or civil judicial action.

B. Violations are Misdemeanors.

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

C. Administrative Enforcement Actions.

1. Notice of violation.

a. The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

1) statement documenting the findings of fact determined through observations, inspections, or investigations;

2) A list of specific violation(s) of this Ordinance;

3) Specific requirements for correction or removal of the specified violation(s); and

4) A mandatory time schedule for correction, removal, and compliance with this Ordinance.

2. Cease and desist orders.

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other **City** Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

D. Civil Judicial Enforcement Actions.

In the event of a violation or threatened violation of this Ordinance, the City may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the City Attorney shall have



authority to commence such civil action. The Department and City Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

F. Notification of Violations to Other Agencies.

1. General provisions.

a. The Department may notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS that is performed in violation of the provisions of this Ordinance.

2. Straight-Pipe Act.

The Department may notify the MPCA of violations of the Straight-pipe Act of 2006 (Minnesota Statutes, Section 115.55 Subd. 11), in cases involving any system that transports raw or partially settled sewage directly to; a surface water, lake, stream, drainage system, or onto the ground surface.

G. Costs and Reimbursements.

1. Property owner responsibility.

All costs associated with the repair, replacement, or abandonment of a failing/noncompliant SSTS shall be the responsibility of the property owner or as otherwise provided for in a written, notarized agreement between two parties.

2. Abatement.

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the **City Council**, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

Subd. 9. **Record Keeping**

The Department shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests,

certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the department's jurisdiction sorted by licensed installation businesses, and other records relevant to each system.

Subd. 10. **Annual Report**

The Department shall provide an annual report of SSTS permitting activities to the MPCA for the previous calendar year. The report must include the information required by Minn. R. Ch. 7082.0040, Subp. 5.

Source: Ord. 790-2<sup>nd</sup> Series  
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