

SUBSURFACE SEWAGE TREATMENT ORDINANCE

7-11-2: PURPOSE, INTENT AND AUTHORITY:

(A) Purpose: The purpose of this chapter is to protect and promote the health, safety and general welfare of the citizens of Burnsville and of other affected communities by establishing minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the city 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.

(B) Intent: The intent of this chapter is to accomplish the following:

1. Protect surface waters and groundwater in Burnsville to protect and promote public health, safety, welfare, socioeconomic growth and development of the city in perpetuity.
2. To ensure proper SSTS construction, reconstruction, operation, repair, maintenance and monitoring of well water quality to protect land, water, and other natural resources from impairment, pollution, or destruction and to prevent the entry and migration of contaminants that contribute to the degradation of surface water and groundwater quality.
3. To establish minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination, minimize the spread of communicable diseases, prevent and avoid other health and ecological hazards attributable to bacterial and chemical contamination of lands and waters and, if contamination is discovered, to identify and control the consequences and abate its source and migration.
4. To provide technical assistance, plan review, inspections, SSTS surveys and code enforcement to prevent and control waterborne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

(C) Authority: This chapter is adopted pursuant to Minnesota statutes chapters 115, 145A, 375, or successor statutes, and Minnesota rules chapters 7080, 7081 and 7082, or successor rules. (Ord. 1228, 2-8-2011)

7-11-3: DEFINITIONS:

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section. Unless specifically defined herein, terms used in this chapter shall have the same definition as provided in Minnesota statute section 115.55 and Minnesota rules chapters 7080, 7081, 7082, and 7083 and if not defined there, shall have common usage meaning. For the purposes of this chapter, the words "must" and "shall" are mandatory and not permissive unless a different definition appears in this chapter. The following definitions shall apply in the interpretation and enforcement of this chapter:

AS BUILTS: See definition of Record Drawings.

CITY: City of Burnsville, Minnesota.

COLIFORM BACTERIA: A group of fifteen (15) bacteria species that are commonly found in human and animal wastes, and may indicate groundwater contamination from a failed septic system when found in private well water.

COUNTY: Dakota County, Minnesota, which also acts as the Dakota County board of health pursuant to Minnesota statutes chapter 145A.

DEPARTMENT: The Burnsville protective inspections department, its staff and designated agents.

DESIGN FLOW: The daily volume of wastewater for which an on site system is designed to treat and discharge.

DRY BUILDABLE AREA: For the purpose of determining the adequacy of lots on which an individual sewage disposal system for a single-family detached dwelling is to be located, the following shall be excluded from the gross lot area:

- (A) Wetlands, as designated in the Burnsville wetland protection and management plan and water resources management plan.
- (B) Designated floodplains.
- (C) Slopes in excess of eighteen percent (18%) in gradient¹.
- (D) Portions of the lot below the ordinary high water mark of a public water.

FAILURE TO PROTECT GROUNDWATER: An SSTS that does not protect groundwater such as a seepage pit, cesspool, dry well, leaching pit, or other pit; an SSTS with less than the required vertical separation distance described in Minnesota rules 7080.1500, subps. 4(D) and 4(E); and a system not abandoned in accordance with Minnesota rules 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee of the city or a licensed inspection business.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS): An individual sewage treatment system as defined in Minnesota rules 7080.1100, subp. 41.

MPCA: The Minnesota pollution control agency.

MINOR REPAIR: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concepts of the SSTS.

MUNICIPALITY: Any incorporated city or township within the boundaries of Dakota County, Minnesota.

NITRATE: A combination of nitrogen and oxygen that is found in human and animal wastes, and may indicate groundwater contamination from a failed septic system when found in private well water.

PERSON: Any human being, any municipality or other governmental or political subdivision, or other

public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

PRIVATE WELL: An on site, residential well that is a source of potable water for the residents and/or owners of the site.

PUBLIC SEWER SYSTEM: The sewage treatment and disposal system owned and operated by the city of Burnsville and/or Metropolitan Council Environmental Services, including interceptors, collector lines, outfall and outlet sewers, pumping stations and related equipment.

RECORD DRAWINGS: A set of drawings which reasonably document the final in place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system. Record drawings were previously known as "as built".

SSTS: A subsurface sewage treatment system as defined in Minnesota rules 7080.1100, subp. 82.

SHORELAND/FLOODPLAIN AREA: Those areas covered by section [10-8-10](#), "Shoreland Overlay District" and [title 10, chapter 10](#), "Floodplain Regulations", of this code.

STATE: The state of Minnesota.

TREATMENT LEVEL: Treatment system performance levels as defined in Minnesota rules 7083.4030, table III for testing of proprietary treatment products.

TYPE I SYSTEM: An ISTS designed according to Minnesota rules parts 7080.2200 to 7080.2240, as may be amended.

TYPE II SYSTEM: An ISTS designed according to Minnesota rules parts 7080.2250 to 7080.2290, as may be amended.

TYPE III SYSTEM: An ISTS designed according to Minnesota rules 7080.2300, as may be amended. (Ord. 1228, 2-8-2011)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) Lots that exhibit these characteristics may be acceptable candidates for the use of alternative systems as defined in Minnesota rules 7080.

7-11-4: GENERAL PROVISIONS: 

(A) Scope: This chapter regulates the siting, design, installation, alteration, operation, maintenance, monitoring, and management of all SSTS within the city. 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 chapter or by a system that has been permitted by the MPCA.

(B) Administration: The city shall administer the SSTS program and all provisions of this chapter. At appropriate times, the city may review, revise and update this chapter as necessary. The city may employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

(C) Standards Adopted By Reference:

1. Minnesota Statutes And Rules: Minnesota statute section 115.55 and Minnesota rules chapters 7080 and 7081 and all other referenced laws and rules, as may be amended, are adopted by reference and made a part of this chapter.
2. Determination Of Hydraulic Loading Rate And SSTS Sizing: Table IX from Minnesota rules 7080.2150, subp. 3(E) 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 from Minnesota rules 7080.2150, subp. 3(E) 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" and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two (2) for SSTS design.

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

(E) Compliance Criteria For Existing SSTSs:

1. SSTSs built before April 1, 1996, outside of areas designated as shoreland areas and wellhead protection areas must have at least two feet (2') of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.
2. SSTSs built after March 31, 1996, or SSTSs located in a shoreland area or wellhead protection area must have a three foot (3') vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the city, existing systems

that have no more than a fifteen percent (15%) reduction to the minimum required thirty six inch (36") separation distance are considered compliant (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

(F) Retroactivity:

1. All SSTSs: Except as provided in subsection (F)2, "Existing Permits", of this section all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.
2. Existing Permits: Unexpired permits, which were issued prior to February 8, 2011, the effective date hereof, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership.
3. Lots Created After January 23, 1996: SSTSs on lots created after January 23, 1996, must have a minimum of two (2) soil treatment and dispersal areas that can support systems as described in Minnesota rules parts 7080.2200 through 7080.2230 or site conditions described in Minnesota rules 7081.0270, subs. 3 through 7.

(G) Upgrade, Repair, Replacement, And Abandonment:

1. Failure To Protect Groundwater: An SSTS that is determined to not be protective of groundwater in accordance with Minnesota rules 7080.1500, subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this chapter within ten (10) months of receipt of notice of noncompliance from the city.
2. Imminent Threat To Public Health Or Safety: An SSTS that is determined to be an imminent threat to public health or safety shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this chapter within thirty (30) days of receipt of notice of noncompliance from the city.
3. Connection To Public System: Where a private sewer system has been installed before the public sewer system was accessible to the premises served by said private system, after the public system is available connection of said premises to the public system must be made within ninety (90) days after such private system fails to function properly in violation of Minnesota rules 7080. It shall be unlawful to repair or pump a failing private system after such time as the public sewer system is available to the premises unless a longer time period is provided for by resolution of the city council pursuant to section [7-2-20](#), "Public Sewer System Connection Requirements", of this title.
4. Abandonment: Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with section [7-11-10](#), "Abandonment Certification", of this chapter and Minnesota rules 7080.2500.

(H) SSTS License Required: All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTSs located in the city must be completed by a business licensed by the state under Minnesota rules chapter 7083, an appropriately certified qualified employee, or a person exempted under Minnesota rules 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minnesota rules 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements. Property owners that employ a business to perform this work must hire a business that is licensed in accordance with Minnesota rules chapter 7083.

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTSs without an appropriate and valid license issued by the MPCA in accordance with Minnesota rules chapter 7083, except as exempted in Minnesota rules 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I).

(I) Prohibitions:

1. Occupancy Or Use Of Building Without A Compliant SSTS: It is unlawful for any person to maintain, occupy, or use any building intended for habitation to dispose of wastewater in a manner that does not comply with the provisions of this chapter.
2. Sewage Discharge To Ground Surface Or Surface Water: It is unlawful for any person to construct, maintain, or use any wastewater treatment system regulated under this chapter that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the national pollutant discharge elimination system program.
3. Sewage Discharge To A Well Or Boring: It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota rules 4725.2050, or any other excavation in the ground that is not in compliance with this chapter.
4. Discharge Of Hazardous Or Deleterious Materials: It is unlawful for any person to discharge into any treatment system regulated under this chapter any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

(J) Access Holes: All systems shall be equipped with an access hole at a minimum of twenty inches (20") least dimension, and located within six feet (6') of all walls of the tank. The access hole shall extend through the tank cover to a point within twelve inches (12") of finished grade. If the access hole is covered with less than six inches (6") of soil, the cover must be secured to prevent unauthorized access.

(K) Pumping Of Tanks:

1. Pumping Septic Tanks: All septic tanks shall be pumped through the access hole extension rather than the inspection pipes located over the baffles and shall be pumped to remove all scum and solids. Sludge and scum shall be removed whenever the sludge reaches a point twelve inches (12")

below the bottom of the outlet baffle and/or scum reaches a point three inches (3") above the bottom of the outlet baffle.

2. Pumping Frequency: Each property owner shall pump the septic tank on the owner's property as often as required to maintain a functioning system in compliance with this chapter.
3. Failure To Pump Tank: Failure on the part of the property owner to pump the owner's septic tank when required by inspection, or failure on the part of the property owner to submit in timely fashion the inspection report shall be cause for the city to have the septic system cleaned. In such case, the city shall arrange for the cleaning service and shall notify the property owner of the date the system will be cleaned. The cost of the cleaning and other costs related thereto shall be charged to the property owner, and if not paid when due, the same shall be assessed as a lien against the property.
4. Pumping Report: Each pumping of every septic tank shall be reported to the inspections department on forms provided for that purpose within thirty (30) calendar days of the pumping. The pumper shall report the dates tanks were pumped, property addresses and names of owners, locations of sewage disposal, presence of surface discharge from sewage systems, and the condition of the septic tank baffles.

(L) Required Submittal Of Maintenance Reports: Licensed maintenance businesses must abide by the requirements described in Minnesota rules 7083.0770, subp. 2. All written reports required by Minnesota rules 7083.0770, subp. 2 must be provided to the homeowner and the city within thirty (30) days after any maintenance work is performed. (Ord. 1228, 2-8-2011)

-11-5: PUBLIC SEWER AVAILABILITY:

- (A) Within the metropolitan urban service area (MUSA), as identified in the comprehensive plan, SSTS shall be located to achieve maximum economic feasibility to connection to the public sewer system, consistent with all provisions of this code and comprehensive plan.
- (B) No individual subsurface sewage treatment system shall be installed or renovated on lands to which public sewer service is available pursuant to section [7-2-20](#), "Public Sewer System Connection Requirements", of this title, except as allowed by city council policies 5.035 "Street And Utility Improvements In The Southwest Area" and 5.036 "Options To Connection To Existing Trunk Mains For County Road 5 Improvements". (Ord. 1228, 2-8-2011)

7-11-6: MINIMUM LOT SIZE FOR SSTS:

All lots in the R-1A, one-family rural residential zoning district where municipal sewer is not available and where development with an SSTS is proposed, shall be subject to the following standards:

- (A) The lot shall contain a minimum of two (2) acres of "dry buildable area", as defined in this chapter.
- (B) The lot shall have a minimum of two hundred feet (200') of frontage on a public street, measured at the front building setback line.
- (C) Notwithstanding the provisions of subsection [10-7-3\(A\)](#) of this code, any vacant "lot of record", as defined in section [10-4-2](#) of this code zoned R-1A, one-family rural residential district and lawfully existing on July 2, 1990, may be developed with one single-family dwelling without a lot size variance provided the proposed SSTS for the dwelling complies with all other provisions of this chapter and Minnesota rules 7080, and, that the proposed residential dwelling complies with all other applicable provisions of [title 10](#) of this code.
- (D) The SSTS system shall conform to the requirements of this chapter and Minnesota rules 7080. (Ord. 1228, 2-8-2011)

7-11-7: SUBDIVISIONS:

All applications for proposed subdivision of land where public sewer service is not available shall demonstrate that each lot can support SSTSs which comply with this chapter, and requirements of Minnesota rules part 7080. (Ord. 1228, 2-8-2011)

7-11-8: SSTS IN FLOODPLAINS:

An SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements of Minnesota rules 7080.2270 and all applicable provisions of [title 10, chapter 10](#), "Floodplain Regulations", of this code are met. (Ord. 1228, 2-8-2011)

7-11-9: SSTS PERMITTING:

It is unlawful for any person to construct, install, modify, or replace an SSTS in Burnsville without the appropriate permit from the city. The obtaining of a permit shall not be deemed to exclude the necessity of obtaining other appropriate permits or approvals. Compliance with the provisions of this chapter shall not relieve any person of the need to comply with any and all other applicable rules, regulations and laws.

(A) Plumbing Permit:

1. Activities Requiring A Plumbing Permit: A plumbing permit is required for installation of a new SSTS, for replacement of an existing SSTS, for new buildings, additions or changes of building occupancy 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 Plumbing Permit:** A plumbing 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. **Submittal Requirements For SSTS Plumbing Permit:** In addition to the standard plumbing permit submittal requirements, information shall be provided as required for the administration of this chapter including, but not limited to:
 - a. A site evaluation report as described in Minnesota rules 7080.1730;
 - b. A design report as described in Minnesota rules 7080.2430;
 - c. The infield verification as described in Minnesota rules 7082.0500, subp. 3(A);
 - d. A management plan as described in Minnesota rules 7082.0600 and subsection (B) of this section; and
 - e. Copies of any required municipal, county, state, or federal permits or approvals.
4. **Application Review:** The city shall review a permit application and supporting documents to determine whether the application is complete. Upon satisfaction that the proposed work will conform to the provisions of this chapter, a plumbing permit will be issued authorizing construction of the SSTS as designed. If the applicant changes the proposed work to be conducted under an approved permit application, the applicant must file an amended application with the city detailing the changed conditions prior to initiating or continuing construction, modification, or operation. The city will review the amended application and either approve or deny the application.
5. **Approval Of Permit Required:** The city shall review and approve the permit application and management plan before issuing the plumbing permit. Construction shall not be initiated until the city grants a plumbing permit.
6. **Inspections:** The official designated by the city shall cause such inspection or inspections to be made as are necessary to determine compliance with this chapter within twenty four (24) hours of the time requested for the inspection. No part of the system shall be covered until it has been inspected and approved by the city. Upon satisfactory completion and final inspection of the system, the inspector shall issue to the applicant a certificate of compliance. If upon inspection, it is discovered that any part of the system is not constructed in accordance with the standards provided in this chapter, the licensed installer and the permittee shall be given written notification describing the defects. Failure of the city to inspect shall not relieve or lessen responsibility or liability of any person owning, controlling or installing any SSTS. It shall be the responsibility of the permittee to notify the city that the job is ready for inspection. It shall be the responsibility of the permittee to provide the inspector with free access to the property at reasonable times for the purpose of making such inspections. The permittee shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.
7. **Permit Expiration:** The plumbing permit is valid for a period of no more than one year from its date of issue, unless it is extended in accordance with this section or construction has been completed

satisfactorily, whichever is shorter. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in substantial conformance to the approved design documents by a qualified employee of the city or a licensed inspection business, which is authorized by the city and independent of the owner and the SSTS installer.

8. Extensions And Renewals: The city may grant an extension of the plumbing 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 six (6) months.
9. Permit Not Transferable: A plumbing permit shall not be transferable to a new owner. The new owner must apply for a new plumbing permit in accordance with this section.
10. Posting: The plumbing permit shall be posted on the property in such a location and manner so that the permit is visible and available for inspection until construction is completed and certified.
11. Conflict Of Interest:
 - a. 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.
 - b. A licensed inspection business working on behalf of the city must not design or install systems that the business will be responsible for permitting or inspecting as part of its contract with the city.

(B) Management Plan:

1. Purpose: The purpose of a management plan is to describe how a particular SSTS is to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.
2. SSTS Requiring Management Plans: Management plans are required for all new or replacement SSTSs. The management plan shall be submitted to the city with the plumbing permit application for review and approval. The city shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
3. Required Contents: 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 city 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; and
- f. Other requirements as determined by the city.

(C) **Systems Not Operated Under Management Plan:** Owners of SSTs that are not operated under a management plan must inspect treatment tanks and remove solids if needed every three (3) years. Solids must be removed when their accumulation meets the limit described in Minnesota rules 7080-2450. (Minnesota rules 7082.0100, subp. 3(L).)

(D) **Duty To Comply With Permit Conditions:** The permittee shall comply with all conditions stated in any permit issued by the city under this chapter. Failure of the permittee to do so is a violation of this chapter and is subject to the penalties provided herein. (Ord. 1228, 2-8-2011)

7-11-10: ABANDONMENT CERTIFICATION:

The purpose of the system abandonment certification is to ensure that a treatment system no longer in service is abandoned following decommissioning and in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system. (Minnesota rules 7082.0100, subp. 3(B).)

(A) **Abandonment Requirements:** Whenever the use of an SST or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal 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 is prohibited.

1. Abandonment shall be completed in accordance with Minnesota rules 7080.2500.
2. An abandonment certificate shall be submitted to the city. The report shall include:
 - a. Owner's name and contact information;
 - b. Property address;
 - c. System plumbing permit;
 - d. The reason(s) for abandonment; and

- e. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals. (Ord. 1228, 2-8-2011)

7-11-11: COMPLIANCE INSPECTION PROGRAM:

(A) Responsibility For Compliance Inspections: It is the responsibility of the city, or its agent, to perform various SSTS compliance inspections periodically to assure that the requirements of this chapter are met.

1. SSTS compliance inspections must be performed:
 - a. To ensure compliance with applicable requirements;
 - b. For all new SSTS construction or replacement; and
 - c. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota rules 7082.0700 using the SSTS inspection report forms provided by the MPCA.
2. All compliance inspections shall be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
3. The city shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
4. No person shall hinder or otherwise interfere with the city's employees or agents in the performance of their duties and responsibilities pursuant to this chapter. Refusal to allow reasonable access to the property by the city or its agent shall be deemed a violation of this chapter.

(B) Compliance Inspection Requirements For New SSTS Construction Or Replacement:

1. Compliance inspections shall be performed on new or replacement SSTSs to determine compliance with Minnesota rules chapters 7080 or 7081. SSTSs found not to be in compliance with Minnesota rules 7080.1500, subp. 4(A) or Minnesota rules 7081.0080, subp. 3 shall be hooked up to city sewer if it is available, or if city sewer is not available, the SSTS shall be repaired or replaced within ten (10) months or as directed under Minnesota statutes chapter 145A. SSTSs that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise managed according to the plumbing permit and management plan. SSTSs found to be noncompliant with other applicable requirements must be repaired or replaced according to the city's requirements.
2. It is the responsibility of the SSTS owner or the owner's agent to notify the city at least one business day (Monday through Friday) prior to any permitted work on the SSTS.

3. A certificate of compliance for new SSTS construction or replacement will be issued by the city provided the city has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the plumbing permit.
4. The certificate of compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the requirements of this chapter. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance will be issued to the owner that includes a statement specifying the provisions of this chapter with which the SSTS does not comply.
5. The certificate of compliance or notice of noncompliance must be submitted to the city no later than fifteen (15) calendar days after the date the inspection was performed. The city will deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within fifteen (15) calendar days of receipt from the certified inspector. 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 city finds evidence of an imminent threat to public health or safety requiring removal and abatement under Minnesota statute section 145A.04, subd. 8.

(C) Compliance Inspection Requirements For Existing Systems:

1. Compliance inspections shall be required for the following:
 - a. For all new construction or replacement;
 - b. When a plumbing permit is required to repair, modify, or upgrade an existing system;
 - c. Anytime there is an addition of a bedroom on property served by an SSTS;
 - d. Anytime there is a change in the use of the property being served by an existing SSTS which may impact the performance of the system;
 - e. Prior to the sale or transfer of real property served by an existing SSTS if required by subsection (D)1a of this section;
 - f. At any time as required by this chapter or the city deems appropriate such as upon shoreland or area wide SSTS surveys and/or upon receipt of a complaint or other notice of system malfunction.
2. Compliance inspections of existing SSTSs shall be reported on the inspection report forms provided by the MPCA. An inspection for existing SSTSs must verify the conditions in subsections (C)2a to (C)2c of this section.
 - a. Sewage tanks must be assessed for leakage below the operating depth. A leakage report shall be completed that includes the method(s) used to make the assessment. The assessment shall be made by either a licensed SSTS business (except a design business) or a qualified employee with an SSTS certification (except as a designer). A passing report is valid for three (3) years unless the certified individual has reason to believe that a new inspection is to be conducted and the tank is found not to be watertight.

- b. The vertical separation distance from the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock. This verification must be achieved by either conducting soil borings or by prior verifications by two (2) independent parties. The soil borings used for system design or previous inspections qualifies as verification. A vertical separation distance report must be completed that includes the method(s) used to make the assessment and includes any previous soil borings. The assessment must be made by either a licensed inspection business or a qualified employee of the city. If the verification separation report consists of verifications by two (2) independent parties, a subsequent verification is not required unless the inspector has reason to believe a noncompliant condition exists. 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 Minnesota rules 7082.0700, subp. 5.
- c. Sewage backup, surface seeping or surface discharge from the system must be determined. A hydraulic function report shall be completed that includes the method(s) used to make the assessment. The assessment shall be made by either a licensed inspection business or a qualified employee with an inspector certification. A passing report is valid until a new inspection is requested or if the hydraulic performance is believed to have changed.
3. A certificate of compliance will be based on the results of the verifications in subsection (C)2 of this section. The certificate of compliance must include a certified statement by a qualified employee or a licensed inspection business, authorized by the city, whether the SSTS is in compliance with the requirements of this chapter. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying the provisions of this chapter with which the SSTS does not comply. A plumbing permit application must be submitted to the city if the required corrective action is not a minor repair.
4. The certificate of compliance or notice of noncompliance shall be submitted to the city no later than fifteen (15) calendar days after the date the inspection was performed. The city will deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within fifteen (15) calendar days of receipt from the licensed inspection business.
5. Certificates of compliance for existing SSTSs shall remain valid for three (3) years from the date of issue unless the city finds evidence of an imminent threat to public safety requiring removal and abatement under Minnesota statute section 145A.04, subd. 8.
6. The city may waive a compliance inspection required by subsection (C)1 of this section if:
 - a. The owner of the real property served by an existing SSTS acknowledges in writing to the city that the existing SSTS is failing and shall be connected to available city sewer or if city sewer is not available the SSTS shall be upgraded, repaired, replaced or abandoned in accordance with this chapter within ten (10) months; or
 - b. The owner of the real property served by an existing SSTS acknowledges in writing to the city that the existing SSTS is an imminent threat to public health or safety and shall be connected to available city sewer or if city sewer is not available the SSTS shall be upgraded, repaired, replaced or abandoned in accordance with this chapter within thirty (30) days.

(D) Property Transfer/Sale Requirements:

1. No owner or other person acting with legal authority on behalf of an owner of real property served by an existing SSTS shall sell or transfer to another party said real property unless the following requirements are met:
 - a. A compliance inspection has been performed and a certificate of compliance has been issued for the SSTS within three (3) years if the SSTS is older than five (5) years or within five (5) years if the SSTS is less than five (5) years old prior to the intended date of sale or transfer of the real property, unless evidence is found identifying an imminent threat to public health and safety. If this requirement cannot be met, a compliance inspection must be conducted in accordance with subsection (C) of this section.
 - b. The compliance inspection must have been performed by a licensed inspection business following the procedures described in subsection (C) of this section.
 - c. The seller/transferor of the real property must provide the disclosure required by Minnesota statute section 115.55, subd. 6.
 - d. If the seller/transferor fails to provide a certificate of compliance, the seller/transferor shall provide the buyer/transferee sufficient security in the form of an escrow agreement to assure the connection to available city sewer or if city sewer is not available, the installation of a complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney, or federal or state chartered financial institution. The amount escrowed shall be equal to one hundred twenty five percent (125%) of a written estimate to connect to an available city sewer or if city sewer is not available, to install a complying SSTS provided by a licensed and certified installer, or the amount escrowed shall be equal to one hundred ten percent (110%) of the written contract price for the installation of a complying SSTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the seller/transferor or the buyer/transferee shall provide the escrow agent a copy of the certificate of compliance.
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 real property is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - b. The transfer is a tax forfeiture.
 - c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this chapter. This subsection applies only to the original vendor and vendee on such contract.
3. All real property sales or transfers subject to this chapter occurring during the period between November 15 and April 15 when SSTS compliance cannot be determined due to frozen soil conditions shall require a winter agreement, which includes an application for an SSTS permit and an agreement and security to complete a compliance inspection by the following June 1 by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the permit fee and security will be refunded. If upon inspection the system is found to be noncompliant, an escrow agreement and security must be established in accordance with subsection (D)1d of this section and the system upgraded.
4. The responsibility for filing the completed compliance portion of the certificate of compliance under subsection (D)1 of this section or for upgrading a system found to be noncompliant shall be

determined by the seller/transferor and the buyer/transferee. The seller/transferor and the buyer/transferee shall provide the city with a signed statement indicating responsibility for completing the compliance portion of the certificate of compliance and for upgrading a system found to be noncompliant.

5. The issuance of permits, certificates of compliance or notices of noncompliance as requested or issued shall not 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 noncompliance with the provisions of this chapter.

(E) 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 city 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. (Ord. 1228, 2-8-2011)

7-11-12: VARIANCES:

(A) Prohibited Variances: The city may not grant variances from the following standards:

1. Minnesota rules 7080.2150, subp. 2.
2. Minnesota rules 70891.0080, subps. 2-5.
3. Flow determinations under Minnesota rules 7081.0110 if the deviation reduces the average daily flow from more than ten thousand (10,000) gallons to ten thousand (10,000) gallons per day or less.

(B) Variance Procedure: All applications for variance to the provisions of this chapter shall follow the process outlined in section [10-5-4](#) of this code.

(C) Factors For SSTS Variance Approval: In addition to the hardship criteria outlined in section [10-5-4](#) of this code, applicants for an SSTS variance shall demonstrate that the variance will be in accordance with Minnesota rules chapters 7080, 7081 and 7082. (Ord. 1228, 2-8-2011)

7-11-13: VIOLATIONS:

- (A) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor. Each day that an unlawful activity continues shall constitute a separate violation.

- (B) The city may suspend or revoke any permit upon information indicating that the permit has been issued in error or on the basis of incorrect or inadequate information, or that work is not being performed in compliance with this chapter or the provisions of any permit issued pursuant hereto.

- (C) The city may issue an order to the owner or occupant of any premises utilizing an SSTS to cease and desist the use of any system which is creating a hazard to the public health, safety or welfare.

- (D) The city may cause to be assessed against the property on which an SSTS is located the cost of proper closure, restoration and cleanup of pollution occurring as a result of a system failure. (Ord. 1228, 2-8-2011)

7-11-14: WELL WATER MONITORING:

The presence of nitrates and coliform bacteria in well water may indicate that the groundwater has been contaminated by septic systems. The monitoring of well water quality is essential to the continued health, safety, and general welfare of the city of Burnsville and its residents. Monitoring shall be accomplished by the periodic testing of the water from private wells. Beginning in 1995, and once every five (5) years thereafter, property owners shall provide to the city a copy of test results identifying coliform bacteria and nitrate levels in the water from their private wells. The city shall assist owners if requested to test water, and may consider participating in the cost of the testing. (Ord. 1228, 2-8-2011)

7-11-15: RECORDKEEPING AND ANNUAL REPORT:

- (A) Recordkeeping: The city shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees, 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 city's jurisdiction sorted by licensed installation businesses, and other records relevant to each system. (Minnesota rules 7082.0300, subp. 4.)

- (B) Annual Report: The city shall provide an annual report of SSTS permitting activities to the MPCA in accordance with the requirements set forth in Minnesota rules 7082.0040, subp. 5, as may be amended. (Minnesota rules 7082.0040, subp. 5.) (Ord. 1228, 2-8-2011)

-11-16: SEVERABILITY: 

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force. (Ord. 1228, 2-8-2011)

7-11-17: REMEDIES CUMULATIVE: 

No remedy set forth in this chapter is intended to be exclusive but each such remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay in the exercise of any remedy for violation of this chapter shall later impair or waive any such right or power of the city. (Ord. 1228, 2-8-2011)