

CITY OF MEDINA
ORDINANCE NO. ###
AN ORDINANCE AMENDING INDIVIDUAL SEWAGE TREATMENT SYSTEM
PERMIT REQUIREMENTS; AMENDING CHAPTERS 7 AND 8 OF THE CITY CODE

The City Council of the City of Medina ordains as follows:

SECTION I. Section 720.09 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

Section 720.09. Deviations from Adopted Standards and More Restrictive Standards.

Subd. 1. ~~Minnesota Rules, Chapter 7080.1930 is modified by requiring at least two septic tanks with a minimum capacity of 1,000 gallons each. RESERVED~~

Subd. 2. Minnesota Rules, Chapter 7080.2100, subp. 2(C) is modified to require a pump tank with a minimum capacity of 1,000 gallons.

Subd. 3. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection of the additional soil treatment area shall be approved by the City of Medina Building Official and may include, but is not limited to, snow fencing, permanent fencing and silt fencing.

Subd. 4. No building permit shall be issued for construction on any property if such construction negatively impacts one of the two required soil treatment areas that can accommodate a standard ISTS, unless it can be shown that such treatment area can be replaced upon the property.

Subd. 5. Tanks and soil treatment and dispersal areas shall be setback a minimum of 75 feet from wetlands.

Subd. 6. All SSTS with a pump shall include an alarm within the structure served to warn of failure.

Subd. 7. Holding Tanks.

(a) Holding tanks in compliance with Minnesota Rules 7080.2290 may only be allowed in the following circumstances:

- (1) As replacement for existing failing SSTS or for SSTS that pose an imminent threat to public health or safety.
- (2) For construction on lots existing as of March 26, 2015 where it can be shown conclusively that a SSTS cannot feasibly be installed.
- (3) For buildings with limited water use, with the exception that dwellings shall not be connected to holding tanks unless meeting (1) or (2) above.
- (4) For floor drains within a structure.

(b) In addition to conditions of an Operating Permit as described in this Section, use of holding tanks shall be subject to the following conditions:

- (1) An alarm shall be installed on the holding tank(s) which indicates when one day's

- use remains in the tank(s).
- (2) The owner shall maintain a valid contract with a licensed liquid waste hauler to pump and haul the holding tank to a licensed treatment facility.
 - (3) The pumper shall certify each date the tank is pumped, the volume of the waste removed, the treatment facility to which the waste was discharged, and the water meter reading at the time of pumping. These records shall be maintained by the owner, and shall be provided upon request to the City.
 - (4) Any dwelling served by holding tanks shall require a minimum of two tanks.
 - (5) The owner shall install a remote reading water meter to record indoor water use.
 - (6) The holding tank shall be regularly pumped, no less frequently than bi-weekly or other regular schedule agreed upon with the City.
 - (7) A holding tank that is solely used for floor drains shall not be subject to the requirements of Subd. 7(b) (3)-(6), above.

Subd. 8. Allowed Reduction in the Vertical Separation for Existing System Compliance.

As permitted by Minnesota Rules 7080.1500 Subp. 4, an existing ISTS which was designed and constructed with a three-foot separation distance shall be allowed a maximum of a 15 percent reduction in vertical separation distance to account for settling of sand or soil, normal variations of measurements, and interpretations of the limited layer conditions.

SECTION II. Section 720.15 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

Section 720.15. Construction Permit. It shall be unlawful for any person to construct, install, modify or replace a SSTS without obtaining a permit from the City.

Subd. 1. Activities requiring a permit. A 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.

Subd. 2. Activities not requiring a permit. A construction permit is not required for the following minor repairs or replacements of system components that do not alter the original function of the system:

- (a) Repair or replacement of pumps, floats or other electrical devices of the pump;
- (b) Repair or replacement of baffles in the septic tank;
- (c) Installation or repair of inspection pipes and manhole covers; or
- (d) Repair or replacement of the line from the building to the septic tank.

Subd. 3. Permit Application Requirements. Applications shall be made on forms provided by the City and shall involve the following:

- (a) Site Evaluation Report;
- (b) Detailed soil descriptions within soil treatment areas;

- (c) If determined necessary by the Building Official based upon site characteristics, ~~Two~~ sets of percolation tests for the primary and secondary site;
- (d) Design Report;
- (e) Management Plan; and
- (f) Any other information requested by the City to confirm compliance with relevant regulations and to ensure protection of the public health, safety, and welfare.

Subd. 4. Installation and Inspection Requirements.

- (a) No changes may be made to the approved design without approval of the amended design.
- (b) All tests and data required by the City inspector shall be provided.
- (c) The installer shall provide an accurate as-built at the time of final inspection.
- (d) The installer shall test any pumps and alarms at the time of final inspection.

Subd. 5. Permit Expiration. A Construction Permit shall be valid for a period of no more than one year from the date of issuance.

Subd. 6. Permit Suspension or Revocation. The City may suspend or revoke a Construction Permit issued under this section for any false statements, misrepresentations of facts on which the 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 Construction Permit is obtained.

SECTION III. Section 720.17 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

Section 720.17. Operating Permit.

Subd. 1. Operating Permit Required. An Operating Permit in compliance with Minnesota Rules 7082.0600 subp. 2 shall be required for:

- (a) Type ~~III-IV~~ Systems, as described in Minnesota Rules 7080.2350;
- (b) Type ~~IV~~ Systems, as described in Minnesota Rules 7080.2400;
- (c) MSTs, as described in Minnesota Rules 7081; and
- (d) Holding Tanks.

Subd. 2. Operating Permit Requirements. An Operating Permit shall specify the following, which shall be reviewed by the City and approved only if compliant with relevant regulations:

- (a) Maintenance requirements, including frequency;
- (b) System operational and performance requirements;
- (c) Monitoring requirements;
- (d) Compliance limits and compliance boundaries;
- (e) Reporting frequency;
- (f) Disclosure of the location and condition of the soil treatment and dispersal system, if

- applicable;
- (g) Stipulation of acceptable and prohibited discharges;
 - (h) Executed contract between the owner and a licensed maintenance contractor; and
 - (i) A requirement that the permittee notify the City when permit requirements are not met.

Subd. 3. Transfer of Operating Permit.

- (a) The Operating Permit shall be recorded against the title of the subject property and shall bind successors in title for the term of the permit.
- (b) With the exception of a sale as described above, the Operating Permit may not be transferred without prior approval by the City.

Subd. 4. Suspension or Revocation.

- (a) The City 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 or for failure to comply with the terms and conditions of the Operating Permit.
- (b) Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- (c) If suspended or revoked, the City may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- (d) At the City's discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

SECTION IV. Section 820.25 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

Section 820.25. Data for Preliminary Plat. Each Preliminary Plat shall contain the following information.

Subd. 1. Identification and Description. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation with the name of any plat recorded in the County.

- (a) Legal description of the subdivision and a survey prepared and certified by a surveyor registered in the State of Minnesota.
- (b) Key Map showing location of the subdivision and property for at least 660 feet adjacent.
- (c) Names and addresses of the owner, subdivider, surveyor and designer of the subdivision.
- (d) North point.
- (e) Date of preparation.
- (f) Approval by the subdivision owner.

(g) Scale of one inch equals 100 feet or larger.

Subd. 2. Existing Conditions. The following existing conditions must be shown:

- (a) Boundary line of proposed subdivision, clearly indicated.
- (b) Existing zoning classification.
- (c) Total approximate area of each zoning classification.
- (d) Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines both within the subdivision and to a distance of 100 feet beyond the subdivision.
- (e) Location and size of existing sewers, water mains, culverts or other underground facilities both within the subdivision and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes and hydrants, shall be shown only on request.
- (f) The boundary lines of adjoining unsubdivided or subdivided land, within 100 feet of the proposed subdivision and the record owner thereof.
- (g) Topographic data shall be required of the proposed subdivision and out to 50 feet beyond boundaries of the plat at contours at vertical intervals of not more than two feet. Additional topographic data up to 300 feet beyond the subdivision boundaries shall be furnished upon City Engineer recommendation.
- (h) The types, boundaries and the amount of suitable soils for each lot on the plat set forth by a soil series map that references designations made by the most current Hennepin County Soil Survey. In rural areas, suitable soils must be calculated for each parcel, including the existing parcel and for each type of soil.
- (i) Wetland data shall be required and must consist of a wetland delineation report which identifies all wetlands, ponds, lakes, waterways, floodplains and shorelines. The owners or subdividers shall submit to the Zoning Administrator office three (3) copies of the full wetland delineation report for consideration with the preliminary plat. Any area located in the areas set forth by this provision shall not be considered in the calculation for contiguous soils in rural areas.
- (j) Floodplain information shall be provided to the Zoning Administrator for consideration with the preliminary plat and delineated on the preliminary plat for review. The preliminary plat shall follow the regulations in section 826.86 subdivisions 1-3 with regard to floodplain management. All areas in the floodplain shall be established and those areas may not be included in the calculation for contiguous suitable soils in rural areas.
- (k) The primary and secondary septic sites shall be designated for rural areas, ~~and percolation tests shall be provided for both sites. The sites must be within the areas~~

~~shown as having contiguous suitable soils. Two (2) copies of the percolation tests must be submitted to the Zoning Administrator for consideration with the preliminary plat for review and approval.~~ The Zoning Administrator has the authority to accept or deny the results of ~~the percolation tests and/or~~ the septic locations on any lot. The septic system design and construction must follow section 720 Individual Sewage Treatment Standards.

- (l) Soils types information shall be provided by the owner or subdivider to the Zoning Administrator for consideration with the preliminary plat. This information shall consist of two (2) copies of the soil boring logs and the soils designations for the areas within the plat as set forth by the most current Hennepin County Soils Survey. In the event that the owner or subdivider is of the opinion that the soils types designated by the most current Hennepin County Soils Survey are inaccurate by type or location, he or she shall include information with respect to the inaccuracies in the submittal. The Zoning Administrator has the authority to accept or deny the results of the soil borings. Based on the information submitted and any other relevant information, the Zoning Administrator shall calculate the final acreage amount of contiguous suitable soils for each lot.

Subd. 3. Subdivision Design Features. The following Subdivision Design Features shall be provided:

- (a) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the same shall be used.
- (b) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (c) Proposed street and alley centerline profile grades showing approximately both existing and proposed centerline profile grade lines.
- (d) Proposed location and size of storm and sanitary sewer lines and water mains and proposed gradient of sewer lines.
- (e) Proposed storm and sanitary sewer point of discharge or connection to existing systems and water main connection or source of supply.
- (f) Layout, numbers and preliminary dimensions of lots and blocks.
- (g) Minimum front, side and rear building setback lines, indicating dimensions.
- (h) Areas, other than streets, alleys, pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such area or areas in acres.
- (i) A separate draft of all proposed restrictive covenants, if they are to be used, for the

preliminary plat.

Subd. 4. Other Information. The following additional information shall be provided.

- (a) Provision for surface water disposal, drainage, and flood control.
- (b) If any zoning changes are contemplated, the proposed zoning plan for the areas.
- (c) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
- (d) Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated.
- (e) Such other information as may be requested by the Zoning Administrator or Planning Commission.

SECTION IV. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this th day of , 2020.

Kathleen Martin, Mayor

Attest:

Jodi M. Gallup, City Clerk

Published in the Crow River News on the _____ day of _____, 2020.