

CHAPTER 7. BUILDING AND HOUSING REGULATIONS

SECTION 700 BUILDING CODE

Section 700.01, Subd. 1. Codes adopted by reference. 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 specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 700.01, Subd. 2. Building Code Optional Chapters. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality;

1. Chapter 1306, Special Fire Protection Systems
2. Chapter 1335, Flood Proofing Regulations, parts 1335.0600 to 1335.1200.

Section 700.02 Application, Administration and Enforcement. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the incorporated limits of the City, and extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1.

The Public Works Department shall be the Zoning Administrator of the City. The City's Building Inspector will be the Administrative Authority. A Minnesota Certified Building Official and the Zoning Administrator designated by the city shall enforce this code.

The Appointing Authority shall designate the Building Official for the City.

700.03 Permits, Inspections, Fees and Surveys

Subd. 1. Permits, Inspections and Fees. Permits, inspections and collections of fees shall be as provided in Chapter 1 of the Uniform Building Code, 1997 Edition, except as amended by Minnesota Rules 1305.0106 and 135.0107, and except as otherwise provided in this Code. Plumbing and mechanical permit fees shall be assessed for work governed by this Code in accordance with Ordinance 300, Subd. 305.02. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, Section 16B.70.

Subd. 2. Permit required. No person, firm, or corporation will erect, alter, construct, enlarge, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or any portion of it, without a valid building permit issued by the city. No building permit or other permit pertaining to the use of land or buildings will be issued unless such land or building is designed and arranged to conform to the provisions of the zoning chapter.

Subd. 3. Surveys required.

(a) Every application for building permit will be accompanied by a certified site

survey (excluding interior remodels, re-roofs, re-siding and general maintenance) at a scale and in quantities deemed necessary by the Zoning Administrator. Because the survey will be used to determine whether an application is in conformance with city code, it will be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit and/or land alteration permit will authorize only land alterations identified on a survey. Surveys will include all information as deemed necessary by the Zoning Administrator to provide for the enforcement of this chapter and the zoning chapter. An original signature is required on the certificate of survey. The survey shall provide the following information unless otherwise approved in writing by the Zoning Administrator:

- (1) Graphic scale of not less than one inch to 100 feet and north arrow;
- (2) Legal description of property;
- (3) Dimensions and bearing of front, rear, and side property lines;
- (4) Parcel size in acres and square feet;
- (5) Location and dimensions of all the existing improvements, including but not limited to: buildings, structures, retaining walls or timbers, riprap, seawall, steps, parking areas, driveways, storage areas, utilities, septic systems and wells; including but not limited to sanitary and storm manholes, hydrants, catch basins, power poles, phone boxes, fences, and any encroachments;
- (6) Location and dimension of all proposed buildings and structures;
- (7) Outside dimensions of proposed structure(s) including decks, porches, retaining walls (include elevations at bottom of footing and top of wall), stoops, stairs, cantilevers, fireplaces, bay and bow windows, egress window wells;
- (8) Impervious surface calculations - existing and proposed - % and square footage;
- (9) "Building pad" setbacks on the survey according to the ordinance provisions and show the closest distance between the buildings and front lot line(s), side lot line(s), rear lot line(s), Ordinary High Water Level, elevation of 929.4 feet above sea level, and shoreline improvements, including but not limited to riprap, seawall, or retaining timber;
- (10) Distance between principal buildings and accessory buildings and structures, and shoreline improvements;
- (11) Delineate all wetland, OHWL of Lakes, easements, driveways;
- (12) Delineate location of new/proposed ISTS with alternate site (as required);
- (13) Location of all easements of record including but not limited to tree preservation, wetland conservation, cross-access, etc.;
- (14) Topographic contours at 2 foot intervals of existing and proposed elevations
- (15) Lowest floor level, first floor elevation, top of block, and garage slab.
- (16) Indication of direction of surface water drainage by arrows and impervious surface calculations for the lot or parcel;
- (17) Tree removal, tree preservation and grading plan if required by the city;
- (18) Wetland boundaries with ordinary high water level and 100-year flood elevation if applicable;
- (19) Driveway grade (minimum 0.50 percent, maximum ten percent);
- (20) All trees in excess of six inches in diameter (diameter measured at four feet above grade);
- (21) Wetland buffer areas and wetland or lake setback dimensions;
- (22) Other information as required by the city;
- (23) Location and type of erosion and sediment control measures to be installed by permit holder.

(b) Applicants for all new structures will provide to the city an as-built foundation survey upon completion of work to the foundation unless exempted in writing by the Zoning Administrator. The as-built foundation survey prepared by a Minnesota Registered Land Surveyor will certify both the final (front, side, rear, lakeshore and wetland) setbacks of the structure being built, and the elevations at which the new structure exists. Failure to provide a foundation survey upon foundation completion will result in the builder continuing with construction at the builder's own risk. Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans. The foundation survey will be submitted to the city and on-site before proceeding with the framing or further construction. inspection is done and approved by the building official.

(c) Applicants for all new structures and additions will provide to the city an as-built survey, prepared by a Minnesota Registered Land Surveyor and submitted to the city for review and approval upon the completion of all buildings and all additions to the buildings, unless exempted in writing by the Zoning Administrator. The as-built survey will certify both the final (front, side, rear, lake and wetland) setbacks of the structure being built, and the elevations at which the new structure exists. The city reserves the right to withhold the certificate of occupancy for a dwelling until final as-built survey has been submitted and approved.

(d) Applicants for all new structures and additions will provide to the city an as-built grading survey, signed by a licensed engineer or land surveyor and certified that the grades and elevations are in conformance with the city approved grading plan and that permanent iron monuments are in place at each lot corner, upon completion of work unless exempted in writing by the Zoning Administrator. The as-built grading survey will certify the final topography of the site and verify the drainage patterns existing upon completion of work and provide hardcover calculations. The city reserves the right to withhold the certificate of occupancy for a dwelling until final grading addresses all problems that may be detrimental to adjacent properties.

(e) In the event that weather or other conditions prevent the completion of an as-built survey at the time the Certificate of Occupancy is requested, the city may issue a Temporary Certificate of Occupancy provided that applicant provide a \$2,500 escrow fee to ensure completion of the as-built survey. The escrow fee shall be returned to the permit applicant, without interest upon successful completion and submission to the city.

(f) Surveys will include all information as deemed necessary by the Zoning Administrator and City Engineer to provide for the enforcement of this chapter and the zoning chapter. Specific provisions of this ordinance may be waived by written waiver by the Zoning Administrator based on the scope and duration of the specific construction project.

Subd. 4 Work Started Without Permit. Where work for which a permit is required is started or proceeded with before obtaining a required permit, the fee to be paid for the permit will be the greatest of: (1) double the ordinary building permit fee specified by

City ordinance, (2) \$100.00, or (3) an amount equal to the sum of all administrative costs in connection with the granting of the permit and in connection with the granting of any variance, conditional use permit, or rezoning necessary for the granting of the permit.

Subd. 5 Appeal. The owner of the property in question may, by written request to the Council, appeal the payment of the fee required by this Section. The appeal must state any reasons the owner may have for objection to the payment required by the Zoning Administrator and any mitigating circumstances or other facts relating to imposition of the fee. The Council will hear the request at a regular meeting of the Council and will consider any written or oral information presented by the owner and by the Zoning Administrator. After consideration of such information, the Council may:

- (a) Uphold the fee imposed by the Zoning Administrator.
- (b) Determine that no additional fee should be paid under this Section and that the owner should be required to pay only the normal building permit fee.
- (c) Reduce the additional fee to some amount less than the amount imposed by the Zoning Administrator, but not less than the normal building permit fee.

The Council's decision will be based upon its conclusions regarding the owner's intentions, the owner's knowledge of the requirement of a building permit, the nature of the improvements, the extent to which the owner proceeded with the improvements (both before and after notification from the City) and any other facts or circumstances related to the severity of the violation.

Subd. 6 Surcharge. In addition to the permit fee required by item A above, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes, 1984, Section 16B.70.

700.04 Moving Permits. No building or structure may be moved into the City or within the City without a permit from the City. A fee equal to the normal building permit fee, based on the value of the building as determined by the Building Inspector, must be paid for the permit if issued.

700.05 Duration of Permit. In addition to the expiration provisions of Section 106, Subd. 106.4.4 of the UBC, every permit issued under this Section will expire and become void one year after the date it is issued, unless the expiration date of the permit is extended by resolution of the Council.

700.06 Completion of Roof and Exterior. The roof and all exterior surfaces of any building (including all commercial, residential and accessory buildings) must be completely finished with exterior building materials permitted by the SBC and this Code within 12 months after the issuance of a building permit for any new construction, alteration, remodeling, addition or relocation. If a building is damaged by fire or by other casualty or cause and the roof or exterior finishes are damaged or destroyed, they shall be completely restored or replaced with exterior building materials permitted by the SBC and this Code as soon as reasonably possible, and in any event within 12 months after they are damaged or destroyed.

SECTION 705 INDIVIDUAL SEWAGE TREATMENT SYSTEMS

705.01 Purpose. The provisions of this Section 705 are adopted to promote the health, safety, and general welfare of the people of the City by providing minimum standards and criteria for the design, location, construction, alteration, extension, repair, use, and maintenance of individual sewage treatment systems so as to protect the air, water, land and other natural resources from pollution, impairment or destruction; to minimize the risk of spreading communicable diseases; to prevent and avoid other health hazards attributable to bacterial and chemical contamination of lands and water; and to save the residents and property from the large and unnecessary expenses of providing central sewer and water services when such expenses may reasonably be avoided.

705.02 Definitions. Words and terms not defined will have the meanings set forth in the Minnesota Pollution Control Agency's Individual Sewage Treatment Systems Standards, Minn. Rules Chapter 7080. For the purposes of this section, the following terms have the following meanings.

Subd. 1. ISTS or System. An ISTS is an individual sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. An ISTS may also be referred to as a "system" for purposes of this Section 705. Systems include holding tanks and privies.

Subd. 2. Complying System. A system is a complying system if:

- (i) it was constructed or installed on or after the effective date and is in compliance with this section, Minn. Stat. § 115 and the technical standards; or
- (ii) it was in existence before the effective date and is not a failing system, as defined in Subd. 3 of this section.

Subd. 3. Failing System. A system that discharges sewage to a cesspool and any system with less than two feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock unless the system is:

- (i) located in shoreland areas regulated under Minn. Stat. §§ 103F.201 to 103F.221;
- (ii) located in wellhead protection areas as defined in Minn. Stat. § 103I.005; or
- (iii) used in connection with food, beverage, and lodging establishments regulated under Minn. Stat. Chapter 157;

which systems require three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock; or any system posing an imminent threat to public health or safety as defined by Minn. Stat. § 115.55, Subp. 5a(b) and Minn.

Rules § 7080.0020, Subp. 19(a). Cesspools shall be deemed to constitute an imminent threat to public health pursuant to Minn. Stat. § 115.55, Subp. 5a(b)(4). Pursuant to Minn. Stat. § 115.55, Subd. 5(f), an existing system employing a seepage pit, drywell or leaching pit shall not be deemed to be a failing system for purposes of this Section 705.

Subd. 4. Technical Standards. The minimum technical standards and criteria for systems set forth in Minn. Rules §§ 7080.0020 and 7080.0060 to 7080.0176.

Subd. 5. ISTS Permit. The permit required by Section 705.05 for the installation, alteration, replacement or repair of any system within the City.

Subd. 6. System Inspector. That person who, from time to time, is designated by the City Council to implement provisions of Section 705 and Minn. Rules Chapter 7080, including but not limited to, conducting inspections of systems.

Subd. 7. Effective Date. The effective date shall be April 1, 1996.

Subd. 8. Existing System. A system which was constructed or installed prior to the effective date.

Subd. 9. New System. A system which was constructed or installed on or after the effective date.

705.03 General Provisions.

Subd.1. Applicability. All sewage generated within the City (with the exception of sewage generated by structures within the Assembly Grounds area of the City or any other portions of the City connected to a municipal sewer system) must be disposed of in conformity with this Section 705, Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080. All new systems must be located, designed, and constructed in accordance with this section, Minn. Stat. Chapter 115 and the technical standards as complying systems. All existing systems must be brought into compliance with the requirements of this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060, within the reasonable time periods set forth below in Section 705.07, Subd. 5, whenever such systems become failing systems. Failing systems must be replaced by complying systems, or may, where feasible, be upgraded, repaired or replaced so that upon completion of such upgrades, repairs, or replacement, the systems become complying systems in compliance with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060.

Subd. 2. Adoption of Technical Standards. The City hereby specifically adopts the technical standards and incorporates them into this Section 705.

Subd. 3. Complying System Required. When a new system is required, sufficient open land of suitable soil characteristics must be provided for each dwelling to allow for the location, design, and construction of a complying system which complies with this section, Minn. Stat. Chapter 115 and the technical standards. Complying systems are the only new systems permitted by this section without a variance. At the time any new system is installed, the property owner shall be encouraged to examine the availability of additional open land suitable for an alternative complying system.

Subd. 4. Lots Created After January 23, 1996. All lots created within the City after January 23, 1996 shall have a minimum of one additional soil treatment area which can support a standard soil treatment system as those terms are defined by Minn. Rules § 7080.0020, Subparts 43 and 44.

Subd. 5. Variances. When the Council finds, upon application for a permit, that, by reason of exceptional circumstances, the strict enforcement of Section 705 would cause undue hardship and that strict conformity would be unreasonable, impracticable or unfeasible under the circumstances, the City Council, in its discretion, may permit a variance upon conditions it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of this section, Minn. Stat. Chapter 115, and Minn. Rules Chapter 7080, and the intent of other applicable laws.

Subd. 6. System Activities. Any individual involved in the design, installation, alteration, repair, maintenance, pumping or inspection activities of a system must do so under a state license unless such individual is exempt from such licensing requirement under Minn. Rules § 7080.0700, Subp. 1.

705.04 Site Evaluation, System Design, and Construction. All new system site evaluations, site locations, design specifications, construction methods, and material specifications shall be in compliance with Minn. Stat. Chapter 115 and the technical standards. In addition, the minimum distance between any portion of a system and the ordinary high water level of a lake is 75 feet. The minimum distance between any portion of a system and any wetland is 25 feet.

705.05 Construction Permitting and Inspection.

Subd. 1. Construction Permits Required. No person may install, alter, repair or replace any system within the City without first obtaining a ISTS permit. No building permit for any dwelling requiring a system may be issued until the ISTS permit required by this section has been issued. The ISTS permit issued is valid for a period of 12 months from the date of issuance. ISTS permits may be issued only upon payment of a building permit fee in the amount specified under the Uniform Building Code. The ISTS permit application must include the following items:

- (a) Site evaluation records including the items listed in Minn. Rules § 7080.0110;
- (b) Design records including calculations and summaries for all system component sizings;
- (c) Information which identifies the property upon which the system is to be installed and the property owner;
- (d) Complete site evaluation report with a certified statement from the individual who prepared the report which asserts the accuracy and completeness of the report;

- (e) Design summary and drawings with a certified statement from the individual who prepared the summary and the drawings which asserts the accuracy and completeness of the summary and the drawings; and
- (f) Construction information which is relevant and applicable to the installation of the system with a certified statement from the individual who prepared the construction information which asserts the accuracy and completeness of the construction information.

If the information presented in the application for an ISTS permit changes, the ISTS permit applicant must, prior to initiating the construction or installation of a system, file an amended application for reapproval, specifically setting forth the changed conditions.

Subd. 2. Inspections Required. No part of a newly constructed system or an existing system, which has been upgraded or repaired, may be covered until it has been inspected and approved by the system inspector pursuant to Section 705.07 set forth below. It is the responsibility of the applicant to notify the City in writing at least 24 hours prior to the time an inspection is required that the system is ready for inspection or reinspection.

Subd. 3. Defect Procedure. If, upon inspection of a newly constructed or replaced system, the system inspector discovers that any part of the system is not constructed, replaced or operating in accordance with the standards and criteria of this section, Minn. Stat. Chapter 115 and the technical standards, the applicant will be given a reasonable time within which the defects must be corrected. No system may be placed in service until all defects have been corrected, an inspection made and a certificate of compliance has been issued pursuant to Section 705.07 as set forth below. An applicant will be required to pay an additional fee in the amount set forth in Section 305.02.

705.06 System Operation, Use and Maintenance.

Subd.1. Owner's Responsibility. It shall be the responsibility of each property owner to demonstrate that: (1) a system in use or existing on his property is in conformance with all requirements of this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060, if the system is an existing system, or this section, Minn. Stat. Chapter 115 and the technical standards, if the system is a new system; (2) that the system properly treats and/or disposes of the entire sewage input generated on the property; and (3) that the system is adequately and properly maintained at all times. If failing systems are found by the City, correction orders will be issued by the City requiring necessary upgrades, repairs, replacement, or discontinuation of use in strict accordance with the requirements of this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060. Failure of any owner to obey such a lawful order shall be cause for the City to initiate legal actions including condemnation of all occupancy of the property pursuant to Minnesota Statutes § 463.15 et seq.

Subd. 2. System Use. All owners using or controlling the use of any system shall use said system in a prudent manner and shall control the volume of liquid discharged into the system consistent with the design capacity. An owner shall not permit any footing or roof drainage or chemically treated hot tub or pool water to enter any part of the system.

Products containing hazardous waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning, including without limitation, solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals shall not be discharged into the system.

Subd. 3. System Maintenance.

- (a) Septic Tank and Holding Tank Pumping. An owner of a system must maintain the system in compliance with this Section 705, Minn. Stat. Chapter 115, Minn. Rules Chapter 7080 and any other manufacturing requirements. An owner of a system shall regularly, but in no case less frequently than every three years, measure or remove the accumulations of scum, which include grease and other floating materials at the top of each septic tank and compartment along with the sludge, which includes the solids denser than water. An owner of a septic tank must arrange for the removal and proper disposal of septage from all tanks or compartments in which the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle, or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. All accumulations of sludge, scum, and liquids must be removed through the maintenance hole. An owner shall install maintenance holes in sewage tanks in accordance with the technical standards to allow for maintenance to take place through the maintenance hole.
- (b) Contractor Required. All septic tank and holding tank pumping shall be performed by contractors licensed pursuant to Minn. Rules Chapter 7080.
- (c) Offsite Disposal Required. All septage removed from septic tanks or holding tanks shall be removed from the site in sealed containers and shall be disposed of in a sanitary location and manner according to the requirements of the Metropolitan Waste Control Commission. The contractor shall be responsible for such removal and disposal.
- (d) Registration Required. Each pumping of every septic tank and holding tank shall be registered with the City within 7 days of the pumping on forms provided for that purpose. The contractor shall certify to the City (1) the owners of the property, (2) the property address, (3) the date of pumping, (4) the gallons removed and (5) the location of sanitary disposal.
- (e) Installation of Manhole Covers on Existing Systems. An owner of an existing system, which is not currently accessible and serviceable by an existing manhole, shall be required to install, within a reasonable time period established by the system inspector, a manhole in the system which is sufficient in design and construction for the purposes of inspection, maintenance and pumping of the system. An owner shall be required to obtain a building permit before the installation of the manhole commences.

705.07 City Inspection Program.

Subd. 1. Inspection; classification. For purposes of insuring continued proper use and maintenance of all systems and to ensure compliance with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060, if the system is an existing system, or this section, Minn. Stat. Chapter 115 and the technical standards, if the system is a new system, and other applicable requirements, the City will cause each system to be inspected by and as often as the system inspector deems appropriate, but in all cases at least once every two years. The City will also conduct a compliance inspection prior to issuing a permit or variance for the addition of a bedroom on the property served by a system, and after the construction of a new system or after the replacement of an existing system. The system inspector will classify each system as a conforming system or a failing system. In the event that the system inspector is unable to inspect a new system before it is placed in service, the contractor which installed the new system shall submit a sworn affidavit to the system inspector which sets forth sufficient information, including, without limitation, all relevant plans, drawings and diagrams, so as to enable the system inspector to evaluate the new system and determine its compliance with this section, Minn. Stat. Chapter 115 and the technical standards and issue a certificate of compliance or a notice of noncompliance as the case may be. In the event that the system inspector is unable to inspect an existing system, the City will retain a system inspector, licensed pursuant to Minn. Rules Chapter 7080, to perform such an inspection. Any evaluation, investigation, inspection, recommendation, or other such process used to prepare a disclosure and conducted by a party who is not the property owner shall constitute a compliance inspection under Minn. Rules § 7080.0300, Subp. 6 and must be conducted in accordance with Minn. Rules §§ 7080.0315.

Subd. 2. Right of Entry. The system inspector shall have the free right of entry onto every property in the City at all reasonable times, for purposes of inspecting its system for conformity with the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060, if the system is an existing system, or this section, Minn. Stat. Chapter 115 and the technical standards if the system is a new system. Failure of any party to grant the City access for this purpose shall be grounds to classify any system as not in compliance with this section. The City Attorney will thereafter take such action as is necessary to enable the system inspector to perform the inspection and to enforce all the provisions of this section, Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080, and to assess the cost thereof against the property.

Subd. 3. Inspection Report, Certificates of Compliance and Notices of Non-Compliance. Within 7 days after the inspection of each system, the system inspector will provide the results of said inspection in writing to the owner of the system, with a copy to the City Clerk, including the classification of the system as a complying system or a failing system. The report will contain measurements of the scum, water level and sludge in the septic tank and a statement as to the condition of the baffles in the tank if the system is already in use. The report will include orders for pumping, cleaning or other maintenance as appropriate. The system inspector will issue, within 30 days after the inspection, either a certificate of compliance, if the system is a complying system, or a notice of non-compliance if (1) the system is an existing system which is also a failing system; or (2) the system is a new system which is not in compliance with this section, Minn. Stat. Chapter 115 and the technical standards. The certificate and notice shall include a certified statement from the system inspector, identifying the system type,

indicating whether the system is a complying system or a failing system, and be submitted to the City and to the owner of the system. The notice of noncompliance will include orders for upgrades, repairs or replacement, the procedure for obtaining all required permits and the deadline for completion of the ordered upgrades, repairs or replacement. The system inspector will not require the owner of an existing system that does not comply with the technical standards to make any such upgrades, repairs or replacements unless the system is also a failing system; however, the system inspector is authorized to and may require the owner to conduct any necessary maintenance, including, without limitation, routine pumping or cleaning. If such an inspection indicates that a system presents an imminent threat to public health or safety, as defined in Minn. Stat. § 155.55, Subd. 5a(b) and Minn. Rules § 7080.0020, Subp. 19(a), the notice of noncompliance must include a statement to this effect and state that the applicant must upgrade, replace, or discontinue use of the system within a time established by the City, but in no event shall such time exceed 10 months from the date that the applicant receives notice of such noncompliance. A certificate of compliance shall be valid, from the date of issuance, for a period of three years for an existing system and five years for a new system unless the system inspector, subsequent to the date of issuance, finds evidence that the system poses an imminent threat to public health or safety.

Subd. 4. Pumping. The system inspector will require each septic tank or holding tank to be pumped for the removal of septage whenever measurement of the tank indicates that the top of the sludge layer in the tank or any compartment thereof is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. In addition, the system inspector will require all holding tanks to be pumped as frequently as necessary to prevent overflowing, and will require that failing systems be regularly pumped to limit or eliminate effluent discharge until satisfactory repairs have been completed, as provided in Subd. 5 below.

Subd. 5. Correction. Subject to the provisions of Subpart (C) of this sentence and Subparts (1), (2) and (3) set forth below: (A) failing systems shall be upgraded, replaced or repaired so as to comply with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060 within a reasonable period of time not to extend past December 31 of the seventh year following the year in which the failing system in question was discovered; and (B) the use of a failing system shall be discontinued within the seven year period set forth (A) above if such failing system cannot be upgraded, replaced or repaired so as to be in compliance with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060; provided, however, that (C) the seven year period established in (A) and (B) above shall not preclude the City from requiring a system to be upgraded, replaced or repaired or the use thereof discontinued in a reasonable period of time which is less than the seven year period set forth in (A) and (B) above. Failing systems shall also have the following remedial action required, if such remedial action is necessary to bring the system into conformity with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060: (1) septic tanks requiring pumping shall be pumped within 48 hours; (2) septic tanks or systems found to be clogged, overflowing, leaking or otherwise discharging pollutants shall be pumped within 48 hours and thereafter as needed, and the system shall be upgraded, repaired or replaced so as to be in compliance with this section,

Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060 within 90 days; and (3) failing systems, which were installed between May 27, 1989 and January 23, 1996, and which are not an imminent threat to public safety or health as set forth in Minn. Stat. § 115.55, Subd. 5a(b) and Minn. Rules § 7080.0020, Subp. 19(a), which are discovered pursuant to a compliance inspection in conjunction with the application for a bedroom building permit, shall be brought into compliance with this section, Minn. Stat. Chapter 115 and Minn. Rules § 7080.0060 within five years after the date of the issuance of the bedroom building permit. All such construction, relocation, maintenance, repair, replacement or pumping shall be performed by contractors licensed pursuant to Minn. Rules Chapter 7080.

Subd. 6. Collector and Commercial Systems. The City shall order the owners or operators of collector and commercial systems, which are required to obtain and maintain a MPCA State Disposal System Permit, to cease use of the systems, within 10 days of the issuance of such an order, if the State Permit lapses. Such use shall be discontinued until reinstatement of the State Permit.

Subd. 7. Noncompliance. Failure to obey a lawful order requiring upgrades, repairs, replacement, or discontinuation of use of a system which is not in compliance with this section, Minn. Stat. Chapter 115 or Minn. Rules Chapter 7080 shall be cause for the City to enjoin the owner or occupant from further use of the system. Upon notice, the owner will have 10 days to show cause to the City why the property should not be condemned for occupancy according to Minnesota Statutes § 463.15 et. seq. In addition to, and without limiting the foregoing, upon notice to the owner and failure of the owner to immediately perform any work required under this section, the City may, but will not be obligated to, have such work performed at the owner's expense.

705.08 Administration. The provisions of this section will be administered by the City Clerk and the system inspector, who together shall coordinate all permit applications and inspection services. The City will consult with a professional engineer as appropriate with respect to review and evaluation of technical matters including system design and installation as provided herein.

705.09 Enforcement.

Subd.1. Enforcement. It is the duty of the City Clerk and system inspector to enforce the provisions of this Code and to bring any violation or lack of compliance to the attention of the City Attorney.

Subd. 2. Civil Remedies. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of this Section 705, to prevent any unlawful construction, to recover damages to restrain, correct, or abate a violation, or to prevent continued use of a system, and these remedies are in addition to all penalties provided for in this Code.

705.10 Conflicts. In the event that any term or provision of this section is in conflict with the terms or provisions of Minn. Stat. Chapter 115 or Minn. Rules Chapter 7080, the terms and provisions of Minn. Stat. Chapter 115 and Minn. Rules Chapter 7080 shall control.

SECTION 710 MANUFACTURED HOME REGULATIONS

710.01 Manufactured Home. For purposes of this Section, a “manufactured home” means any unit defined by Minnesota Statutes, Section 327.31, which is designed or can be used for living or sleeping purposes. No manufactured home may be used as an accessory building.

710.02 Registration. Except for a manufactured home which complies with all requirements of this City’s zoning code, no camper, trailer, mobile home or manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours without first registering with the Clerk, giving names, ages, addresses and occupation of each occupant of such manufactured home and the proposed length of stay of such manufactured home, and obtaining a permit from the Clerk under this Section. At the time of making the application, the applicant must pay a fee in the amount set forth in Section 305.02.

710.03 Inspection. It is the duty of the Building Inspector to inspect each manufactured home within 24 hours after notification by the Clerk’s office that application has been made by occupant. The purpose of the inspection is to determine whether information furnished on the application for permit is true.

710.04 Fire Law Inspection. The Building Inspector or his authorized representative will inspect the camper, trailer, mobile home or manufactured home and the surrounding premises to ascertain that all local and State fire laws are complied with before a permit is issued.

710.05 Required Utilities. No manufactured home may be parked and occupied for living purposes anywhere within the City for a period of more than 24 hours unless there is available during 24 hours of each day to the occupants of the manufactured home, running water, and toilet facilities on the property upon which the manufactured home is parked.

710.06 Waste Disposal. It is unlawful to permit waste water from sinks, showers, or other fixtures in manufactured homes to be deposited on any street, public path, right-of-way or any lot within the City.

710.07 Public Right of Way. No manufactured home may be parked or kept anywhere at any time in any public street, right-of-way or public ground in the City.

710.08 Temporary Occupancy. The Clerk may issue a permit for temporary occupancy of a camper, trailer, mobile home, or manufactured home subject to the following conditions:

- (a) All other requirements of this Section 710 must be met.
- (b) The unit is located on property on which a permanent residence is under construction but cannot yet be lawfully occupied, the permit may be issued to the person who will occupy the permanent residence until the permanent residence is ready for occupancy.
- (c) Except as provided in Subsection 710.08(b), the temporary occupancy may be for a period of no more than 16 days in any calendar year.

710.09 Exception. This Section does not apply to a manufactured home which meets the requirements of the City’s zoning code.