

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-159

AN ORDINANCE AMENDING TITLE V: CHAPTER 51 OF THE LAKE ELMO  
CITY CODE OF ORDINANCES REGARDING SUBSURFACE SEWAGE  
TREATMENT SYSTEMS

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title V: Public Works; Chapter 51: Waste Water Treatment Systems:**

**51.001 INTENT AND PURPOSE.**

This subchapter is adopted for the purpose of protecting the health, safety and welfare of the residents of the city through regulating the location, design, installation, use and maintenance of individual sewage treatment systems so as to prevent contamination of surface waters and groundwater.

**51.002 REGULATIONS ADOPTED BY REFERENCE.**

Chapter 4 Four of the Washington County Development Code entitled *Subsurface Sewage Treatment Systems Regulations, Ordinance #196 (the "County Regulations")*, with the exception of Sections 3.1, 3.3, 3.4, 22.10, 23, 26.3, 28.1, and 29.1 is hereby adopted by reference and made part of this Chapter. Whenever the term "Department" appears in the County Regulations, it shall mean the "Lake Elmo Planning Department." Whenever the term "County" appears in the County Regulations, it shall mean the "City of Lake Elmo" except as used in Section 3.14 of the County Regulations. Whenever the term "local unit of government" appears in the County Regulations, it shall mean the "City of Lake Elmo."

**51.003 EXCEPTIONS TO COUNTY REGULATIONS.**

(A) The following provisions are adopted in addition to the County Regulations and are more restrictive than the County Regulations:

Mound systems are not allowed for new collector systems in the OP Open Space Preservation District except to replace existing non-compliant systems.

**51.004 GENERALLY.**

*General requirements - community sewage treatment systems.*

(A) Lawful connections to community sewage treatment systems will be allowed, with a city permit.

When an existing individual sewage treatment system is failing and the property in question is near the community sewage treatment system provided that if capacity is available in all components of the community sewage treatment system.

A new connection to a community sewage treatment system will not be permitted for new construction, unless the previous structure on the property in which the new construction occurs was previously connected to the existing community sewage treatment system. In that event, a city permit is required.

(B) The fee for new connections will be determined by the city. The new user will be responsible for paying all costs to connect to the system, plus a charge to pay for previously built drainfield areas.

(C) No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any community sewage treatment system or appurtenance of the system without first obtaining a written permit from the city. This provision shall not apply to certified qualified employees performing tasks within their area of certification for which a Permit is not required. The definition of a “certified qualified employee” shall be as set forth in the County Regulations.

(1997 Code, § 700.04) (Am. Ord. 08-029, passed 9-21-2010) Penalty, see § 10.99

#### **51.005 ADMINISTRATION.**

(A) *Board of Adjustment and Appeals.*

(1) Administrative Appeals

(a) An aggrieved party may appeal a decision by the permitting authority regarding the interpretation or application of the provisions of §§ 51.001*et seq.*

(b) Appeals shall be reviewed and determined by the city’s Board of Adjustment and Appeals.

(2) Variance Procedures

(a) Requests for variances to the provisions of §§ 51.001*et seq.* shall be reviewed pursuant to the procedures and standards contained in the zoning code.

(b) No variances with respect to Sections 4.1, 4.7, 4.8, 4.9, and Sections 16.2 (1) through Section 16.2 (4) of the County Regulations will be considered or granted by the City. The City may grant a variance with respect to Section 4.8 (4) (A) of the County Regulations for replacement MSTs serving existing dwellings or other establishments.

**SECTION 2.** Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-159 was adopted on this 6<sup>th</sup> day of Dec. 2016, by a vote of 5 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

This Ordinance 08-159 was published on the 20<sup>th</sup> day of December, 2016.