

DRAFT

ORDINANCE NO. 51B

**CITY OF DELLWOOD
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE REPEALING DELLWOOD ORDINANCE 51A, THE SEWER
ORDINANCE, BY ADOPTING CHAPTER FOUR OF THE REVISED WASHINGTON
COUNTY DEVELOPMENT CODE AND REGULATING SUBSURFACE SEWAGE
TREATMENT SYSTEMS, AND ADDITIONAL PROVISIONS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELLWOOD, that Chapter
51A of the City Code regulating subsurface sewage treatment systems is hereby
repealed and that this Ordinance shall constitute the Sewer Ordinance of the City.**

**ADOPTION BY REFERENCE: Washington County Development Code Chapter
Four.**

The terms and provisions of Chapter Four of the Washington County Development
Code with effective date July 27, 2018 as amended from time to time, together with the
provisions of this Chapter 51B, shall constitute the Subsurface Sewage Treatment
Systems Regulations of the City of Dellwood.

All of the terms and provisions of said Chapter Four are hereby adopted by reference
thereto, as the Official Regulations of Dellwood, together with the following additional
provisions:

ADDITIONAL PROVISIONS.

In addition to the provisions Washington County Development Code Chapter Four, the
following provisions of this Ordinance shall apply. In case of a conflict or inconsistency,
the provisions set forth in this Ordinance shall take priority over the provisions of said
Chapter Four.

1. REQUIRED SYSTEM LAND AREA.

All subdivisions or developments must demonstrate to the City that each lot
contains not less than 10,000 square feet of designated suitable area for an
individual sewage treatment system and alternative site. This area may consist
of two non-contiguous areas of 5,000 square feet each. Each area designated
for septic system purposes shall contain at least four satisfactory soil borings and
at least two satisfactory percolation tests.

2. MAINTENANCE AND INSPECTIONS.

A.) Each year the City will cause a subsurface sewage treatment system to be
inspected by a duly licensed inspector. The inspector shall report to the City his
findings and recommendations. The City will issue to the property owner within
30 days after completion of the inspection, a Notice for all systems which in the

opinion of the Inspector constitute a potential threat to the public health or safety, or which are in need of repair or maintenance as recommended by the Inspector. Each system must have a manhole or other sufficient access for inspection or maintenance purposes.

This Annual Inspection does not constitute a Compliance Inspection as that term is defined in the Washington County Code.

The "Authorized Agent" of the City for the purposes of performing inspections under the City's Septic Sewer Ordinance shall mean the duly appointed City Sewer Inspector and the duly appointed City Building Inspector.

B.) Compliance Requirements for Existing Systems.

To be in compliance with the requirements of this Ordinance, an existing subsurface sewage treatment system must meet the requirements set forth in Chapter Four of the Washington County Development Code (Ordinance No. 206, effective July 27, 2018, as amended, entitled "Subsurface Sewage Treatment System Regulations"), subsections 4.3 (1), (2), (3), (6), (7), and (8) thereof. No more than fifteen (15) percent reduction in the vertical separation distance allowed to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

3. ENFORCEMENT AND PENALTIES.

(1) Any person found to be violating any provisions of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(2) Any person who shall continue any such violation beyond the time stated in the Notice shall be guilty of a misdemeanor punishable by law. Each day in which any violation occurs shall be deemed as a separate offense.

(3) If the violation is such as to constitute a nuisance, the City may take steps to prosecute the offense under a nuisance ordinance or statute and to abate the nuisance as provided by law.

(4) Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of that violation.

(5) Each and every sewer service charge or fee levied by the City pursuant to this Ordinance is made a lien upon the lot or premises served, and all charges which are unpaid as of October 31 of each year past due and delinquent shall be certified to the County Auditor by November 29, for collection.

THIS ORDINANCE becomes effective from and after its passage and publication.

Passed by the City Council of Dellwood on _____, 2019

Michael McGill, Mayor

Attest:

Joanne Frane, City Clerk

An approved Summary of the foregoing Ordinance No. 51B published in the White Bear Press on _____, 2019.