

**LAKETOWN TOWNSHIP  
CARVER COUNTY, MINNESOTA**

**ORDINANCE NO. 2020-02**

**AN ORDINANCE REGULATING OWNERSHIP, OPERATION AND  
MAINTENANCE OF PUBLIC SEWER SYSTEMS**

An ordinance providing for the regulation and maintenance of all publicly owned sewer systems in Laketown Township, including the “201” sewer systems constructed with U.S. Government and State of Minnesota grants under Section 201 of P.L. 97.117, Grant C271437 as well as the other publicly owned sewer conveyance systems.

THE BOARD OF SUPERVISORS OF LAKETOWN TOWNSHIP ORDAINS:

Section 1. Ordinance No. 6, Ordinance No. 6A, Ordinance No. 6B, Ordinance No. 7, Ordinance No. 97-01, Ordinance No. 2000-01, and Ordinance No. 12 of the Township of Laketown, Carver County, Minnesota, are hereby repealed.

Section 2. Definitions and Applicability

2.1. The “201” sewer system is a series of septic tanks, pumps, drainfields and conveyancing systems which were constructed with State and Federal grant assistance and are located within Laketown Township. The intent and purpose of this ordinance is to protect the health, safety and welfare of the residents of the Township in accordance with the Township’s disposal systems and where applicable national pollutant discharge elimination system permits. In addition, it will regulate the discharge of wastes into soil treatment units and associated collection systems which would have an adverse effect on the operation and maintenance of Township’s facilities and establish regulations by which publicly owned sewer systems are maintained.

2.2. The Metro Sewer system is a system of sewer mains and pumps owned and operated by the Township that conveys sewage (without the use of septic tanks) directly to the network of sewer mains and treatment plants operated by the Metropolitan Council.

2.3. Map. Systems within the Township that are subject to the regulations contained in this ordinance are those systems shown on the attached Exhibit

A, Existing Laketown Township Systems, prepared by Bolton & Menk, August 2019.

Section 3. General Requirements.

3.1 Unlawful Surface Discharge. It shall be unlawful to discharge to any natural outlet within Carver County or any area under the jurisdiction of the Township, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and applicable state law.

3.2. Unlawful Connection to Public Sewage Treatment Systems. It shall be unlawful for any person to discharge sewage from any structure to any public system without first obtaining a permit from the Township.

3.3. No expansions or new connections to “201” Systems. No expansion of existing connections or new construction of or connection to existing 201 Sewer Systems will be permitted beginning on the effective date of this Ordinance. Existing homes shall not be expanded in any way that would require additional sewage capacity. This prohibition includes the addition of bedrooms to an existing home. Due to finite capacity, existing home expansions will only be allowed with Township Engineer review and approval of available capacity. The homeowner requesting service shall be responsible for the cost of such Engineer review.

Section 4. Maintenance.

All properties which are connected to a publicly owned sewer system shall be required to participate and comply with the provisions of the foregoing maintenance requirements.

4.1. The Township shall be responsible for:

- a. The operation, maintenance and replacement of all publicly owned components of the community sewage treatment system.
- b. Public ownership shall include all components of a collector system which are purchased and constructed, in whole or in part, with State and Federal “201” grant assistance except for the septic tank. Unless otherwise provided for in this Ordinance, public ownership shall begin outside the septic wall bank

beginning with the sewage discharge line coming out of the septic system, and shall include any pumps pumping effluent from the septic tank, and the drainfield and/or soil treatment unit. The Township shall be responsible for complete operation, maintenance, repair and replacement of all publicly owned components.

- c. Township shall be responsible for inspecting the septic tank and pumping it at least every three years.
- d. Township shall be responsible for establishing a sewer use charge system to support the operation, maintenance, repair and replacement requirements.
- e. If a system is part of the Metro Sewer System that operates without the use of a septic tank the Township shall maintain that portion of the system from the outside wall of the sewer main to the point where the sewage enters into the sewer mains owned or operated by another municipality or the Metropolitan Council.

4.2. Property Owners shall be responsible for:

- a. The operation and maintenance of all plumbing lines and components that lie within the walls of the structure and from that structure to the wall bank of the septic tank if the system includes a septic tank.
- b. The property owner shall be responsible for replacement and repair of the septic tank as deemed necessary by the Township, its inspectors or Carver County officials. In cases of particular financial hardship for the property owner, the Township may enter into an agreement with the property owner for the Township to repair or replace the septic tank and to certify the cost of such work to the property taxes with interest for a period of years to be determined by the Township.
- c. In the event the property owner fails to repair or replace the septic tank within the time frame required by the Township, and fails to make acceptable arrangements with the Township for the Township to repair or replace the septic tank, the Township may repair or replace the septic tank after mailing written notice to such owner of the Township's intent to repair or replace the septic tank. In such event, the Township may certify all such costs incurred in repairing or replacing the septic tank to the

County Auditor pursuant to Minn. Stat. 366.012 or Minn. Stat. 444.075 for collection with the property taxes on such property.

- d. The operation and maintenance of all plumbing lines and components that lie within the walls of the structure and from that structure to the outside wall of the sewer main if the system does not include a septic tank.
- e. Paying the cost of electricity for operating the effluent pump if such pump is connected to the user's electrical system.
- f. Maintenance of the ground surface on the property which overlies the sewer system except over public rights of way where the Township has improved such rights of way. Property owner maintenance shall include but be not limited to landscape plantings, hardscape, structures or driveways that are installed over sewer components.
- g. Informing the Township of any sewer system problems.
- h. Making timely payments of the user charges established by the Township.
- i. Providing access to the Township or Township's agents for the purpose of performing inspection and operation, emergency functions, maintenance and replacement required under this Ordinance,
- j. If property owner's system is connected to the Metro System and does not utilize a septic tank, said Owner is responsible for the sewer line coming out of the house until it connects to the sewer main located in the adjacent street, provided, however, that no owner shall excavate within the right of way without first obtaining the written permission of the Township.

4.3. Maintenance Inspections. Maintenance inspections shall be performed annually by the Township no less than once every three years by a certified and licensed professional inspector or installer who shall report such inspection and findings to the Township. Such inspection shall include, but is not limited to:

- a. Inspection of effluent levels in soil treatment systems which are provided with inspection wells.
- b. Inspection of pumps and pump stations when included as part of the sewer system.
- c. Inspection of distribution devices, valve boxes and drop boxes.
- d. Inspection of tanks for cracks.

4.4 Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of draining, the owner or person having charge of the service connection shall repair or cause such work to be done as the Township may direct. Each day after three (3) days that a person neglects or fails to so act shall constitute a separate violation of this subsection, and the Township may then cause the work to be done, and recover from the owner or agent the expense thereof, together with a ten percent service charge. In the event such costs are not timely paid, the Township may recover such costs via certification of such costs to the property taxes of the property that benefitted from such work pursuant to the authority of Minn. Stat. §366.012.

4.5. In the event that the owner or occupant causes any Township sewer main or pump to become plugged, such owner shall be responsible for reimbursing the Township for costs incurred in clearing the obstruction.

#### Section 5. Prohibitions Against Damaging Systems and Drainfields.

No unauthorized person shall maliciously, willfully or negligently break, damage destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of a publicly owned sewer system. In the event a person so damages any portion of the publicly owned sewer system, such person shall be responsible for all costs incurred by the Township in repairing such damage, and such costs may be recovered in any lawful manner, including via certification of such costs to the County Auditor pursuant to Minn. Stat. 366.012.

#### Section 6. Storm water not permitted in publicly owned sewer systems.

6.1. It shall be unlawful for any owner, occupant, or user of any premises to direct into or allow any stormwater, surface water, or ground water to drain into the publicly owned sewer system of the Township. This includes water from any roof, surface or ground sump pump, foundation drain, or swimming pool. Dwellings and other buildings and structures which require a sump pump system to discharge excess water shall have a permanently-installed discharge line which shall discharge water to the ground on the

exterior of the building and shall not at any time discharge water into the sanitary sewer system except as provided herein.

6.2. A permanent installation shall be one which provides for year-around discharge capability to either the outside of the dwelling, building, or structure, or is connected to the Township storm sewer system. It shall consist of a rigid discharge line without valving or quick connections for altering the path of discharge and include a check valve if connected to the Township storm sewer line.

6.3. Inspection. Every person owning improved real estate that discharges into the publicly owned sewer system shall allow an employee of the Township or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system.

6.4. Non-compliance. Within 30 days of initial inspection, any person, firm, or corporation having a roof, surface or ground sump pump, foundation drain, or swimming pool and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective and workmanlike manner. Any person refusing to allow his or her property to be inspected shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this section shall make the necessary changes to comply with this section within 30 days of the initial inspection.

6.5. Future inspections. At any future time, the Township may conduct random inspections if the Township has reason to suspect that an illegal connection exists on a property to ensure compliance with this section.

6.6. New construction. A sump pump and rigid pipe discharge connection to the outside shall be required on all new construction within the Township where a ground water drainage system is part of the construction plans.

6.7. *Single-family unit surcharge.* A surcharge of \$100 per month is hereby imposed and added to every sewer billing to property owners who are not in compliance with this Section 6 within 30 days of initial inspection. This surcharge is in addition to any other penalties that may be incurred under this subchapter. Should a property owner be found to be in compliance with this section and during a subsequent inspection be found to have reconnected an illegal source to the sanitary sewer, the surcharge as listed

in the fee schedule ordinance will be applied for all months between the previous two inspections.

## Section 7.

7.1 Prohibited Discharges: No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which, by reason of their nature or quantity, are or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion, or be injurious in any other way to the treatment facilities or to the operation of the system.
- b. Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving wastes of the wastewater treatment works. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the clean water act and revisions thereof.
- c. Any waters or wastes having a pH lower than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities and/or wastewater treatment works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, flushable wipes, feminine hygiene products, prophylactics, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., and either whole or improperly ground garbage.

7.2. Restricted Discharges: The following described substances, materials, waters, or wastes shall be limited in discharges to publicly owned sewer systems to concentrations or quantities which will not harm either sewers, wastewater treatment works, treatment process or equipment, will not have an adverse effect on the receiving stream, and/or soil, vegetation and ground water, or will not otherwise endanger lives, limbs, or public property, or constitute a nuisance. The designated Township maintenance personnel may set limitations lower than limitations established in this subsection if, in their opinion, such more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, such personnel will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment works, the Town NPDES and/or SDS permits and other pertinent factors. The limitations or restrictions on materials or characteristics of water or wastewater discharged to the sanitary sewer which shall not be violated without approval of the such maintenance personnel are as follows:

- a. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65 degrees Celsius).
- b. Wastewater containing more than twenty five milligrams per liter (25 mg/l) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- c. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F) (0 degrees Celsius and 65.6 degrees Celsius).
- d. Any waters or wastes containing lead, chromium, copper, zinc, mercury, boron, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.
- e. Any waters or wastes containing odor producing substances, inert suspended solids, wastes with objectionable colors or noxious waters exceeding limits which may be established Township maintenance personnel.



- f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- g. Quantities of flow, concentrations, or both, which constitute a "slug" defined as any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the water reclamation plant.
- h. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
- i. Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by contract between the Town and any user which will provide for special charges, payment or provisions of treating and testing equipment in accordance with this chapter.

**Section 8. Violations and Penalties.**

Any person(s) violating this provision shall be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 30 days. Each day that a violation continues shall constitute a separate offense. Any person(s) violating any provisions of this Ordinance shall be liable to the Township for any expense, loss or damage incurred by the Township by reason of such violation(s).

Section 9. This ordinance shall be in effect upon its passage and publication as required by law and shall repeal all prior inconsistent ordinance provisions.

**ADOPTED** this 27 day of July, 2020, by the Board of Supervisors of Laketown Township.

/s/ Michael Klingelutz  
Chair, Michael Klingelutz

ATTEST:

/s/ Melissa Lano  
Clerk, Melissa Lano