

OTTER TAIL COUNTY
SANITATION CODE
for
SUBSURFACE SEWAGE TREATMENT SYSTEMS

Incorporating by Reference
Minnesota Rules
Chapters 7080, 7081, 7082, and 7083

Adopted June 13, 2023
EFFECTIVE DATE: January 1, 2024



OTTER TAIL
COUNTY - MINNESOTA

LAND & RESOURCE
Government Services Center
540 West Fir Avenue
Fergus Falls, MN 56537

SECTION 1 TITLE, PURPOSE, AND INTENT**Title**

This ordinance shall be known as the Sanitation Code of Otter Tail County and shall regulate the location, design, installation, use and maintenance of subsurface sewage treatment systems in all areas of Otter Tail County (hereinafter referred to as County) other than cities, townships and other local units of government that have adopted ordinances that comply with Minnesota Statute [§115.55](#) and are as strict as this ordinance. This ordinance is authorized under Minnesota Statute [§115.55](#) and Minnesota Statute [§145A](#).

Purpose and Intent

This ordinance is adopted for the following purposes:

- To protect the public health, safety, and general welfare by the discharge of adequately treated sewage to the groundwater via the proper location, design, installation, use, and maintenance of individual sewage treatment systems (ISTS) and midsize subsurface sewage treatment systems (MSTS).
- These environmental protection standards shall be adopted county wide and administered by the Land and Resource Management office or local units of government as directed by Minnesota Rules, Chapter [7082](#), and Minnesota Statute [§115.55](#).
- This ordinance regulates all subsurface sewage treatment systems (SSTS) as defined in Minnesota Rules, Chapter [7080](#). This ordinance does not regulate systems that will not receive sewage as defined in Minnesota Rules, Chapter [7080](#). If systems receive both sewage and nonsewage, the requirements of this ordinance apply, plus any additional requirements governing the nonsewage portion of the wastewater.
- Systems serving two or more dwellings, systems serving other establishments that serve over 20 persons, and systems receiving nonsewage are also regulated under Code of Federal Regulations, [title 40, parts 144 and 146](#).
- This ordinance does not allow systems to discharge to the ground surface or surface waters. Those systems require a National Pollutant Discharge Elimination System permit.
- Technology and products employed in system design shall adequately protect the public health and the environment as determined by Minnesota Rules, Chapter [7083](#), and be approved for use by Land and Resource Management or local unit of government.

Standards Adopted By Reference

The County hereby adopts Minnesota Rules, Chapter [7080](#), [7081](#), [7082](#) and [7083](#) as now constituted and from time to time amended, except as those rules are modified by provisions of this ordinance.

SECTION 2 DEFINITIONS**Certain Terms.**

For the purposes of this ordinance, certain terms or words used are interpreted as follows: the words “shall” and “must” are mandatory and the words “should” or “may” are permissive.

For the purpose of this Ordinance, the certain words and phrases are defined as follows:

Subp. 1. **Administrative Officer.** “Administrative Officer” means the Director of the office of Land and Resource Management of Otter Tail County.

Subp. 2. **Permit.** “Permit” means a permit issued for the installation, replacement, repair, alteration, extension, or operation of an SSTS.

Subp. 1. Administrative Scope

This ordinance shall apply and be in effect in all areas of Otter Tail County other than cities and townships that have adopted ordinances that comply with Minnesota Statute [§115.55](#), Minnesota Rules, Chapter [7082](#), and are as strict as this ordinance. The Otter Tail County Land and Resource Management office shall be the administrator of these regulations. SSTS must be designed, constructed and operated according to this Ordinance.

Subp. 2. Qualifications

SSTS, including both ISTS and MSTS, must be designed, installed, inspected, operated and maintained by appropriately licensed businesses and certified individuals according to Minnesota Rules, Chapter [7083.0700](#) and any other applicable state requirements. A property owner that does not currently hold an Installation License as described in Minnesota Rule, Chapter 7083.0760 is prohibited from installing an SSTS.

Subp. 3. Federal Regulations

SSTS that are designed to receive sewage or nonsewage from a two family dwelling or greater or receive sewage or nonsewage from an other establishment that serves more than 20 persons per day, are regulated by the United States Environmental Protection Agency as Class V injection wells under Code of Federal Regulations, title 40, parts [144](#) and [146](#). Code of Federal Regulations, title 40, parts [144](#) and [146](#), prescribe additional design regulations applicable to certain systems designed under this ordinance. In addition, single family dwellings that receive nonsewage wastewater are regulated by those federal regulations. All systems that receive hazardous wastes are regulated by the Environmental Protection Agency as Class IV injection wells. Disposal of hazardous waste must be according to state and federal regulations. The owner or owner's agent of a new or replacement system classified as a Class V injection wells shall submit to the commissioner of the MPCA and the United States Environmental Protection Agency the inventory information specified in the Code of Federal Regulations, title 40, section [144.26](#). All Class V injection wells must be identified as such in property transfer disclosures. All septage generated from SSTS must be treated and dispersed according to applicable standards for septage in Code of Federal Regulations, title 40, part [503](#), and any local requirements.

Subp. 4. Variance Procedures

- A. The Otter Tail County Board of Adjustment shall have the exclusive authority to issue variances from the requirements of this ordinance. Variances shall only be granted when the applicant of the variance demonstrates that the strict enforcement of any provision of this ordinance would cause an undue hardship and practical difficulty or that the strict conformity with the standards in this ordinance would be unreasonable. Minnesota Rules, Chapter [7080](#) prohibits a variance from Minnesota Rules, Chapter [7080.2150, Subp. 2](#), items A to D. Minnesota Rules, Chapter [7081](#) prohibits a variance from Minnesota Rules, Chapter [7081.0080, Subp. 2 to Subp. 5](#).
- B. The applicant for a variance shall file a complete Variance Application in the office of the Land and Resource Management office not less than 21 days prior to the next scheduled meeting of the Board of Adjustment and pay a fee as indicated on the Fee Schedule when the application is filed. Each application for variance shall be accompanied by a scale drawing and seven (7) copies of the area under consideration. The drawing shall also indicate all setback distances in feet. In addition, the applicant must provide his (or next closest) E-911 address. In absence of such number, detailed directions to the property must be provided with the application.
- C. When administrative staff and Board of Adjustment members may not be able to view the property for which a variance is requested, due to snow cover, it may not be possible to meet the legal requirement to take final action within 60 days of receipt of a completed Application. Therefore, an Applicant shall be required, as part of completing the application process in the months of October through March, to indicate by written acknowledgment whether the Applicant is willing to waive the 60-day time limit and allow time for the Board of Adjustment to view the property, if necessary. The acknowledgment shall inform the Applicant that the absence of a waiver of the 60-day requirement may leave the Board of Adjustment no

alternative but to deny the Application. Circumstances may require the Board of Adjustment to cancel its regular meeting in one or more of the months of January through April. If meetings are canceled, no Application for a Variance will be accepted as final until 21 days prior to the next scheduled meeting of the Board of Adjustment.

- D. Within 3 days of making an application for a variance the applicant shall stake the lot lines, road right-of-ways, and area under consideration and post the name and address in a clearly visible location on the property. The Administrative Officer shall refer the application to the Board of Adjustment. The Board of Adjustment shall consider the application at its next regular meeting at which time is available, following compliance with the provisions of notice above specified.

Subp. 5. Adherence to these standards

All SSTS installed subsequent to the adoption of this ordinance and all alterations, extensions, modifications or repairs to existing systems irrespective of the date of original installation shall be regulated in accordance with all requirements of this ordinance.

Subp. 6. Work done without a permit

Where work requiring a permit under this ordinance has commenced without first having obtained such permit, work shall be ordered to stop by Land and Resource Management until all required permits have been approved and issued.

Subp. 7. Authorized access

To enforce this ordinance, Land and Resource Management may enter on to a property or place where there is reason to suspect that an SSTS is failing to protect groundwater or is an imminent threat to public health and safety.

Subp. 8. Permit fees

Fees for permits, operating permits, inspections required, or services rendered under this ordinance shall be set by the Otter Tail County Board of Commissioners.

SECTION 4 COMPLIANCE CRITERIA

Subp. 1. Treatment Required

Sewage discharged from a dwelling, group of dwellings, or other establishment that is not served by a system issued a permit by the agency that contains effluent and discharge limits or specific monitoring requirements must be treated according to applicable requirements.

Subp. 2. Compliance Criteria for New Construction

An SSTS regulated under a current construction permit is considered compliant if it meets the applicable requirements of Minnesota Rules, Chapter [7080.2150](#) to [7080.2400](#).

Subp. 3. Compliance Criteria for Existing Systems

- A. To be in compliance, an existing SSTS must meet the provisions of this subpart.
- B. The SSTS must be protective of public health and safety. A system that is not protective is considered an imminent threat to public health or safety. At a minimum, a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified employee inspector or licensed inspection business.
- C. The SSTS must be protective of groundwater. A system that is not protective is considered a system failing to protect groundwater. At a minimum, a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical

separation distance described in item E; and a system not abandoned in accordance with Minnesota Rules, Chapter [7080.2500](#). A determination of the threat to groundwater quality for other conditions must be made by a qualified employee or licensed inspection business.

- D. The SSTS must be operated, meet performance standards, and be managed according to its operating permit.
- E. SSTS must have at least a threefoot vertical separation or a vertical separation in compliance with Minnesota Rules, Chapter [7080.2350, Subp. 2](#) Table XI. No more than 15 percent reduction in the vertical separation distance is allowed to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.
- F. The licensed Inspection business must consult with Land & Resource staff before conducting an inspection of an existing system for an SSTS built after February 4, 2008 to determine if soil separation must be considered during the inspection.
- G. If Land & Resource makes the decision per Paragraph (F) that MN Rule 7082.0700, Supb. 4 (B)(2) has been met and soil separation does not need to be determined, and the licensed inspection business decides to conduct soil observations to determine soil separation, the licensed inspection business must contact Land & Resource and schedule a time for a qualified employee with the County to conduct the soil observation alongside the licensed inspection business.
- H. The vertical separation measurement for items D and E must be measured outside the area of system influence in an area of similar soil. The distance that the soil observation was conducted from the soil treatment area must be represented on the site plan included with the Compliance Inspection Form.
- I. A compliance inspection for a system that serves an Other Establishment must include the results of a waste strength test conducted by a business holding a current license with the MPCA as a Service Provider in accordance with Minnesota Rules, Chapter [7083.0780](#).
- J. The compliance inspection form must include a site plan in accordance with Section 5, Subp. 4 (B) showing the location of the existing subsurface sewage treatment system.

Subp. 4. Upgrade Requirements

- A. An existing SSTS which is found to be an imminent threat to public health and safety as described in Subp. 3 (B) must be:
 - 1) Abated to no longer be an imminent threat to public health and safety within ten (10) days; and,
 - a. Repaired, replaced, upgraded or its use discontinued within 90 days; or,
 - b. Repaired, replaced, upgraded or its use discontinued by the next June 1 if the system is found to be an imminent threat to public health and safety between November 15 and April 15.
- B. An existing SSTS which is found to be failing to protect groundwater must obtain an SSTS permit within 12 months and must be replaced or otherwise brought into compliance within 24 months of notice and order to comply from the County
- C. A system that serves an other establishment that is deemed compliant, but has a waste strength test that demonstrates that the effluent exceeds waste standards set forth in Minnesota Rules, Chapter [7081.0130](#), Subp. 2 must:
 - 1) Get an operating permit with a stipulation that the system be inspected by a service provider at a frequency reviewed and approved by Land and Resource Management; and,
 - 2) The existing system must be modified to allow for flow measurement.

Subp. 5. Upgrade Requirements

- A. MSTs in compliance with this part shall be issued a certificate of compliance. Systems found not in compliance with this part shall be issued a notice of noncompliance.
- B. MSTs issued a notice of noncompliance based on criteria in Minnesota Rules, Chapter [7081.0080, Subp. 3](#) shall be repaired or replaced in accordance with Section 4, Subp. 4 (A) of this ordinance.
- C. MSTs issued a notice of noncompliance based on criteria in Minnesota Rules, Chapter [7081.0080, Subp. 4](#) and Subp. 5 shall be repaired or replaced in accordance with Section 4, Subp. 4 (B) of this ordinance.
- D. MSTs issued a notice of noncompliance based in criteria in Minnesota Rules, Chapter [7081.0080, Subp. 6](#)

must immediately be maintained, monitored, or managed according to the operating permit.

SECTION 5 PERMITS

Subp. 1. Permit requirements

No construction of a structure requiring sewage disposal shall be allowed by any local unit of government until a permit for the installation of an SSTS has been issued.

Subp. 2. Compliance inspection of existing system

No additions, enlargements, improvements, or remodeling of a structure, or alterations that would affect the water use, such as bedrooms, bathrooms, or additions to living space shall be allowed until the SSTS has been determined to be both adequate in size and compliant or a permit has been issued to upgrade or replace the SSTS to accommodate the addition. New structures on a parcel that do not have running water, such as an accessory structure, do not require a compliance inspection on the SSTS before a permit is issued for the structure.

Subp. 3. Permit required

A construction permit for an SSTS is required in the following instances:

- A. All new installation of sewage tanks, soil dispersal and treatment areas, and components thereof;
- B. All repair, remediation or rejuvenation, extension, replacement or modification of existing systems and components;
- C. Any change in use of a facility served by an SSTS where waste strength or flow is to increase as determined by Land & Resource or a licensed designer; or,
- D. A system being abandoned so the structure can be connected to a municipal sewage treatment facility.

Subp. 4. Permit application

Permit applications shall be made on forms provided by Land and Resource Management and shall contain data, including, but not limited to, the following to be considered a completed permit application:

- A. Correct legal description of the property, including Property Identification Number;
- B. Site plan, drawn to scale with a north arrow, showing the location of all proposed and existing structures, property lines, water supply wells within 100 feet, terrain features, such as blufflines, water bodies or water ways, buried utilities, easements, and other unique features of the site;
- C. Design calculations using the most current version of the design forms furnished by the University of Minnesota;
- D. Soil test data, including soil boring logs, percolation test data with field notes (where required) and location and identification of test area.
- E. Plans and details of the proposed installation of work, including final design.
- F. A declaration of the number of bedrooms by the owner or owner's agent must be on the management plan.
- G. For other than dwellings, calculated or measured water use rates, occupancy and occupant load.
- H. Where deemed necessary, a property survey may be required identifying corners and lines and other items such as elevations, contour lines, ordinary high water levels, and ten (10) year and one hundred (100) year flood elevations as applicable.
- I. Evidence of compliance with state or other jurisdiction regulations where applicable.
- J. A management plan for the proposed system, as described in Minnesota Rules, Chapter [7082.0600 signed by the property owner](#).

Subp. 5. Requirements for Permit Issuance

No permit will be issued until a detailed system design is submitted for the current proposed construction, including site plan, a management plan, current soil observations by a licensed designer and a verification soil observation log conducted by Land and Resource Management staff.

Subp. 6. Permit time limit

Permits shall be valid upon issuance and shall continue for a period of one (1) year. After one (1) year, the permit

may be renewed if no changes are proposed for an additional 12 months. Such renewal shall require reapplication and payment of the established renewal fee prior to the permit expiration date. If a permit is past its expiration date, the permit will be nullified and a new permit application must be submitted to the department for review and approval.

Subp. 7. Permit revocation

Permits issued under this ordinance may be revoked upon written notice by Land and Resource Management when such permit has been issued based on erroneous or inaccurate data supplied by the applicant or erroneous interpretation of the law by Land and Resource Management.

Subp. 8. Site Protection

No permit will be issued until the proposed soil treatment and dispersal area is adequately protected from disturbance, compaction, or other damage. Final plats will not be processed for final approval until the proposed soil treatment and dispersal area on each lot is adequately protected from disturbance, compaction, or other damage by use of iron posts and snow fence, or other effective method of protection approved by the Land and Resource office.

SECTION 6 OPERATING PERMITS**Subp. 1. Operating permit required.**

Operating permits are required for the following systems:

- A. Type IV Systems
- B. Type V Systems
- C. All new MSTs
- D. A food, beverage and lodging establishment on a holding tank
- E. A system that serves a food and beverage establishment after a change of ownership.

Subp. 2. Operating permits issued.

Operating permits will be issued by Land and Resource Management.

Subp. 3. Operating permit criteria.

Operating permits may include:

- A. Maintenance requirements, including frequency of maintenance;
- B. Operational requirements;
- C. Monitoring requirements;
- D. A requirement that the permittee notify Land and Resource Management when permit requirements are not met. Corrective actions must be taken as directed by Land and Resource Management;
- E. Disclosure of the location and condition of the additional soil treatment and dispersal system; and
- F. Any other requirement determined by Land and Resource Management necessary to ensure that public health and the environment are being adequately protected.

Subp. 4. Operating Permits

SSTS for which an operating permit has been issued, must be operated in accordance with the operating permit.

SECTION 7 INSPECTIONS**Subp. 1.Required inspections**

Inspections to determine compliance with this Ordinance shall be performed by Land and Resource Management or its authorized agent in the following circumstances:

- A. Site inspections to verify and evaluate soil and site conditions and to determine the suitability of soils and system design prior to permit issuance.
- B. Investigations to determine compliance of existing systems at the time of remodeling, of alteration, or of additions to a dwelling or other establishment.
- C. For all new SSTS construction or replacement.
- D. Type III Systems and require a minimum of three construction inspections:
 - 1) When the disturbed soil has been removed, but prior to placement of the sand fill. Enough of the proposed sand fill must be present to be viewed.
 - 2) After placement of rock and piping, but prior to cover.
 - 3) When the system is completed.

Subp. 2.Time of inspections.

Installation inspections shall be made by Land and Resource Management prior to any work being covered by backfill.

Subp. 3.Inspection scheduling.

The licensed installation business shall notify Land and Resource Management by 4:00 PM the business day before the SSTS installation is ready for inspection or reinspection. The licensed design business shall notify Land and Resource Management by 4:00 PM the business day before for a soil verification inspection.

Subp. 4.Work backfilled before inspection.

Work which is backfilled prior to a required inspection may be ordered to be uncovered whenever Land and Resource Management deems it necessary to determine compliance.

Subp. 5.Correction orders.

If upon inspection any part of the system is determined not to be in compliance with this Ordinance, notice shall be provided by Land and Resource Management to the owner or owner's agent indicating the deficiency and the required corrections. Noted deficiencies shall be properly corrected and reinspected before any other work on the project is continued.

Subp. 6.System placed into service

No system shall be replaced or placed in service until a final inspection has been completed and the system installation has been approved.

Subp. 7.Land and Resource Management access.

The owner or occupant of a property shall provide access at a reasonable time to Land and Resource Management or its authorized agent for the purpose of performing inspections required under this Ordinance.

Subp. 8.As-builts.

The licensed Installation business, upon completion of installation, shall file with Land and Resource Management as-built forms and drawings indicating the location of system components dimensioned from a permanent reference point within 30 days.

Subp. 9. Compliance Inspections; Existing Systems

- A. A compliance inspection of an existing system must be conducted:
 - 1) Prior to the transfer of any real property, unless the existing system has been issued a Certificate of Compliance in accordance with Minnesota Rules, Chapter [7082.0700, Subp. 3](#) within the last 5 years.
 - 2) When deemed necessary by Land and Resource Management to ascertain the compliance of an existing system.

Subp. 10. Point of Sale Inspection of Existing System

No owner, or other person acting with legal authority on behalf of an owner, of a tract of land upon which a dwelling, or a structure requiring an SSTS, shall convey to another party said tract of land, unless all of the following requirements are met:

- A. A currently valid Compliance Inspection Form shall be submitted to the County with the property transfer. If a currently valid Compliance Inspection Form is not submitted to the County, the buyer shall submit a currently valid Compliance Inspection Form to the County within 30 days of the property transaction, and is responsible for any required upgrade should the system be found to be noncompliant.
- B. An Otter Tail County Sewage Treatment System Property Transfer Form shall be signed by the buyer(s) and filed with the Otter Tail County Auditor at the time of sale or transfer of the property.
- C. Failure to submit a currently valid Compliance Inspection Form for an Otter Tail County Sewage Treatment System Property Transfer Form shall result in any future permits for the site to be denied until a completed Compliance Inspection Form has been submitted to the County.
- D. A Compliance Inspection Form and an Otter Tail County Sewage Treatment System Property Transfer Form is not required to be filed with the Otter Tail County Auditor's office at the time of sale or transfer of property if any of the following conditions exist:
 - 1) The property to be transferred has no structures usable for human habitation;
 - 2) The property to be transferred has no buildings with plumbing fixtures;
 - 3) The dwelling is served by:
 - a) A municipal sewer;
 - b) An MSTs that meets Minnesota Rules, Chapter [7081](#);
 - c) A system that has a State Disposal System (SDS) permit, or a National Pollutant Discharge Elimination System (NPDES) permit;
 - 4) The sale of land is exempt from the requirements that a Certificate of Real Estate Value (CRV) be filed with the Otter Tail County Auditor's office;
 - 5) The transfer is a foreclosure or tax forfeiture;
 - 6) The system is less than 5 years old and has been issued a Certificate of Compliance by Land and Resource Management in accordance with MN Statute [§115.55, Subp. 5](#).
 - 7) The system received a Certificate of Compliance from an existing system inspection within 3 years in accordance with MN Statute [§115.55, Subp. 5](#).
- E. If transfer of real property occurs between November 15 through April 15, the buyer shall submit a Compliance Inspection Form to the County by the following June 1. The buyer is responsible to upgrade, repair, or replace the SSTS if the system is found to be noncompliant.
- F. If transfer of real property occurs between April 16 and November 14 without a compliance inspection of the existing SSTS submitted to the Land and Resource Management, the current owner must provide Land and Resource Management with the results of a compliance inspection within 30 days of notice from Land and Resource Management.

Subp. 11. Periodically Saturated Soil Disagreements

- A. If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in Minnesota Rules, Chapter [7082.0700, Subp. 5](#).

SECTION 8 SITE EVALUATION AND SOIL TESTING**Minimum Size, Soil Treatment Area.**

For new subdivision or lot approval testing, enough soil observations must be conducted to ensure that a enough area exists for a primary and secondary soil treatment area for a Type I system. This tested area must be a minimum of 5,000 square feet. On previously platted lots that have not been developed, enough area of suitable soil must be identified for two Type I soil treatment and dispersal areas. Percolation tests are not required for subdivision or lot approval testing unless the permeability cannot be estimated or there is reason to believe the soil is not original soil or has been disturbed.

SECTION 9 SEWAGE FLOW DETERMINATION**Subp. 1.Design flow.**

The estimated design flow for any dwelling must provide for at least two bedrooms. The minimum flow rate for each non-dwelling served by an SSTS is 150 gallons per day.

Subp. 2.Design Flow for Dwellings

The estimated design flow for dwellings is determined by Table I. For more than six bedrooms, the design flow is determined by multiplying the number of bedrooms by 150 gallons per day.

Table I	
Number of Bedrooms	Gallons Per Day
2	300
3	450
4	600
5	750
6	900

SECTION 10 FINAL TREATMENT AND DISPERSAL**Subp. 1.Setbacks**

- A. This provision only applies to a lot that meets all the following:
 1. The lot is a substandard lot that was created before October 15, 1971;
 2. The lot currently has a dwelling that was built before April 1, 1996; and,
 3. There is insufficient area to meet setbacks in Table II.
- B. For a lot that meets the conditions in Paragraph A of this subpart
 - 1) The setback to a building or structure for a sewage tank or soil treatment and dispersal area shall be the greatest distance possible, by meeting all other setback requirements, and in no case less than 50% of the setback distance listed for a building or structure in Table II.
 - 2) The setback to a road right-of-way for a sewage tank or soil treatment area shall be the greatest distance possible, by meeting all other setback requirements, and in no case less than 50% of the setback distance listed for a road right-of-way in Table II.
 - 3) The setback from the OWHL of a lake listed in Appendix A of the Shoreland Management Ordinance or a river in Appendix B of the Shoreland Management Ordinance for a sewage tank or soil treatment area shall be the greatest distance possible, by meeting all other setback requirements, and in no case less than fifty (50) feet from the OHWL.
 - 4) The setback to a property line for a sewage tank only shall be the greatest distance possible, by meeting all other setback requirements, and in no case less than 50% of the setback listed for a tank to a property line in Table II.

- C. No part of the required berming for an above-ground soil treatment area can be closer than 50% of a required setback in Table II.
- D. The Land and Resource Management office has discretion over the application of this exemption.
- E. This provision cannot be used for a property that tears down and rebuilds an existing dwelling.
- F. The property owner must request the application of this provision.
- G. A written agreement between the road authority and the property owner, signed by both parties, must be obtained prior to the application of this exemption regarding the setback to a road right-of-way.
- H. A survey of the property conducted by a licensed surveyor may be required in accordance with Section 5, Supb. 4 (H).

Table II Minimum Setback Distances (feet)

Feature	Sewage Tank, Holding Tank, or Sealed Privy*	Soil Treatment and Dispersal Area or Unsealed Privy*
Water supply well less than 50 feet deep and not encountering at least 10 feet of impervious material	50	100
Any other water supply well	50	
Buried pipe distributing water under pressure	10	
Occupied buildings and buildings with a basement or crawl space	10	20
Non-occupied structures, deck footings	10	10
Top of Bluff	30	
Property Line	10	
Road Right-of-Way	10	
Ordinary high water level of:**		
Natural Environment Lake	150	
Recreational Development Lake	75	
General Development Lake	50	
Transition River Segments	100	
Urban & Tributary River Segments	75	
Agricultural River Segments	75	

*A privy must meet the structure setbacks as set forth in the Shoreland Management Ordinance.

** Setbacks from lakes, rivers and streams are governed by Minnesota Rules, Chapter [6105](#) and [6120](#)

Subp. 2. Methods to Determine Soil Hydraulic Loading Rates

The system's absorption area and mound absorption ratio must be sized according to Table IX or IXa of Minnesota Rules, Chapter [7080.2150](#)

SECTION 11. TYPE II SYSTEMS

Subp. 1. Systems in floodplains

SSTS in floodplains must meet Minnesota Rules, Chapter [7080.2270](#)

Subp. 2. Holding Tanks

Holding tanks must meet Minnesota Rules, Chapter [7080.2290](#) and are allowed in any of the following situations:

- A. The parcel was created prior to January 1, 2020.
- B. Seasonal dwellings that are occupied for 180 days per year or less
- C. A recreational camping unit

- D. An existing residential lot created before January 1, 2020 that does not have sufficient area for a soil treatment area
- E. An accessory structure
- F. For an Other Establishment

Subp. 3. Maintenance Contract

The owner of a holding tank must provide Land and Resource Management with a contract signed by the owner and a licensed maintenance business to provide maintenance services when needed, except as specifically exempted under Minnesota Statute [§115.56, subdivision 2](#), paragraph (b), clause (3). The contract must guarantee the removal of the tank contents before overflow or any discharge.

Subp. 4. Minimum Holding Tank Sizing

The minimum size for a new holding tank is 1,500 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity for a new holding tank shall be at least 1,500 gallons or five times the design flow, whichever is greater. Tank sizing for floodplain areas must be calculated according to Minnesota Rules, Chapter [7080.2270, subpart 10](#).

SECTION 12 TYPE III SYSTEMS

A Type III System, as described in Minnesota Rules, Chapter 7080.2300, may be used on a previously developed site only when a Type I system cannot be installed.

SECTION 13 TYPE IV & TYPE V SYSTEMS

A Type IV or Type V System, as described in Minnesota Rules, Chapter 7080.2350 and 7080.2400, respectively, may be used on a previously developed site only when a Type I or Type II system cannot be installed or is not the most suitable treatment. Type IV Systems may be allowed for an undeveloped lot only when two Type I soil treatment and dispersal areas as described in Section 8 have been identified on the lot in addition to the area utilized by the Type IV soil treatment and dispersal area.

SECTION 14. MAINTENANCE**Subp. 1. Management Plan Required**

All new and replacement SSTS must be operated in accordance with Minnesota Rules, Chapter [7082.0600](#).

Subp. 2. General.

SSTS and all components must be maintained in compliance with Minnesota Rules, Chapter [7080.2450](#) and manufacturer requirements.

Subp. 3. Reporting

A completed pumping record must be provided to the Land and Resource Management office within ninety (90) days of the maintenance activity.

SECTION 15. SYSTEM ABANDONMENT

All systems with no future intent for use must be abandoned according to Minnesota Rules, Chapter [7080.2500](#)

All product registration shall be in accordance with Minnesota Rules, [7083.4000](#) to [7083.4120](#)

SECTION 17. ENFORCEMENT

Subp. 1.Misdemeanor

It is hereby declared unlawful for any person, firm or corporation to violate any term or provision of this Ordinance. Any violation of this Ordinance shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

Subp. 2.Corrective Actions Required

In the event of a violation or threatened violation of this ordinance, Land and Resource Management may institute appropriate civil actions including, but not limited to, a request for injunctive relief to prevent, restrain, correct or abate such violations or threatened violations. In addition, written notice in the form of a license complaint may be made to the Commissioner of the Minnesota Pollution Control Agency.

Subp. 3.Public Health Nuisance Control

In cases where a public health nuisance has been determined to exist, Land and Resource Management may institute enforcement action under the Local Public Health Act, Minnesota Statute [§145A](#).

SECTION 18. SEPARABILITY

It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

If any court of competent jurisdiction shall adjudge any provision of the regulation to be invalid, such judgment shall not affect other provisions of this regulation not specifically included in said judgment.

If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 19. REPEAL

Otter Tail County Sanitation Code for Subsurface Sewage Treatment Systems, as adopted by the County Board on November 5, 2019, is hereby repealed and replaced with this Ordinance as of the effective date of this Ordinance.

SECTION 20. EFFECTIVE DATE

Passed by the Otter Tail County Board of Commissioners, this June 13, 2023.

The regulations contained in this Ordinance shall become effective on January 1, 2024 upon passage by the County Board and publication according to law.

**REVISIONS TO THE OTTER TAIL COUNTY
SANITATION CODE FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS**

RESOLUTION TO ADOPT REVISIONS

OTTER TAIL COUNTY RESOLUTION NO. 2023 - 44

WHEREAS, Minnesota Statute §115.55, Subp. 2. requires counties to adopt an ordinance that regulates the design, location, installation, use, maintenance and closure of subsurface sewage treatment systems; AND,

WHEREAS, The proposed revisions to the Sanitation Code for Subsurface Sewage Treatment Systems adopts the minimum technical standards of Minnesota Rules, Chapter 7080, 7081, 7082 and 7083. AND

WHEREAS: The Minnesota Pollution Control Agency has reviewed and approved the proposed revisions to the Sanitation Code for Subsurface Sewage Treatment Systems; AND

WHEREAS: The proposed revisions in the Sanitation Code for Subsurface Sewage Treatment Systems ensure that septic system design, location, installation, use, and maintenance protects Otter Tail County's water resources.

NOW THEREFORE BE IT RESOLVED THAT: Otter Tail County by this resolution adopts the proposed revisions to the Sanitation Code for Subsurface Sewage Treatment Systems.

The motion for the adoption of the foregoing resolution was introduced by Commissioner Rogness, duly seconded by Commissioner Mortenson and, after discussion thereof and upon vote being taken thereon, passed with Commissioner Johnson abstaining.

Adopted at Fergus Falls, MN this 13th day of June 2023.

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Dated: June 13, 2023

By: _____

Wayne Johnson, Board of Commissioners Chair

Attest: _____

Nicole Hansen, Clerk

STATE OF MINNESOTA)

)

COUNTY OF OTTER TAIL)

I, Nicole Hansen, the County Administrator, do hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by Otter Tail County at a duly authorized meeting therefore held on the 13th day of June 2023.

Nicole Hansen, Clerk