

ORDINANCE 2004-1

LAKE WASHINGTON SANITARY DISTRICT

INDIVIDUAL SEWAGE STORAGE SYSTEMS

THE BOARD OF MANAGERS OF THE LAKE WASHINGTON SANITARY DISTRICT
ADOPTS AND ORDAINS THE FOLLOWING:

Subd. 1. a). “Individual Sewage Storage System” or “ISSS” refers to any portable toilet (port-a-potty), privy, outhouse, earth closet, seepage pits, cesspool, holding tank, or septic tank.

b). “District” means the Lake Washington Sanitary District.

c). “Permit” means an ISSS permit issued pursuant to Ordinance #2004-1.

d). “Owner” means an owner of the property upon which any authorized or unauthorized ISSS is situated.

e). “Violator” means any person, private entity, or governmental entity acting in violation of this Ordinance and Ordinance 2004-2.

f). “Facilities” means the system of trunk and lateral lines, gravity and force mains, pumps, lift stations and other appurtenance constructed to collect and convey wastewater from the District.

Subd. 2. No person, private entity, or governmental entity shall erect, keep, lease, or maintain within the District, any ISSS except as provided in this Ordinance.

Subd. 3. The Board of Managers of the District may, in its discretion, upon application thereof, issue a special permit of temporary duration permitting ISSS on the following conditions:

a). The ISSS is constructed and equipped in accordance with the specifications and requirements of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and other state and federal law; AND

b). The Owner pays to the District the periodic fee as described in the ISSS Permit Fee Schedule, set forth in Ordinance 2004-2: AND

c). The ISSS is used in connection with construction projects within the District. The duration of a construction period ISSS permit may not last longer than 180 days unless the District agrees to an extension in writing. The Secretary of the District is authorized

to issue temporary construction period ISSS permits upon the showing of a valid building permit from the County ; OR

d). The ISSS is used in connection with activities of the Minnesota Department of National Resources, or other recreational, or other special activities within the District.

Subd. 4. The District is the final authority on any Permit submitted or issued. The District has the discretion to refuse or revoke any permit notwithstanding that the Permit satisfies the conditions of this Ordinance. The District may waive the periodic fee requirement of Subd. 3. Any such waiver must be in writing and indicated on the Permit.

Subd. 5. All Permits shall be in writing stating the duration of the Permit and setting forth the reasons for the Permit. A copy of this Ordinance and Ordinance 2004-2 shall be attached to all Permits. The Permit shall be signed by an authorized representative of the District and the authorized representative(s) of the Owner. The Permit shall provide that the Owner has read the provisions of this Ordinance and agrees to be bound by the provisions of this Ordinance and Ordinance 2004-2. All permits issued pursuant to this Ordinance shall be publicly displayed on the front of the permitted ISSS for the duration of the Permit.

Subd. 6. All authorized ISSSs shall be maintained in accordance with the State of Minnesota and federal law. All ISSSs shall be routinely pumped. The District may, in its discretion, revoke permits if the ISSS is not reasonably maintained and pumped.

Subd. 7. Whenever it shall appear to the Board of Managers of the District that the provisions of this Ordinance and Ordinance 2004-2 are not complied with and the Board of Managers shall so direct, the Board Chairperson shall give written notice to the violator(s) and Owner by mail at their last known addresses, requiring compliance with this Ordinance and Ordinance 2004-2 within thirty (30) days of such notice.

Subd. 8. Whenever the notice provided in Subdivision seven (7) is not complied with, the Board of Managers may, in its discretion, direct the razing, tearing down, and removal/disposal of an ISSS found to be in violation of this Ordinance and Ordinance 2004-2. The cost of such work shall be charged to the violator(s) and Owner. If such charge is not paid to the District within thirty (30) days after a statement has been sent to the violator(s) and Owner at their last known address, the District shall assess the costs against any property owned by the violator(s) and Owner within the District, and the same shall be transmitted to the county auditor and collectible with real property taxes.

Subd. 9. The District and its representative may at any time and without notice inspect any ISSS within the District.

Subd. 10. All decommissioned and unauthorized ISSS structures shall be torn down and removed by the Owner. The waste from a decommissioned ISSS shall be removed and disposed of in accordance with local, county, and state standards. If applicable, any pit or hole shall be

filled with clean earth and slightly mounded to allow for settling. The Owner shall be responsible for all costs and expense associated with the requirements of this subdivision.

Subd. 11. Any person, private entity, or governmental entity, who shall violate this Ordinance shall be guilty of a penal offense and upon conviction, shall be punished by a fine of not more than \$500 or by imprisonment for not more than ninety (90) days, plus the cost of prosecution in either case. A conviction shall not bar a later conviction for subsequent violation of this Ordinance.

Subd. 12. This Ordinance and Ordinance 2004-2 shall become effective at the time service to the District's Facilities is made available to real property upon which is located any ISSS.