

ORDINANCE 2007-1

LAKE WASHINGTON SANITARY DISTRICT

INDIVIDUAL SEWAGE STORAGE SYSTEMS

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

Ordinance 2004-1 is amended in its entirety as follows:

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). “Provider” means any person or private entity that:

- (1) provides for or causes an ISSS to be located within the District; or
- (2) services an ISSS located within the District.

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

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

g). “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, provide, service 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 by the Provider, issue a special permit of temporary duration permitting an ISSS to be located within the District 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 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

c). 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.

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 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 Provider. The Permit shall provide that the Provider has read the provisions of this Ordinance and agrees to be bound by the provisions of this Ordinance. 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 are not complied with and the Board of Managers shall so direct, the Board Chairperson shall give written notice to the Violator(s), Provider and Owner by mail at their last known addresses, requiring immediate compliance with this Ordinance.

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. The cost of such work shall be charged to the Violator(s), Provider and Owner and each shall be joint and severally liable for the entire cost. If such charge is not paid to the District within thirty (30) days after a statement has been sent to the Violator(s), Provider and Owner at their last known address, the District may 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 and Provider. 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 and

Provider shall be responsible for all costs and expense associated with the requirements of this subdivision and each shall be jointly and severally liable for such costs and expenses.

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 may be enforced at any time after service to the District's Facilities is made available to real property upon which is located any ISSS.

Subd. 13. This Ordinance shall become effective upon passage and publication as provided by law.

Ordinance 2004-2 is amended by repealing Subdivision 1 thereof.

Dated this 22nd day of October, 2007.

LAKE WASHINGTON SANITARY DISTRICT

By: /s/ Ed Fahrforth
Its: Chairman

ATTEST:

By: /s/ James Deike
James Deike
Its: Secretary

I, James Deike, Secretary of the Lake Washington Sanitary District, do hereby certify that the foregoing ordinance was moved for adoption by Board member Kallheim and seconded by Board member Bieraugel and, upon vote being taken thereon, the foregoing ordinance was passed by a vote of 4 in favor 0 and against, with 0 abstained.

Dated this 22nd day of October, 2007.

/s/ James Deike
James Deike, Secretary