

## Chapter 54 SANITATION\*

-----  
**\*Cross reference(s)**--Administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; environment, ch. 22; fees, ch. 26; fire prevention and protection, ch. 30; manufactured homes and trailers, ch. 42; subdivisions, ch. 62; utilities, ch. 74.

**State law reference(s)**--Municipal powers as to health, Minn. Stat. § 412.221, subd. 22.; local improvements, special assessments, Minn. Stat. § 429.011 et seq.; waterworks, sewers, drains, storm sewers, Minn. Stat. § 444.075 et seq.  
-----

### Article I. In General

Sec. 54-1. Definitions.

Sec. 54-2. Enforcement.

Secs. 54-3--54-25. Reserved.

### Article II. Solid Waste

Sec. 54-26. Storage, transportation and disposal.

Sec. 54-27. Licensing of collectors and haulers.

Secs. 54-28--54-50. Reserved.

### Article III. Sewage Treatment and Disposal

Sec. 54-51. Applicability to state-approved public sewage treatment plants.

Sec. 54-52. General provisions.

Sec. 54-53. Individual sewage treatment systems standards.

Sec. 54-54. Sewage treatment system installation inspections.

Sec. 54-55. Servicing pumpers and haulers; licensing.

Sec. 54-56. Installers, contractors, excavators; licensing.

Sec. 54-57. Permits.

Sec. 54-58. Statement of liability.

Secs. 54-59--54-80. Reserved.

#### **Article IV. Water Supply**

Sec. 54-81. General provisions.

Sec. 54-82. Permits.

Sec. 54-83. Water well abandonment.

Secs. 54-84--54-105. Reserved.

#### **Article V. Licenses; Variances; Hearings; Appeals**

Sec. 54-106. License or permit refusal, revocation or suspension.

Sec. 54-107. Variances, hearings and appeals.

### **ARTICLE I. IN GENERAL**

#### **Sec. 54-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in

this section, except where the context clearly indicates a different meaning. Unless specifically altered, terms and abbreviations used in this chapter shall be interpreted in a manner consistent with Minn. Stat. chs. 115 and 116 and regulations of the state pollution control agency, which have been or hereafter may be adopted under these provisions. Terms not specifically defined by law shall be construed in accordance with the context and professional usage.

*Agency* means the Minnesota Pollution Control Agency, its agent or representative.

*Board of adjustment* means the Grand Marais planning commission.

*Cover material* means an earthen material, which is used to cover compacted solid waste in a sanitary landfill.

*Domestic waste* includes but is not limited to liquid waste produced by bathing, laundry, culinary operations, and liquid wastes from toilets and floor drains, and specifically excludes animal waste and commercial process water.

*Garbage* means material resulting from the handling, processing, storage, preparation, serving and consumption of food.

*Individual sewage treatment system* means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal. Included within the scope of this definition are septic tank-soil absorption systems, privies, chemical type toilets, and any other device that is designed to receive, treat, and dispose of sewage or human excreta.

*Individual sewage treatment systems standards* means the individual sewage treatment systems standards approved by the council.

*Land pollution* means the presence in or on the land of any solid waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

*Nuisance* means any condition which is injurious to health, offensive to the senses, or interferes with public or private use of property.

*Open burning* means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct or chimney.

*Planning and zoning director* means the person appointed as the planning and zoning director for the city, by the council, or the authorized representative of the planning and zoning director.

*Putrescible material* means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

*Refuse* means putrescible and nonputrescible solid waste including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

*Rubbish* means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

*Sanitarian* means the person or his authorized representative appointed as the sanitarian for the city by the council.

*Sanitary landfill* means an area of land which is or could be used for the disposal of solid waste without

creating pollution of land, water or air, hazards to the public health or safety, or public nuisance, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume.

*Septage* means those solids and liquids removed during the periodic maintenance of septic or aerobic tank, or those solids and liquids which are removed from a holding tank.

*Servicing* means the clearing, removing, hauling and disposal of the scum, liquid, sludge or other wastes from any septic, aerobic, or any other type of treatment or holding tank.

*Sewage* means any water-carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling, or any other structure.

*Shoreland* means land located within the following distances from the ordinary high water elevation of public waters: land within 1,000 feet from the normal high water of a lake, pond or flowage; and land within 300 feet of a river or stream or the landward side of a flood plain delineated by ordinance on such a river or stream, whichever is greater.

*Solid waste* means garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations and community activity but does not include earthen fill boulders and rocks, or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or wastewater effluent, dissolved materials, suspended solids in irrigation return flows or other common water pollutants.

*Solid waste management* means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its ultimate disposal by approved methods.

*Water pollution* means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.

*Water well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the same is for the location, diversion, artificial recharge or acquisition of groundwater.

*Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(Mo. of 4-28-82, ch. 9A, §§ 1.0, 1.1, 1.2, 1.6--1.18, 1.20--1.28)

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 54-2. Enforcement.**

The sanitarian shall be responsible for enforcement of this chapter. The chapter, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action to prevent, restrain, correct or abate violations.

(Mo. of 4-28-82, ch. 9E, §§ 3.0, 3.2)

**Cross reference(s)**--Administration, ch. 2.

**Secs. 54-3--54-25. Reserved.**

**ARTICLE II. SOLID WASTE\***

-----  
**\*Cross reference(s)**--Approved waste burners, § 30-97;  
rubbish burning, § 46-8.

**State law reference(s)**--Waste management, Minn. Stat. § 115A.01 et seq.; municipal disposal of garbage and other refuse, Minn. Stat. § 412.221, subd. 22(3); rubbish removal, Minn. Stat. § 443.015 et seq.  
-----

**Sec. 54-26. Storage, transportation and disposal.**

(a) *Generally.* The owner, lessee or occupant of any premises, business establishment or industry shall be responsible for the storage of all solid waste accumulated at that premises, business establishment or industry. No building, structure, area or premises shall be constructed or maintained for human occupancy, use or assembly without safe and sanitary facilities for storage, collection, transportation and disposal of all solid waste.

(b) *Storage.*

- (1) Garbage and similar putrescible waste shall be stored in:
  - a. Durable, rust resistant, nonabsorbent, watertight, rodentproof and easily cleanable containers, with close fitting, flytight covers having adequate handles to facilitate handling; or
  - b. Other types of containers acceptable to the solid waste collection service and conforming to the intent of this article.
- (2) Solid waste shall be stored in durable containers or as otherwise provided in this chapter. Where putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

- (3) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition. Containers that are broken or otherwise fail to meet the requirements of this article shall be replaced with acceptable containers.
- (4) Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free and nuisance-free.
- (5) Garbage and similar putrescible material shall not be stored on public or private property for more than two weeks without written approval of the sanitarian. Rubbish shall not be stored on public or private property for more than 30 days without written approval of the sanitarian.

(c) *Transport and disposal.* Every person transporting and disposing of solid waste shall conform to the following:

- (1) The vehicles and containers used for hauling solid wastes shall be operated in such a manner as not to create a health hazard or a nuisance.
- (2) Vehicles and containers used for the collection and transportation of any solid wastes shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom. Any spillage shall be cleaned up to prevent a nuisance condition.
- (3) Solid waste shall be disposed of at a solid waste disposal site designated by the county board of commissioners.

(Mo. of 4-28-82, ch. 9B, § 1)

**Sec. 54-27. Licensing of collectors and haulers.**

Every person who shall engage for hire in the activity of collecting and hauling solid waste in the county shall be deemed licensed pursuant to this article.

(Mo. of 4-28-82, ch. 9B, § 2.0)

**Secs. 54-28--54-50. Reserved.**

### **ARTICLE III. SEWAGE TREATMENT AND DISPOSAL\***

-----  
\*State law reference(s)--Municipal disposal of sewage, Minn. Stat. § 412.221, subd. 22(3).  
-----

**Sec. 54-51. Applicability to state-approved public sewage treatment plants.**

Nothing in this article shall prevent the construction of public sewage treatment plants in accordance with plans approved by the appropriate state agencies.

(Mo. of 4-28-82, ch. 9C, § 1.2)

**Sec. 54-52. General provisions.**

(a) No building, structure, area or premises shall be constructed or maintained for human occupancy, use or assembly without an individual sewage treatment system so constructed, maintained and operated that there is no violation of the terms of this article.

(b) Every new individual sewage treatment system shall be constructed, maintained and operated according to the provisions of the individual sewage treatment system standards.

(c) Any individual sewage treatment system in existence on April 28, 1982, may continue in use as long as sewage, sewage tank effluent, or seepage from a soil treatment system is not discharged to the ground surface, abandoned wells, or

bodies of surface water, or into any rock or soil formation the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground. Furthermore, such a system shall function so as to receive all sewage from the dwelling, building or establishment served. Footing and roof drainage shall not enter any part of the system. Cesspools are prohibited installations.

(d) If an individual sewage treatment system ceases to meet the requirements of subsection (c) of this section, the system shall then be improved, repaired or replaced in such a way as to be entirely in compliance with the individual sewage treatment systems standards. Such improvement, repair or replacement shall be completed within one year, or within a lesser time limit as determined by the sanitarian if he deems it necessary in the interest of public health or environmental quality.

(e) The sanitarian shall determine whether an existing system is functioning according to subsection (c) of this section, and whether any new system is constructed in compliance with the individual sewage treatment systems standards.

(f) All individual sewage treatment systems shall be located wholly on the property served, except that under certain conditions where suitably executed and recorded easements or right-of-way agreements exist, this provision may be waived.

(Mo. of 4-28-82, ch. 9C, § 1)

**Sec. 54-53. Individual sewage treatment systems standards.**

The following regulations are hereby adopted and incorporated by reference and shall be as much a part of this article as if fully set forth in this section:

Minnesota Pollution Control Agency, 6 MCAR 4.8040  
Individual Sewage Treatment Systems Standards.

At least one copy of the foregoing regulations shall be marked as official copies and filed for use and examination by the public in the office of the city clerk-treasurer.

(Mo. of 4-28-82, ch. 9C, § 6)

**Sec. 54-54. Sewage treatment system installation inspections.**

(a) The sanitarian shall make such inspection or inspections of the construction of a sewage treatment system as are necessary to determine compliance with this article. No part of any new, altered, repaired or extended individual sewage treatment system shall be covered until it has been inspected and approved by the sanitarian.

(b) It shall be the responsibility of the permit holder or his authorized representative to notify the sanitarian two working days in advance of the time of completion, that the system will be ready for inspection or reinspection.

(c) It shall be the duty of the sanitarian or his authorized representative to make the indicated inspection as promptly as possible to determine that construction is being carried out in accordance with the approved permit and the provisions of this article.

(d) It shall be the duty of the owner or occupant of the property to give the sanitarian free access to the property at reasonable times for the purpose of making such inspections.

(e) If upon inspection the sanitarian discovers that any part of the system is not constructed in accordance with the approved permit and provisions of this article, he shall prohibit backfilling of the system and shall give the applicant written notification describing the defects and corrections. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

(Mo. of 4-28-82, ch. 9C, § 5)

**Sec. 54-55. Servicing pumpers and haulers; licensing.**

Every person who shall be licensed for hire in the activity of servicing in the county shall be licensed to engage for hire in the activity of servicing in the city.

(Mo. of 4-28-82, ch. 9C, § 2)

**Sec. 54-56. Installers, contractors, excavators; licensing.**

Every person who shall be licensed for hire in the activity of installing, constructing or excavating for individual sewage treatment systems within the county shall be deemed to be licensed for the same activities in the city.

(Mo. of 4-28-82, ch. 9C, § 3)

**Sec. 54-57. Permits.**

(a) No person shall install any new individual sewage treatment system or materially alter, repair or extend any existing sewage treatment system within the city without first obtaining a permit from the sanitarian and without compliance with the provisions of this article and the individual sewage treatment systems standards. Permit application shall be submitted by the property owner or his authorized representative to the sanitarian prior to any construction or reconstruction. An application for a permit shall be made in writing on forms furnished by the city.

(b) Filing requirements. An application for a permit shall include at a minimum the following information:

- (1) Name and address of property owner.
- (2) Name of the person in charge of installation.
- (3) Legal description of property.
- (4) Type of proposed installation.

- (5) Total square footage of dwelling.
- (6) Number of bedrooms of a residence. If the structure is not a residence, the type of occupancy, the number of occupants or patrons and the estimated water consumption shall be stated.
- (7) Percolation test results and soil boring data.
- (8) A detailed plan shall be drawn to a recommended scale of one inch equals 20 feet, but in any case the scale used shall be sufficient to show clearly all required dimensions and distances. The following dimensions and distances shall be shown on the plan:
  - a. The dimensions of the lot or a sufficient portion thereof such that all other required dimensions and distances may be shown.
  - b. The dimensions of the dwelling to be served by the system.
  - c. The location of the dwelling and all other buildings on the lot with distances from the lot lines to said dwelling and buildings.
  - d. The location of all septic tank and other treatment tank manholes and the distance of each manhole to the dwelling and to other nearby permanent reference points.
  - e. The location and dimensions or capacity of all septic, holding or other treatment tanks, soil absorption systems and replacement disposal areas.
  - f. The location and distance from all buildings, wells, water services, water mains, reservoirs, swimming pools or high water marks of any lake, stream, pond, or flowage located on the lot or on adjacent properties within

150 feet of the septic tanks, treatment tanks, soil absorption systems or replacement disposal areas.

g. Depth to groundwater or bedrock.

(c) Plan and permit examination. If, after consideration the sanitarian is satisfied that the work contemplated will comply with the provisions of this article and the individual sewage treatment systems standards, the sanitarian shall issue a permit.

(d) The construction authorized pursuant to the approved application, the accompanying plan, and the permit therefor shall not be altered or modified without first submitting the modifications to the sanitarian who will determine if the modifications comply with the provisions of this article and the individual sewage treatment systems standards.

(e) The application and plan shall be accompanied by a permit fee approved by the council. If a permit cannot be issued by the sanitarian, the permit fee shall not be refundable.

(f) All construction under permit issued by the sanitarian shall be completed within one year from the date of issue, unless otherwise ordered pursuant to section 54-52(d).

(Mo. of 4-28-82, ch. 9C, § 4)

**Sec. 54-58. Statement of liability.**

In granting permit approval under this article the sanitarian or council is not liable for any defects in plans, specifications or construction, plan omissions, examination oversight or damage that may result during or after installation and reserves the right to order changes or additions should conditions arise making this necessary.

(Mo. of 4-28-82, ch. 9C, § 7.0)

**Secs. 54-59--54-80. Reserved.**

**ARTICLE IV. WATER SUPPLY\***

-----

**\*Cross reference(s)--**Utilities, ch. 74.

**State law reference(s)--**Local water management, Minn. Stat. § 103B.301 et seq.

-----

**Sec. 54-81. General provisions.**

The following regulations are hereby adopted and incorporated by reference and shall be as much a part of this article as if fully set forth in this section:

Minnesota State Board of Health Water Well Construction Code, MDH 210 and 217-230.

At least one copy of each of the foregoing regulations shall be marked as official copies and filed for use and examination by the public in the office of the city clerk-treasurer.

(Mo. of 4-28-82, ch. 9D, § 1)

**Sec. 54-82. Permits.**

No person shall construct any water well within the city without first obtaining a permit from the sanitarian. Permit application shall be submitted by the property owner or his authorized representative to the sanitarian prior to any construction or reconstruction. An application for a permit shall be made in writing on forms furnished by the city. No permit shall be required for the alteration or installation of a pump. An application for a water well permit shall include but not be limited to the following information: name and address of the property owner, the name of the person in charge of the well installation, legal description of the

property, type of water supply to be developed, and the type of installation.

(Mo. of 4-28-82, ch. 9D, § 2)

**Sec. 54-83. Water well abandonment.**

Report on abandonment or disuse. A report shall be made to the sanitarian by the water well owner on forms provided by the city on every water well which has been abandoned or removed from service for a period exceeding one year. Such report shall include a detailed description of location, construction and geologic features and method of sealing.

(Mo. of 4-28-82, ch. 9D, § 3)

**Secs. 54-84--54-105. Reserved.**

**ARTICLE V. LICENSES; VARIANCES; HEARINGS; APPEALS**

**Sec. 54-106. License or permit refusal, revocation or suspension.**

(a) Any license or permit required by this chapter may be refused, suspended or revoked for violations of the provisions of this chapter or refusal on the part of a licensee to correct defective equipment and/or sanitary operating procedures.

(b) A written notice of intent to refuse, suspend or revoke a license or permit will be delivered to the applicant, licensee or permittee by the sanitarian. The notice shall specify and explain the right to appeal pursuant to section 54-107.

(c) Revocation of a license or permit without written notice may be carried out by the sanitarian or his authorized representative in an emergency situation where violations constitute an immediate health hazard.

(Mo. of 4-28-82, ch. 9E, § 1)

**Sec. 54-107. Variances, hearings and appeals.**

(a) *Generally.*

- (1) The board of adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing this chapter.
- (2) Applications for variances and appeals shall be made to the board of adjustment by any aggrieved person.
- (3) Appeals and variance applications shall be taken to the board of adjustment within 30 days of receipt of written notice from the sanitarian of any order, requirement, decision or determination made by him.
- (4) An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

(b) *Applications.*

- (1) All appeals and variance applications shall be filed with the sanitarian on a proper form provided for that purpose.
- (2) Appeal and variance application forms shall be complete and shall clearly specify the grounds of the appeal or variance. Where required by the sanitarian the appeal or variance shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal or variance request.

- (3) The variance application shall be accompanied by a fee as determined by the council.

(c) *Hearings.*

- (1) The board of adjustment shall conduct a public hearing on each application for a variance or appeal.
- (2) A notice for the public hearing shall be published in the official newspaper of the city at least ten days prior to the hearing date. Such notice shall state the date, time, place and purpose of such hearing. In the case of appeals, the written notice shall be sent to the appealing party and the officer from whom the appeal is taken. In the case of variances, the written notice shall be sent to the party of the property directly affected. At least ten days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.
- (3) Such hearings shall be conducted according to applicable state statutes and to the rules of procedure of the board of adjustment.

(d) *Decisions.*

- (1) Decisions by the board of adjustment shall be made within 35 days of the date a public hearing is closed.
- (2) The board of adjustment shall keep written records of proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
- (3) Decisions shall be rendered in writing, stating the reasons in sufficient detail so that it can be determined that the decision was made according to the criteria contained in this Code.

(4) A certified copy of any order issued by the board of adjustment granting any variance or acting upon any appeal shall be filed with the county recorder or registrar of titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the sanitarian to carry out this provision.

(e) *Criteria for decisions.*

(1) The board of adjustment may authorize a variance from the terms of this chapter when there is a particular hardship in the way of carrying out the strict letter of this Code, and when the terms of the variance are consistent with the spirit and intent of this chapter and not contrary to the public interest.

(2) ``Hardship'' as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by this chapter; the plight of the landowner is due to circumstances unique to his property and not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this chapter.

(3) When in the opinion of the board of adjustment a variance may result in a materially adverse effect on the environment, the applicant may be required to demonstrate the nature and extent of the effect.

(4) It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a variance. Absent a showing of hardship as provided in state statutes and this chapter, the board of adjustment shall not approve a variance.

(5) The board of adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

(f) *Appeals from board decisions.* All decisions by the board of adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days after the receipt of notice of the decision, to the district court in the county.

(Mo. of 4-28-82, ch. 9E, § 2)