

SIBLEY COUNTY

Article 810

“Individual Sewage Treatment System Loan Program Ordinance” of the Code of Ordinances of the County of Sibley

ARTICLE 810. AN INDIVIDUAL SEWAGE TREATMENT SYSTEM LOAN PROGRAM (ISTS)

SECTION 810.1 PURPOSE

SUBD 810.1.1 This ordinance is adopted to provide for the creation of a public loan program that assists private property owners in the financing of improvement of individual sewage treatment systems on private property to bring the systems into compliance with Minnesota Rules 7080. Such a loan program promotes the public health and welfare by preventing, reducing, and eliminating water pollution from individual sewage treatment systems.

SECTION 810.2 AUTHORITY

SUBD 810.2.1 Sibley County may establish an individual sewage treatment system program pursuant to the authority granted under Minnesota Statute Chapter 246, s6, Minnesota Statute Chapter 115, and Minnesota Rules 7080 and as amended that may pertain to sewage and wastewater treatment and enforcement standards for individual sewage treatment systems.

SECTION 810.3 DEFINITIONS

SUBD 810.3.1 “Activity” and “Project” means installation or replacement of an Individual Sewage Treatment System.

SUBD 810.3.2 “Individual Sewage Treatment System or ISTS” means a sewage treatment system using soil treatment and disposal to treat 5,000 gallons or less of waste water per day (Minn. Stat. S 116.18 subd 3c) or uses an alternative discharging system treating 10,000 gallons per day using treatment methods and disposal other than subsurface soil treatment and disposal (Minn. Stat. S246, subd. 2).

SUBD 810.3.3 “Non-Conforming Individual Sewage Treatment System” means a sewage system that does not conform to the Minnesota Rules Chapter 7080. This includes systems that discharge to the soil surface, tile lines to the ditch system, seepage pits, and cesspools.

SUBD 810.3.4 “Borrower” means individual landowner and multiple landowners applying for a low-interest loan.

SUBD 810.3.5 “Improvement” means the installation, upgrade or replacement of an ISTS to bring the system into compliance with Minnesota Rules Chapter 7080.

SUBD 810.3.6“Local Lender” means the County.

SUBD 810.3.7“Property Owner” means the owner or owners as recorded on the tax roll of the county where the real property on which the ISTS that is to be installed or replaced is located.

SECTION 810.4 ADMINISTRATION

SUBD 810.4.1The Sibley County Board of Commissioners shall designate by resolution a loan administrator to administer the loan program for Sibley County.

SUBD 810.4.2Sibley County Board of Commissioners shall designate by resolution a committee to determine the eligibility of property owners and to distribute loan funds.

SUBD 810.4.3All improvements or replacements made to ISTS under this ordinance shall be performed by a licensed individual sewer treatment system professional and shall comply with agency rules adopted pursuant to Minn. Stat. §115.55, subdivision 3, and other applicable requirements.

SUBD 810.4.4Loan funds shall be disbursed to eligible property owners in the order which applications are approved. In considering loan requests, the loan administrator shall consider the age and depth of the ISTS, the proximity of the ISTS to contaminant sources, the pollution potential, and the risks to public health and safety. A majority of the ISTS committee will make the determination.

SUBD 810.4.5Access to fund is voluntary and shall result in a lien on the benefiting property according to the terms set forth in the Administrative Plan. The Sibley County Board may amend the Plan.

SUBD 810.4.6The property owner has the right to prepay the assessment.

SUBD 810.4.7Sibley County shall create a cap for the systems of \$8,000/mound and Approved Alternative systems; \$7,000/at grade; \$5,000/drainfield by resolution.

SECTION 810.5 APPLICATION, PRE-CERTIFICATION, AND CERTIFICATION PROCEDURES

SUBD 810.5.1Property owner contacts a licensed site evaluator/designer to complete a preliminary site evaluation and design plan.

SUBD 810.5.2The designer or loan applicant will submit the design plan to Planning and Zoning Office for review and approval. This may involve a preliminary site visit by the County Inspector for septic systems.

SUBD 810.5.3 Once the design is approved, the property owner will get an estimate from a licensed contractor for the cost of the system. Also contact any plumbers and/or electricians for other estimates as they pertain to hooking up the septic system to the residence.

SUBD 810.5.4 Property owner obtains and completes the Sibley County Septic System Improvement Low Interest Loan Application and submits it to Sibley County Planning and Zoning Office with the written cost estimates.

SUBD 810.5.5 The Auditor's Office will certify that the property taxes for the described property are current.

SUBD 810.5.6 The septic system permit for construction will be signed by Planning and Zoning Office. A letter of approval and a copy of the permit for construction will be sent to landowner.

SUBD 810.5.7 Work on the project shall begin promptly after property owner receives approval from the county. All improvements made to ISTS under this ordinance shall be performed by a licensed individual sewer treatment system professional and shall comply with the agency rules adopted pursuant to Minn. Stat. §115.55, subd. 3, and all other applicable requirements.

SUBD 810.5.8 The septic system inspector for the county shall inspect the site and sign off the project that it complies with all applicable requirements.

SUBD 810.5.9 The property owner submits final bills and vouchers signed by the contractor to the Water Plan Office.

SUBD 810.5.10 The property owner signs the property tax lien of document and obtains notary public signature.

SUBD 810.5.11 Upon completion of the property tax lien document, the county auditor will distribute funds to the contractors.

SECTION 810.6 ELIGIBILITY

SUBD 810.6.1 Eligible activities:

810.6.1.1 Improvement or replacement of an existing ISTS that does not conform with provisions Minnesota Rules Chapter 7080.

810.6.1.2 Relocation of ISTS out of environmentally sensitive areas.

- 810.6.1.3 Alternative treatments systems that are approved by the MPCA.
- 810.6.1.4 Neighboring landowners with non-conforming ISTS that consolidate to one cluster system.
- SUBD 810.6.2 Ineligible activities
- 810.6.2.1 ISTS in excess of flow rates listed in SUBD. 810.3.2. of these guidelines
- 810.6.2.2 New connections or repairing old connections to collection systems or municipal waste treatment systems.
- 810.6.2.3 Installation of ISTS for new construction of single/multiple landowners.
- 810.6.2.4 Expansion of upgrading a conforming system due to construction of additional living quarters, new construction or new or expanded use.
- 810.6.2.5 Costs that were incurred prior to the effective date or after the termination date of the loan agreement with the applicant or before approval of the activity by the Applicant.

SECTION 810.7 LOAN FINANCING TERMS

SUBD 810.7.1 Loan to applicant will have a 3% Interest Rate, and provide complete payment for up to 5 years with at least annual payments.

SECTION 810.8 SEPARABILITY

SUBD 810.8.1 If a court of competent jurisdiction shall hold any part of this Ordinance invalid, it shall not invalidate any other section, provision, or part thereof.

SECTION 810.9 DISSOLUTION

SUBD 810.9.1 Sibley County may dissolve the Individual Sewage System Loan Program by passing an ordinance complying with the provisions of Minn. Stat. §115.57, subd. 8. The ordinance shall provide for collection of all outstanding assessments, repayment of any remaining indebtedness incurred to finance the program, and the final distribution of any money remaining in the loan fund.