

**Kandiyohi County Ordinance Requiring Inspection of
Individual Sewage Treatment Systems (ISTS) Within
the R-1 Shoreland Residential Zoning District Adjacent
to Diamond Lake**

Ordinance No. 08-1

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Recommended by the Planning Commission: _____, 2008

Signed: _____
Chair, Planning Commission

Passed and Approved: _____, 2008

Signed: _____
Chair, County Board

Attest: _____
County Auditor

Published: _____

Section 1 – Statutory Authority

1.1 This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes Sections 394.21 to 394.27.

Section 2 – Definitions

2.1 **Diamond Lake** – Diamond Lake shall mean DNR lake number 44 in Kandiyohi County.

2.2 **ISTS** – ISTS shall mean Individual Sewage Treatment System and shall be defined as provided in Minnesota Rules Chapter 7080.

2.3 **R-1 Shoreland Residential Zoning District** – R-1 Shoreland Residential Zoning District shall mean the R-1 zoning district as established in Chapter 10 of the Kandiyohi County Zoning Ordinance and as illustrated on the Official County Zoning Map.

Section 3 – Enforcement

3.1 This Ordinance shall be administered and enforced by the Zoning Administrator or his/her designee.

Section 4 – Violations and Penalties

4.1 Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and/or by imprisonment as authorized by law for punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

Section 5 – Access to Property

5.1 A property owner or occupant shall permit the Kandiyohi County Zoning Administrator or his/her designee to enter and inspect any property containing an ISTS as provided by this ordinance upon reasonable notice.

Section 6 – General Provisions

6.1 All ISTS within the R-1 Shoreland Residential Zoning District adjacent to Diamond Lake shall be subject to mandatory compliance inspection.

- 6.2** Compliance inspections shall be completed using the Compliance Inspection Form for Existing ISTS as promulgated by the Minnesota Pollution Control Agency.
- 6.3** Compliance inspections shall be completed by state licensed ISTS inspectors chosen by Kandiyohi County.
- 6.4** Compliance inspections shall be paid for by the grant to Kandiyohi County under *the Diamond Lake Community Approach to Wastewater Solutions* Clean Water Legacy Grant. Costs for inspection surpassing that amount shall be paid by the Diamond Lake Association.
- 6.5** The following ISTS shall be exempt from the requirements of Section 6.1 of this Ordinance:
- 6.5.1** ISTS that were constructed or altered after April 1, 2003 for which a Certificate of Compliance was issued by the Kandiyohi County Zoning Office.
- 6.5.2** ISTS that were inspected by a state licensed ISTS inspector after April 1, 2005 for which a Certificate of Compliance was issued by the inspector.
- 6.5.3** ISTS that were inspected by a state licensed ISTS inspector for which a Notice of Noncompliance has been issued by the inspector.

Section 7 – Severability

- 7.1** If any part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.