
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
November 26, 2012



PRELIMINARY AGENDA
Alexandria Township Planning Commission
November 26, 2012
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes – October 22, 2012

Public Hearing

1. None

Zoning Administrator's Report

New Business:

Old Business:

1. Septic System Ordinance – Continued Discussion
2. Sign Ordinance – Continued Discussion of Preliminary Draft
3. Website information

Adjournment

****NOTE:** This is a preliminary agenda, subject to change at any time.



STAFF REPORT

Application: Septic system ordinance update

Agenda Item: Old Business 1

Background: In recent years, the Minnesota Pollution Control Agency and the State Legislature have approved significant updates to the states septic system regulations. As part of these changes, counties were required to bring their ordinances into compliance with the new state rules. Cities and townships are also required to update their ordinances (if they have one) within one year of the date of the County update. Cities and Townships must be at least as restrictive as their County.

Douglas County adopted its new septic system ordinance in April 2012 - giving the Township until April 2013 to update its ordinance.

The changes made by the state legislature (and mandated to be adopted by local governments) is long and includes a lot of technical changes. Douglas County adopted these and then added a list of additional regulations that it wanted to apply. This list is attached for your reference.

The public hearing on this item was held at the October 22nd meeting. No public comments were received. The Commission tabled it to allow Staff to meet with County staff regarding some of the specific elements of the new ordinance.

Planning Commission Direction: The Planning Commission may make a recommendation to the Town Board regarding the proposed ordinance at any time. If additional research is needed, the item could be tabled again.

Applicable Regulations: The requirement that counties and townships adopt septic system rules consistent with state law is in MN Rules 7080.0050:

7082.0050 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

Subpart 1. Adoption of local ordinances.

A. The regulation of SSTS by local governments must be implemented through an ordinance based on the requirements of this chapter, except that counties are allowed to choose between options described in subpart 3 or 4 and are allowed to adopt alternative local standards according to subpart 5. Cities and towns must adopt the regulatory option used by the county and must be as strict as the county ordinance. Cities and townships are authorized to adopt conventional programs as described in subpart 3 even if the county has adopted a performance program.

B. County ordinances that administer SSTS programs must be updated to the standards of chapters 7080 to 7083 within 24 months of February 4, 2008¹. City and township ordinances must be updated no more than 12 months after adoption of the county ordinance in which the city or township is located and must comply with the standards of chapters 7080 to 7083 and must be as strict as the applicable county ordinance.

¹ The 2008 deadline was later extended by the Legislature to 2012 (S.F. No. 3275, 2009-2010 Legislature)

SECTION VI. SANITATION - SUBSURFACE SEWAGE TREATMENT SYSTEMS

This is a section authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:

1. Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Douglas County incorporating by reference minimum standards established by Minnesota Statutes and administrative rules of the Minnesota Pollution Control Agency,
2. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS,
3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan,
4. Standards for upgrade, repair, replacement, or abandonment of SSTS,
5. Penalties for failure to comply with these provisions,
6. Provisions for enforcement of these requirements, and
7. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Zoning and Shoreland Ordinance.

A. TITLE, PURPOSE, INTENT, AND AUTHORITY.

1. Title, Purpose, and Intent.

a. Title.

- (1.) This section shall be known, cited, and referred to as the “Douglas County Subsurface Sewage Treatment System Ordinance”. When referred to herein, it shall be known as “this Ordinance”.

b. Purpose.

- (1.) The purpose of this ordinance is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the county to protect public health and safety, groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interest of the county’s citizens by protecting its health, safety, general welfare and natural resources.

c. Intent.

It is intended by the County that this Ordinance will promote the following:

- (1.) The protection of lakes, rivers and streams, wetlands, and groundwater in the county essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the county in perpetuity.
- (2.) The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- (3.) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- (4.) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- (5.) The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

2. Authority.

- a. This ordinance is adopted pursuant to Minn. Stat. chs. 115, 145A, 375, or successor statutes, and Minn. R. chs. 7080, 7081, and 7082, or successor rules.

B. GENERAL PROVISIONS.

1. Scope.

- a. This ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the county's applicable jurisdiction including but not limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the county shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this ordinance or by a system that has been permitted by the MPCA.

2. Jurisdiction.

- a. The jurisdiction of this Ordinance shall include all lands of the County except for parcels within incorporated areas or sanitary sewer districts that are served by municipal sewer; or areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction, which is at least as strict as

this Ordinance. The County shall keep a current list of local jurisdictions within the County administering a SSTS program.

3. Administration.

a. County.

(1.) The Land & Resource Management Department, here after referred to as “Department,” shall administer the SSTS program and all provisions of this ordinance. At appropriate times, the County shall review, revise, and update this ordinance as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

b. State of Minnesota.

(1.) When a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a state disposal system permit from the MPCA in accordance with Minn. R. ch. 7001. If the measured daily flows for a consecutive seven-day period exceed 10,000 gallons per day, a state disposal system permit is required.

(2.) A state disposal system permit is also required for any SSTS or group of SSTS that the MPCA commissioner determine has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management. [Minn. R. ch. 7081.0040, subp. 1(C)]

C. GENERAL REQUIREMENTS.

1. Retroactivity.

a. All SSTS.

(1.) Except as provided in section VI.C.1.b. all provisions of this ordinance shall apply to any SSTS regardless of the date it was originally permitted.

b. Existing Permits.

(1.) Unexpired permits, which were issued prior to the effective date of this ordinance, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.

c. SSTS on Lots Created After January 1, 1996.

(1.) All lots created after January 1, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds or at-grade systems as described in Minn. R. chs. 7080.2200 through

7080.2230; or successor rules, and must have site conditions as described in Minn. R. ch. 7081.0270, subpart 3 through 7; or successor rules. The two identified soil treatment and dispersal areas shall be located on the lots they are intended to serve, unless the soil treatment and dispersal areas are approved by the County as part of a cluster SSTS. If a cluster SSTS is utilized, then all the lots within the plat shall be part of the cluster SSTS, unless otherwise approved by the Department.

2. Upgrade, Repair, Replacement, and Abandonment.

a. SSTS Capacity Expansions.

- (1.) Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the provisions of this Ordinance. For parcels with multiple SSTS, the upgrades shall be limited to the system that is adding capacity.

b. Failure to Protect Groundwater.

- (1.) An SSTS that is determined not to be protective of groundwater in accordance with Minn. R. ch. 7080.1500, subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this ordinance within 2 years of receipt of a notice of noncompliance.

c. Imminent Threat To Public Health Or Safety.

- (1.) An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minn. R. ch. 7080.1500, subp. 4(A) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this ordinance within 10 months of receipt of a notice of noncompliance.

d. Abandonment.

- (1.) Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with section VI.E.4. of this ordinance and Minn. R. ch. 7080.2500.

3. SSTS in Floodplains.

- a. SSTS for new construction shall not be located within any part of the General Floodplain District. Locating a replacement SSTS for an existing structure within the General Floodplain District should be avoided. If no option exists to locate a SSTS outside of the General Floodplain District, location within the District may be permitted if the requirement of Minn. R. ch. 7080.2270 and all requirements of this ordinance are met.

4. Class V Injection Wells.

- a. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (See 40 CFR Parts 144 and 146).

5. SSTS Practitioner Licensing.

- a. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minn. R. ch. 7083; or successor rules, except as exempted in Minn. R. ch. 7083.0700; or successor rules.

6. Prohibitions.

- a. Sewage Discharge to Ground Surface or Surface Water.

- (1.) It is unlawful for any person to willfully discharge raw or partially treated wastewater/sewage to the ground surface or into any surface water, unless permitted by the MPCA under the National Pollutant Discharge Elimination System program.

- b. Sewage Discharge to a Well or Boring.

- (1.) It is unlawful for any person to willfully discharge raw or treated wastewater/sewage into any well or boring as described in Minn. R. ch. 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

- c. Discharge of Hazardous or Deleterious Materials.

- (1.) It is unlawful for any person to willfully discharge into any treatment system regulated under this ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

D. SSTS STANDARDS.

1. Standards Adopted by Reference.

- a. The County hereby adopts and incorporates by this reference MPCA's SSTS Rules in Minn. R. chs. 7080 and 7081 as amended in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

2. Amendments to the Adopted Standards.

a. List of Various Adopted Local Standards.

- (1). Land application of septage must be done on sites that are filed and approved by the Department prior to the Licensed SSTS Maintenance Business land applying septage.
- (2). All new and replacement SSTS systems must establish a relative benchmark. A written description and photo documentation of the benchmark must be submitted to the Department as part of the design.
- (3). Any activity involving an existing system that requires a SSTS construction permit shall require that the entire SSTS system meet Minn. R. chs. 7080 - 7083.
- (4). A Management Plan is required in the Residential Shoreland District when a compliance inspection is needed and no management plan exists.
- (5). All SSTS existing prior to the effective date of this ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.
- (6). All documentation submitted to the Department for evidence of vertical soil separation for existing SSTS shall be completed on forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an equivalent form. The form shall include, but not be limited to, elevations of the surface grade; dispersal media/soil interface and limiting layers; soil profile as outlined in Minn. R. ch. 7080.1720, subpart 5, item A through H; or successor rules; a statement clearly indicating the vertical separation distance; a sketch showing the location of the SSTS; soil observation(s); and a certification statement signed by the licensed professional conducting the observation(s).
- (7). For all new and replacement SSTS designs submitted to the Department for review, documentation shall be provided on the SSTS Professional Worksheets and Forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an approved equivalent form. The

Department may reject any design that does not meet the minimum of the SSTS Professional Worksheets and Forms. Digitally submitted forms are preferred.

- (8). All systems designed for dwellings shall be based upon design flows of a Classification I dwelling. The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. ch. 7080.1860 Table IV; or successor rules.
- (9). A written easement shall be recorded with the deed for any SSTS that is installed on a property held in ownership separate than that of the systems owner.
- (10). Soil verifications shall be conducted according to Section VI.E.2.a.(5.)(c.)
- (11). Licensed/Certified SSTS professional(s) completing a certification of compliance on their own private existing system must have a soil verification conducted by a Qualified Employee of the Department.
- (12). Existing soil dispersal systems that are located under or within a structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. ch. 7080.1500, subp. 4(B).
- (13). The owner of a holding tank shall maintain a valid contract with a Licensed SSTS Maintenance Business to pump and effectively handle the sewage in accordance with all applicable Minnesota Rules. The owner shall also submit to the Department, by January 31st of each calendar year, maintenance records for the previous year's tank maintenance.
- (14). All property owners and Certified SSTS Professionals shall ensure all portions of any SSTS placement, design or construction meet or exceed any applicable setbacks, including the specified setbacks as listed in Table A below.
- (15). Commercial Establishments that utilize a private SSTS, and do not have an operating permit shall operate under a standing Certificate of Compliance with the Department. These establishments shall certify the existing SSTS once every three (3) years, or upon the Department finding evidence of noncompliance.
- (16). In cases where a sewage pipe must cross a waterline, the sewage pipe must be pressure tested to hold five (5) lbs. of pressure for fifteen (15) minutes and meet or exceed the standards set forth in Minn. R. ch. 4715.1710, subpart 2, item E; or successor rules.

- (17). New Structures. Sewage tanks for new structures shall not be buried deeper than four (4) feet from final grade, unless the tank manufacturers designed depth for the tank allows the tank to be buried deeper, but not to exceed seven (7) feet from final grade.
- (18). Existing Structures. Sewage tanks for existing structures cannot exceed the tank manufacturers designed depth for the tank and shall not be buried deeper than seven (7) feet from final grade.
- (19). All pump tanks and holding tanks must have an electric visual and/or audio alarm device to warn of failure and prevent of overflow.
- (20). An effluent screen with an alarm must be employed on all new and replacement systems excluding holding tanks.
- (21). All SSTS shall be located as specified in Table A Minimum Setback Distances (feet) listed below:
- (22). A Management Plan is required for any system without a management plan when a property is transferred.
- (23). The major components of a new or replacement SSTS must be marked (flagged or staked) on site at the time of application for system installation to protect those areas from disturbance and compaction. Major components include but are not limited to tanks and soil treatment area.
- (24). If any proposed construction or alteration to an existing dwelling requires a land use permit and would increase the design flow to the SSTS, then the system must be sized to accommodate the increased flow regardless of the compliance status. Design flows shall be calculated in accordance with Minn. R. ch. 7080.1860.
- (25). Maintainers must submit a copy of the required reporting responsibilities in Minn. R. ch. 7083.0770, subp. 2. to the Land and Resource office by January 31st of each calendar year for work completed during the previous calendar year.

TABLE A
Minimum Setback Distances (feet)

| | Sewage or Holding Tank | Soil Treatment or Absorption area | Building Sewer or Supply Pipes |
|---|---------------------------|--------------------------------------|-----------------------------------|
| Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of continuous impervious material) | 50 | 50 | 50** |
| Water Supply Wells* (less than 50 feet of continuous casing) | 50 | 100 | 50** |
| Buried water suction pipe* | 50 | 50 | 50** |
| Buried pipe distributing water under pressure* | 10 | 10 | 10 |
| Buildings*** | 10 | 20 | - |
| Property Lines**** | 10 | 10 | - |
| State, County, and Township Road Rights-of-Way | 10 | 10 | - |

The ordinary high water level of the following types of waterbodies:

| | | | |
|---|-----|-----|---|
| Natural Environmental Lakes and Trout Streams | 150 | 150 | - |
| Recreational Development Lakes | 75 | 75 | - |
| General Development Lakes | 75 | 75 | - |
| Transition Rivers | 100 | 100 | - |
| Agriculture and Tributary Rivers | 75 | 75 | - |
| Public drainage systems as defined in <i>Minnesota Statutes, section 103E.005, or successor statutes.</i> | 50 | 50 | - |
| All public waters protected wetlands as defined by <i>Minnesota Statutes, section 103G.005, or successor statutes</i> | 50 | 50 | - |
| Unprotected wetlands within NES Zoning | 50 | 50 | - |
| All Other Wetlands | 25 | 25 | - |

* Setbacks from buried water pipes and water supply wells are governed by *Minn. R. ch. 4715 and 4725, or successor rules, respectively.*

** If building sewer or supply pipe and water line are schedule 40 (or equivalent) and holds 5 pounds of air pressure for 15 minutes, the setback can be reduced from 50 to 20 feet. In no case shall a building sewer or supply pipe be installed less than 20 feet from a water supply well.

*** For structures other than buildings, these setbacks are allowed to be reduced if necessary due to site conditions (as determined by the Department), but in no case shall any part of a SSTS be located under or within the structure or other impermeable surface.

**** Infringement on property line setbacks may be permitted with the approval of the Department prior to installation of the system.

b. Local Standard for Determination of Hydraulic Loading Rate and SSTS Sizing.

- (1.) Table IX entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and Table IXa entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests” from Minn. R. ch. 7080.2150, subp. 3, item E; or successor rules, and herein adopted by reference shall both be allowed for utilization to size SSTS infiltration areas based on the following criteria:
 - (a.) Table IX or Table IXa shall be allowed to be utilized by those certified design professionals/licensed design companies that hold an Advanced Designer certification from the MPCA.
 - (b.) Table IXa shall be utilized by all certified design professionals/licensed design companies that hold a Basic Designer certification from the MPCA.
- c. Local Compliance Criteria for Existing SSTS.
 - (1.) SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.
 - (2.) SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under Minn. R. ch. 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. Minn. R. ch. 7080.1500, subp.4
 - (3.) An existing SSTS System installed prior to April 1, 1996 and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard SSTS systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired

or replaced in accordance with Minn. R. ch. 7080.1500, subp. 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. ch. 7080.1860 Table IV; or successor rules.

a. Local Standards for Holding Tanks.

- (1). Undeveloped lots of record on which a holding tank is the only practical means of sewage treatment are unsuitable for residential use.
- (2). Holding tanks may be used as an alternative for existing failing SSTS, or SSTS that pose an imminent threat to public health or safety.
- (3). For vault toilets built in any public facility.
- (4). For residential accessory structures with lavatory facilities where it is not feasible to connect to an existing SSTS on the property.
- (5). For replacement dwellings constructed under Minnesota Statutes, section 394.36; or successor statutes, with a previously existing, permitted holding tank.
- (6). For recreational vehicle dump stations located in a licensed recreational vehicle campground.
- (7). A holding tank designed to service a recreational vehicle may be installed and used on an undeveloped lot of record if:
 - (a). A design, completed by a licensed designer, is submitted that states the lot has an acceptable area to accommodate a standard soil treatment system, and;
 - (b). The designated future soil treatment area is protected from compaction and/or development.
- (8). Note that to qualify as a holding tank, tanks must comply with 7080.2290, items A through F. Further, all owners of holding tanks shall be issued an operating permit (7082.0600, Subp.2A), which must include the minimum provisions listed in 7082.0600, Subp.2B, (1) through (8).
- (9). Conditions for holding tanks installed or changes made to holding tanks after the enactment of this ordinance include:
 - (a). Maintain a current operating permit.

- (b). At the time of the final installation inspection, evidence of a water tightness test as described in Minn. R. ch. 7080.2010, subp. 3; or successor rules, shall be submitted to the Department.
 - (c). A water meter, accessible to be read at time of pumping, shall be installed on the incoming waterline servicing fixtures attached to the holding tank, recorded at time of pumping, to verify the water usage.
 - (d). The owner of a holding tank shall maintain a valid contract with a Licensed SSTS Maintenance Business to pump and effectively handle the sewage in accordance with all applicable Minnesota Rules.
 - (e). The owner shall also submit to the Department, by January 31st of each calendar year, maintenance records and flow readings for the previous year's tank maintenance.
 - (f). Holding tanks must have an electric visual and/or audio alarm for the prevention of overflow.
 - (g). Failure to meet any of the above requirements shall be cause for the operating permit to be revoked and holding tank to be considered non-compliant.
- (10). Holding Tank Installation Requirements. The installation of a holding tank shall occur in accordance with Minn. R. ch. 7080.2290.
- (11). At the time of property transfer, the new property owner must apply for a continuation of the operating permit and meet the conditions of the operating permit and provide a current pumping contract.
- (12). Storage of septage at a centralized location. Maintenance businesses may store septage until weather and soil conditions are more favorable for the land application of septage, providing the following conditions are met:
- (a). Limit of 50,000 gallons of septage storage.
 - (b). Storage is limited to the Agriculture Zoning District.
 - (c). SSTS construction permit and operating permit are required.
 - (d). Storage conducted by MPCA-licensed SSTS maintenance business.
 - (e). Tanks and facility must meet requirements for holding tanks following MPCA requirements.
 - (f). If a maintenance business seeks storage on more than one site, the MPCA permit threshold will be evaluated based on the provision of Minn. R. ch. 7081.0040, subp. 1(B).

(g). Tanks must meet a 100' setback to property lines.

3. Variances.

a. Variance Requests.

(1.) A property owner may request a variance from the standards as specified in this ordinance pursuant to Section VII, H of the Douglas County Zoning Ordinance.

b. Affected Agency.

(1.) Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

E. SSTS PERMITTING.

1. Permit Required.

a. It is unlawful for any person to construct, install, modify, replace or operate an SSTS without the appropriate permit from the Department. The issuing of any permit, variance, or conditional use shall not absolve the applicant of responsibility to obtain any other required permit. Conducting work on an SSTS without first securing the appropriate permits shall result in the imposition of additional fees, as set forth in the County's current fee schedule.

2. SSTS Construction Permit.

a. An SSTS construction permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, and repair or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed and constructed in accordance with the provisions of this Ordinance by an appropriately licensed MPCA practitioner.

(1.) Activities Requiring a SSTS Construction Permit.

(a.) A SSTS construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

- (2.) Activities Not Requiring a Permit.
 - (a.) A SSTS construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
- (3.) SSTS Construction Permit Required to Obtain Land Use Permit.
 - (a.) For any property on which a SSTS construction permit is required, approval and issuance of a valid SSTS Construction Permit must be obtained before a land use permit may be issued by the Department.
- (4.) Conformance to Prevailing Requirements.
 - (a.) When an SSTS Construction Permit is required for an activity such as a repair, addition or replacement of a component of an existing SSTS that activity shall require the entire system is brought into compliance with this Ordinance.
- (5.) SSTS Construction Permit Application Requirements.
 - (a.) SSTS Construction Permit applications shall be made on forms provided by the Department and signed by the property owner, or their authorized agent. The applications shall include the following information:
 - (1.) Name, mailing address and telephone number of the property owner.
 - (2.) Parcel Identification Number, property address and legal description of property location.
 - (3.) Site Evaluation Report as described in Minn. R. ch. 7080.1730; or successor rules.
 - (4.) Design report as described in Minn. R. ch. 7080.2430; or successor rules.
 - (5.) Management plan and operating permit as described in Minn. R. ch. 7082.0600; or successor rules.
 - (6.) County soil verification sheet.
 - (7.) Site relative benchmark which includes:

- (a). Descriptive location of the benchmark.
 - (b). Elevation of the limiting layers, installed soil treatment area, tank excavation bottom, and the top of the installed tank.
- (8). If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.
- (b). Preliminary Design Criteria for SSTS Construction Permit Applications. During the period between December 1st and April 15th, or when a comprehensive SSTS design cannot be determined due to frozen soil conditions, a preliminary SSTS design may be submitted. A preliminary SSTS Construction Permit application shall be made on forms provided by the Department and signed by the property owner, or their authorized agent. A complete SSTS design shall be submitted for review and the issued SSTS Construction Permit amended accordingly prior to any SSTS construction activity. The applications shall include the following information:
- (1). Name, mailing address and telephone number of property owner.
 - (2). Property Identification Number, property address and legal description of property location.
 - (3). Site Evaluation Report as described in Minn. R. ch. 7080.1730; or successor rules.
 - (4). A site map and soil descriptions generated from the United States Department of Agriculture Natural Resources Conservation Service web soil survey. <http://websoilsurvey.nrcs.usda.gov/app/>
 - (5). Proposed management plan and operating permit as described in Minn. R. ch. 7082.0600; or successor rules.
 - (6). If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.
- (c). Soil Verification Process. A soil verification, as described in Minn. R. ch. 7082.0500, subp. 3, item A, and ch. 7082.0700 subp. 4, item B (2); or successor rules, shall be conducted as follows:
- (1). New Designs.

- (a.) Soil verifications shall be conducted by a Qualified Employee, or a Qualified Contract Inspector hired by the County for all new/replacement SSTS designs/installations.
- (b.) Soil verifications are to be completed prior to the application of an SSTS permit. Design contractors shall arrange a meeting time with the Department to meet at the site and complete the soil verification. A twenty-four (24) hour notice by the contractor to the Department is required.
- (c.) Soil pits are the preferred method of observation, with appropriate access into, and out of, the pit provided by the contractor. If soil pits cannot be completed, then manual auguring of soil samples may be allowed. Other accommodations will be considered on an as-needed basis, with extended completion timeframes subject to Department availability.
- (d.) Upon completion of soil verifications, a copy of the verification form will be given to the designer and a copy retained by the Department. The original copy of the verification form shall be submitted as part of the SSTS design for permit review. If the verification form does not accompany the design submittal, and the Department copy cannot be located, the design will not be accepted. This soil verification can be used as one of the three (3) soil observations per site as required by Minn. R. ch. 7080.1720, subp. 4; or successor rules.
- (e.) A fee established by resolution of the Douglas County Board of Commissioners for the soil verification will be charged in addition to the cost of the SSTS Construction Permit application fee, and both will be due at the time of permit application. Multiple verification fees shall be charged for multiple trips to a single site if the multiple verifications are due to system relocations, contractor changes or other conditions caused by the property owner or authorized representative.
- (f.) The design contractor is responsible for all utility locates, time arrangements and actual excavation/boring activities.

- (g.) All property owners and Certified SSTS Professionals shall ensure all portions of any SSTS placement, design or construction meet or exceed the specified setbacks as listed in Table A (Section VI.,D. 2.).
- (2). Existing Systems.
 - (a.) A total of two (2) soil observations shall be required for existing SSTS compliance certifications unless lifetime verification has been completed. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour.
 - (b.) Lifetime verifications may be used to verify the soils for the life of the system. A lifetime verification is completed by an independent, private, licensed professional and the Department prior to certification of an existing SSTS. A total of two (2) soil observations shall be required. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour. Only soils verified on or after January 1, 2010 will qualify for lifetime verification.
 - (c.) A fee established by resolution of the Douglas County Board of Commissioners for the Lifetime verification will be charged.
- (3). If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the dispute resolution procedure described in Minn. R. ch. 7082.0700, subp. 5.
- (6.) Application Review and Response.
 - (a.) The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification or operation. The Department shall complete the review within fifteen (15) days of receipt of a complete application. If the permit application is incomplete, or does not meet the requirements of this Ordinance, the Department shall deny the application. A notice of

denial shall be provided to the applicant, stating the reason(s) for the denial.

- (7.) Design change to application or permit.
 - (a.) In the event a significant change is proposed to be made to an approved application, the applicant or his agent must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification or operation. The proposed changes must be approved by the signature of the licensed designer who completed the design for the application.
- (8.) Appeal.
 - (a.) The applicant may appeal the Departments decision to deny the SSTS Construction Permit in accordance with the County's established policies and appeal procedures.
- (9.) Permit Expiration.
 - (a.) An SSTS Construction Permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by a Qualified Employee of the Department or a Qualified Contract Inspector and shall include an as-built drawing and a signed certification that the construction or installation of the system was completed in conformance with the approved design documents.
- (10.) Extension and Renewals.
 - (a.) The Department may grant an extension of the SSTS Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than one (1) additional year.
- (11.) Suspension or Revocation.
 - (a.) The Department may suspend or revoke a SSTS Construction Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked,

installation or modification of a treatment system may not commence or continue until a valid SSTS Construction Permit is obtained.

3. Operating Permit.

a. SSTS Requiring an Operating Permit.

- (1.) An operating permit is required for all new holding tanks, Type III, Type IV, Type V, Commercial Establishments, and MSTS. Sewage shall not be discharged to a holding tank or MSTS until the department certifies that the holding tank or MSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS, and a valid operating permit is issued to the owner. Owners of existing SSTS that are not operated under a management plan must inspect and remove solids from septic tanks as necessary but in no case less frequently than every three years.

b. Operating Permit Application Requirement.

- (1.) Application for an operating permit shall be made on a form provided by the Department and shall include the following information:
 - (a.) Property owner name, mailing address and telephone number.
 - (b.) SSTS Construction Permit reference number and date of issue.
 - (c.) Final as-built drawings of the SSTS.
 - (d.) Owners of holding tanks must submit and keep current, a copy of a valid executed monitoring and disposal contract with a licensed maintenance business. Any change due to property ownership or contractor listed on the monitoring and disposal contract shall require the current property owners to obtain a valid executed monitoring and disposal contract with a licensed maintenance business.
 - (e.) Payment of application fee.
- (2.) Monitoring and Disposal Contract.
 - (a.) Owners of holding tanks shall provide the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minn. R. ch. 7082.0100, subpart 3, item G; or successor rules. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 2, paragraph (b), clause (3); or successor

statues. The owner must hold a valid contract with a licensed maintenance business at all times until such time the holding tank is abandoned or the property sold.

(3). SSTS Existing Prior to the Effective Date of this Ordinance.

- (a.) All SSTS existing prior to the effective date of this ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.

c. Application Review.

- (1.) The director shall review the complete application, any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the director. If the submitted application and documents fulfill the requirements, the director shall issue an operating permit within 15 working days of receipt of the complete permit application.

d. Operating Permit Terms and Conditions. The Operating Permit shall include the following:

- (1). System performance requirements.
- (2). System operating requirements.
- (3). Monitoring locations, procedures and recording requirements.
- (4). Maintenance requirements and schedules.
- (5). Compliance limits and boundaries.
- (6). Reporting requirements.
- (7). Department notification requirements for non-compliant conditions.
- (8). Valid contract between the owner and a licensed maintenance business.
- (9). Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- (10). Descriptions of acceptable and prohibited discharges.

e. Permit Expiration and Renewal.

- (1). Operating permits issued in conjunction with a new SSTS Construction Permit shall have an initial five (5) year timeframe of compliance. Renewal operating permits and all other operating permits issued shall be valid for a three (3) year timeframe.
 - (2). An operating permit must be renewed when one of the following conditions exists: expiration of an existing operating permit, transfer of ownership, replacement, any modification or expansion that requires a permit, or following any SSTS enforcement action. Renewal of an operating permit must occur within thirty (30) days of its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety (90) days of the expiration date, the County may require that the system be abandoned in accordance with Section VI. E. 4.
 - (3). The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least thirty (30) calendar days before the expiration date.
 - (4). Application shall be made on a form provided by the Department and shall include:
 - (a). Property owner name, mailing address and phone number.
 - (b). Reference number of expired operating permit.
 - (c). Any and all outstanding Compliance Monitoring Reports as required by the operating permit.
 - (d). Certified SSTS inspection signed by a certified designer, maintenance contractor or operator.
 - (e). Any revisions made to the operation and maintenance manual.
 - (f). Payment of application fee.
- f. Amendments to Existing Operating Permits Not Allowed.
- (1.) The County may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.
- g. Transfers.

- (1.) The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Section VI. E. 3. b. The Department shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a compliance inspection of the treatment system.

h. Suspension or Revocation.

- (1.) The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- (2.) Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- (3.) If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Section VI.E.4.
- (4.) Failure to follow the conditions of the operating permit or management procedures prescribed in the management plan shall result in the systems being deemed non-compliant by the County.
- (5.) At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

i. Performance Monitoring.

- (1.) Performance monitoring of a SSTS shall be performed by an appropriately licensed professional hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- (2.) A monitoring report shall be prepared and certified by an appropriately licensed professional. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - (a.) Owner name and address.
 - (b.) Operating Permit number.
 - (c.) Average daily flow since last compliance monitoring report.

- (d). Description of type of maintenance and date performed.
- (e). Description of samples taken (if required), analytical laboratory used, and results of analyses. Include a statement that the results are within a defined parameter.
- (f). Problems noted with the system and actions proposed or taken to correct them.
- (g). A clear description of process used to determine compliance including the use of sampling and field verification.
- (h). Name, signature, license and license number of the licensed professional who performed the work.

4. Abandonment Certification.

a. Purpose.

- (1). The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.

b. Abandonment Requirements.

- (1). Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
- (2). Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.
- (3). An owner of a SSTS must abandon all components of the treatment system not in use within five (5) calendar days of a system replacement. Abandonment shall be completed in accordance with Minn. R. chs. 7080.2500. The owner or owner's agent must provide the Department notification two (2) days prior to abandoning a system.
- (4). Abandonment's must be certified and shall be completed by either of the following methods within five (5) days of a new SSTS system construction:

- (a). A licensed SSTS business may abandon all components of the discontinued SSTS. Abandonment shall be completed in accordance with Minn. R. ch. 7080.2500; or successor rules. An abandonment report shall be submitted to the Department. The report shall include:
 - (1). Property owner's name and contact information.
 - (2). Property address.
 - (3). SSTS Construction Permit and operating permit reference numbers.
 - (4). The reason(s) for abandonment.
 - (5). A brief description of the abandonment methods used, description of the system components removed or abandoned in place and final disposal method for any materials or residuals.
- (b). An owner of an SSTS may abandon all components of the discontinued SSTS by personally performing the required work. Abandonment shall be completed in accordance with Minn. R. ch.7080.2500; or successor rules. Prior notification of the Department of an owner's intent to abandon a system is necessary, and the Department shall conduct an abandonment inspection.
- c. Abandonment Approval.
 - (1.) Upon receipt of an abandonment report, the director shall determine if the SSTS has been abandoned according to the requirements of this Ordinance. If the abandonment is not completed according the requirements of this ordinance the director shall notify the owner of the SSTS of the deficiencies, which shall be corrected within (30) calendar days of the notice. Once the abandonment is completed according to the requirements of the ordinance, the director shall approve the report and place into the County records.

F. MANAGEMENT PLAN.

1. Purpose.

- a. The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by a certified designer to the system owner when the SSTS has been designed and submitted to the Department for a SSTS Construction Permit.

2. Management Plan Requirements.

a. SSTS Requiring Management Plans:

- (1). Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the SSTS construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
- (2). Management plans shall be required for any existing system requiring a permit for a repair, modification, or expansion and for any system without a management plan when a property is transferred.
- (3). Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.

b. Required Contents of a Management Plan. Management plans shall include:

- (1). Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.
- (2). Monitoring requirements.
- (3). Maintenance requirements including maintenance procedures and a schedule for routine maintenance.
- (4). Statement that the owner is required to notify the Department when the management plan requirements are not being met.
- (5). Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
- (6). Any performance component; which shall include a description of the performance system component, how the system functions, equipment specifications, emergency operating procedures in the event of a malfunction, and a troubleshooting guide.
- (7). Other requirements as determined by the Department.

c. Requirements for Systems not operated under a Management Plan.

- (1.) Owners of SSTS that are not operated under a management plan or operating permit must have septic tanks inspected and provide for the removal of solids as necessary, but in no case less frequently than every three (3) years. Solids

must be removed when their accumulation meets the limit described in Minn. R. ch. 7080.2450; or successor rules.

- d. Required Submission of Maintenance Reports.
 - (1.) Licensed maintenance businesses must abide by the requirements described in Minn. R. ch. 7083.0770, subp. 2. All written reports of any noncompliance required by Minn. R. ch. 7083.0770, subp. 2 must be provided to the homeowner and the Department within thirty (30) days after any maintenance work is performed.

G. COMPLIANCE MANAGEMENT.

1. Public Education Outreach.

- a. Programs shall be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

2. Compliance Inspections.

a. Required Inspections.

(1). Inspections must be performed:

(a). Any time deemed appropriate by the Department to ensure compliance with this Ordinance.

(b). Prior to issuance of any Land Use Permit, Conditional Use Permit or Variance within all districts, the onsite sewage treatment system must be verified for compliance, with the exception of those buildings in the Agricultural District that are repaired or constructed which are not used for human habitation and do not contain plumbing of any sort. If the inspection requires the upgrade or replacement of any portion of the system, a design must be submitted to the Department and SSTS permit obtained to obtain a Land Use permit, Conditional Use Permit, or Variance. The inspection may be delayed if the permit application is made during the period when a compliance inspection is not able to be completed due to winter conditions. A Land Use Permit may not be able to be issued until a Certificate of Compliance is issued. A

compliance inspection must be performed and submitted before the following June 1.

- (c). For all new SSTS construction or replacements.
 - (d). Upon the transfer of property ownership,
 - (e). Any time there is an expansion of use of the building being served by an existing SSTS, which may impact the performance of the system.
 - (f). Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.
 - (g). Anytime there is a permit issued in the Shoreland District.
- (2). All Compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 - (3). The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor a SSTS. As used in this paragraph, “property” does not include a residence.
 - (4). No person shall hinder or otherwise interfere with the Department’s employees in the performance of their duties and responsibilities pursuant to this Ordinance.
- b. Compliance Inspection Procedure.
- (1). For New SSTS installation, repair, replacement, or modification of existing systems:
 - (a). Compliance inspections must be performed on new SSTS installations or repair and replacement of SSTS to determine compliance with Minn. R. chs. 7080 or 7081. SSTS found not to be in compliance with 7080.1500, subp. 4A or 7081.0080, subp. 3 must be repaired or replaced within 10 months. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise managed according to the operating permit.
 - (b). It is the responsibility of the SSTS owner or the owner’s agent to notify the Department one (1) calendar day prior to any permitted work on the SSTS.
 - (c). It is the responsibility of the installer to verify the design benchmark elevation of the soil treatment area depth with a laser level for the inspector.

- (d). A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Department if the Department determines that the system was built in accordance with the applicable requirements as specified in the zoning ordinance and SSTS construction permit.
 - (e). The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within fifteen (15) calendar days of the completed inspection. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.
 - (f). Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the department finds evidence of noncompliance.
 - (g). The property owner shall be responsible for elimination of defects in the SSTS. No SSTS shall be placed in service until all defects have been corrected, the necessary inspections made and a Certificate of Compliance has been issued by the Department.
- (2). Existing Systems:
- (a). Compliance inspections of existing SSTS shall be reported on the Existing SSTS Compliance Inspection Form provided by the Department. The following conditions must be assessed or verified:
 - (1). Water tightness assessment of all treatment tanks including a leakage report.
 - (2). Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated Procedure described in soil verification process Section VI., E. 2. a. (5.) (c.).
 - (3). Sewage backup, surface seepage or surface discharge, including a hydraulic performance report.
 - (4). A Management Plan is required for any system without a management plan when a property is transferred.
 - (5). Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.

- (6). All SSTS existing prior to the effective date of this ordinance that would require an operating permit now shall require an operating permit following a compliance inspection.
 - (7). Existing soil dispersal systems that are located under or within a structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. ch. 7080.1500, subp. 4(B).
 - (8). An existing SSTS System installed prior to April 1, 1996 and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired or replaced in accordance with Minn. R. ch. 7080.1500, subp. 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. ch. 7080.1860 Table IV; or successor rules.
- (b). The certificate of compliance must include a certified statement by a Qualified Employee or Licensed Inspector, indicating whether the SSTS is in compliance with the requirements of this Ordinance. If the SSTS is determined not to be in compliance with this Ordinance, a Notice of Noncompliance must be issued and include a statement specifying the provisions in which the SSTS does not comply with this Ordinance.
 - (c). The complete inspection report must be submitted to the Department within fifteen (15) days of the inspection.
 - (d). Certificates of compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.
 - (e). Continued use of a treatment tank(s) where the tank(s) is/are to become an integral part of a replacement system or a sanitary sewer system requires the existing tank(s) to be inspected by the Department unless the tank(s) is/are currently operated under a valid Certificate of Compliance.
 - (f). Continued use of a soil dispersal system, whether in part or in whole, must have a lifetime soil verification, where it is to become an integral part of a replacement system requires the existing soils dispersal

system to be inspected by the Department unless the soil dispersal system is currently operated under a valid Certificate of Compliance.

3. Transfer of Properties.

- a. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
- (1). A compliance inspection has been performed and a Certificate of Compliance has been issued by the Department within three (3) years for SSTS older than five (5) years or within five (5) years if the system is less than five (5) years old prior to the intended sale or transfer of the property, unless evidence is found identifying and Imminent Threat to Public Health and Safety.
 - (2). The compliance inspection must have been performed by a qualified employee of the department or a licensed inspection business following procedures described in Section VI., G. 2. b. of this ordinance.
 - (3). The seller of the property must disclose in writing information about the status and location of all known SSTS on the property to the buyer on the form acceptable to the Department.
 - (4). If the seller fails to provide a Certificate of Compliance or the system is non-compliant, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in escrow with a licensed and certified agent and meet the following criteria:
 - (a). The amount escrowed shall be equal to either \$7500 or 150% of a written estimate by a licensed and certified installer to install a compliant SSTS, but at no time shall the escrow be less than \$5000.
 - (b). The agent shall file with the Department at closing a signed statement on a form provided by the Department, or the form's equal, confirming the escrow of such funds. The statement shall be executed by the buyer and the seller and shall establish responsibility for the costs in excess of the escrow amount and to whom excess monies will be refunded following issuance of a Certification of Compliance and notice of release issued by the Department.
 - (5). All property conveyances subject to this ordinance occurring during winter conditions (snow cover and/or frozen ground), when SSTS compliance cannot be determined, shall require a winter agreement that meets the requirements of VI.G.3.a(4) above. A compliance inspection must be performed and submitted before the following June 1.

- (6). If upon inspection the SSTS is found to be in compliance, the Department will issue a letter to the escrow agent allowing the funds to be immediately released. If upon inspection the system is found to be non-compliant, the system shall be required to be upgraded according to Minnesota Rules 7080-7082.
- b. The compliance portion of the Certificate of Compliance need not be completed if the sale or transfer involves the following circumstances:
 - (1). The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - (2). The transfer does not require filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.
 - (3). The transfer is foreclosure, tax forfeiture, or court ordered.
 - (4). The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such contract.
 - (5). Any dwellings or other buildings that are connected exclusively to a wastewater treatment system.
 - (6). There is an existing Certificate of Compliance less than three (3) years old.
 - (7). In the case where a contract for deed is paid off or otherwise satisfied in its entirety and the SSTS servicing the property was certified or replaced at the time the original contract for deed was entered. This exemption only applies to the original vendor and vendee on such a contract for deed.
 - (8). When title to real property is held jointly by a husband and wife and one spouse becomes deceased and the only change that occurs is to remove the deceased spouse's name from the title.
 - c. Neither the issuance of permits, certificates, or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

4. Conflict of Interest.

- a. A licensed inspection business that inspects an existing SSTS is allowed to subsequently design and install a new SSTS for that property provided the inspection business is also licensed to design and install. A licensed inspection business working on behalf of the County must not design or install a system if there is

likelihood that the inspector or business will be responsible for permitting or inspecting the system or system site. A person working for or on behalf of the County shall not use the person's position to solicit for private business gain. [Minn. R. ch. 7082.0700, subp. 2(B)]

H. ENFORCEMENT.

1. Enforcement of this ordinance may be through criminal prosecution and/or administrative actions and/or civil judicial action.
2. Violations are Misdemeanors.
 - a. Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.
3. Administrative Enforcement Actions.
 - a. Notice of Violation.
 - (1.) The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:
 - (a). A statement documenting the findings of fact determined through observations, inspections, or investigations;
 - (b). A list of specific violation(s) of this Ordinance;
 - (c). Specific requirements for correction or removal of the specified violation(s); and
 - (d). A mandatory time schedule for correction, removal and compliance with this ordinance.
 - b. Cease and Desist Orders.
 - (1.) Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not

resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

4. Civil Judicial Enforcement Actions.

- a. In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

5. Notification of violations to other agencies.

a. General Provisions.

- (1.) The Department may notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS that is performed in violation of the provisions of this Ordinance.

b. Straight-pipe Act.

- (1.) The Department may notify the MPCA of violations of the Straight-pipe Act of 2006 (Minnesota Statutes 115.55 Subp. 11), in cases involving any system that transports raw or partially settled sewage directly to; a surface water, lake, stream, drainage system, or onto the ground surface.

6. Costs and Reimbursements.

a. Property Owner Responsibility.

- (1.) All costs associated with the repair, replacement, or abandonment of a failing/noncompliant SSTS shall be the responsibility of the property owner or as otherwise provided for in a written, notarized agreement between two parties.

b. Abatement.

- (1.) If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the County Board, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the public health

nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

I. RECORD KEEPING.

1. The department shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the department's jurisdiction sorted by licensed installation businesses, and other records relevant to each system.

J. ANNUAL REPORT.

1. The department shall provide an annual report of SSTS permitting activities to the MPCA for the previous calendar year. The report must include the information required by Minn. R. ch. 7082.0040, subp. 5.

The following shall be amended to Section VII. Definitions, hereafter renumbered as Section VIII:

The definitions below for terms currently defined in Section VII shall replace those definitions.

DEFINITIONS

AS BUILTS - Are "record drawings" as defined below.

CLASS V INJECTION WELL- SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day, are regulated under Code of Federal Regulations, title 40, parts 144 and 146.

CLUSTER SYSTEM – A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

COMMERCIAL ESTABLISHMENT - A business with a private SSTS serving food, beverage, and lodging establishments that are required to obtain a license under Minnesota Statutes, section 157.16, subdivision 1; or successor statutes, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, chapter 327; or successor statutes.

CUMULATIVE VERTICAL SOIL TREATMENT AND DISPERSAL ZONE - A thirty-six (36) inch accumulation of suitable soil either continuous or in multiple segments that provide final treatment and dispersal of septic tank effluent.

DESIGN FLOW - The daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.

DOMESTIC STRENGTH WASTE - waste typical of a residential source with average influent concentrations no greater than: BOD5 170 mg/l, TSS 60mg/l and Oil & Grease 25 mg/l or effluent values equal to or less than treatment level C.

FAILURE TO PROTECT GROUNDWATER - At a minimum, a SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance described in Minn. R. ch. 7080.1500, subps. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. ch. 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY - At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee inspector or a licensed inspection business.

ISTS - An individual sewage treatment system as defined in Minn. R. ch. 7080.1100, subp. 41.

LICENSED MPCA PRACTITIONER - An individual or business which provides services described in Minn. R. chs. 7080 through 7082; or successor rules, and is licensed by the commissioner of the MPCA under the appropriate license category in Minn. R. chs. 7083.0720 to 7083.0800; or successor rules, allowing the provision of those services.

MALFUNCTION - The partial or complete loss of function of an SSTS component, which requires a corrective action to restore its intended function.

MANAGEMENT PLAN – A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations and potentially lower risk to human and environmental health, including a planned course of action in the event a system does not meet performance expectations.

MINOR REPAIR - The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concepts of the SSTS.

MPCA - The Minnesota Pollution Control Agency.

MSTS - A mid-sized subsurface sewage treatment system as defined in Minn. R. ch. 7081.0020, subp. 4.

MUNICIPALITY - Any incorporated city or township within the boundaries of Douglas County, Minnesota.

NOTICE OF NONCOMPLIANCE - A document written and signed by a qualified employee or licensee after a compliance inspection that gives notice that an individual sewage treatment system is not in compliance.

OTHER ESTABLISHMENTS - Any public or private structure other than a dwelling or a portion of a dwelling used for any business purpose that generates sewage that discharge to a SSTS.

QUALIFIED CONTRACT INSPECTOR - Inspector, licensed by the State of Minnesota to perform the duties related to onsite sewage treatment, who may be hired by the Director to conduct inspections and soil verifications of any new or existing SSTS. A contract inspector shall not perform any subsurface sewage treatment system design or installation work within Douglas County while working for the County as a contract inspector.

QUALIFIED EMPLOYEE - An employee of the state or local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is a certified SSTS professional in the specialty areas applicable to the work being conducted.

RECORD DRAWINGS - A set of drawings which reasonably document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system. Record drawings were previously known as "as built."

RESIDENTIAL USE - Structure used or intended to be used wholly or principally for human habitation.

RESTRICTIVE LAYER - Layer in the soil treatment system area as shown by redoximorphic features, altered structure, bedrock, or a geologic aquifer formation.

SOIL PIT - An excavation into the soil of sufficient depth to allow for assessment of variability in the soil physical properties. The pit should have at least one face that extends through the entire profile cross-section, may range from three (3) to over seven (7) feet in depth, and is large enough for two (2) people to examine the soil profile.

SEWAGE - Waste from toilets, bathing, laundry or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS - A subsurface sewage treatment system as defined in Minn. R. ch. 7080.1100, subp. 82.

SSTS CONSTRUCTION - Any excavation or preparation of soil for the purpose of placing a sewage tank(s), soil dispersal system and/or any related piping within or upon said excavation or soil preparation.

STATE - The State of Minnesota.

SUBSTANDARD SSTS SYSTEM – An existing SSTS not meeting the system requirements defined in this ordinance and Minn. R. chs. 7080-7083.

TRANSFER OF PROPERTY - The act of a party by which the title of property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily, by or without judicial proceeding as a conveyance, sale, gift, or otherwise.

TREATMENT LEVEL - Treatment system performance levels as defined in Minn. R. ch. 7083.4030, Table III for testing of proprietary treatment products.

TYPE I SYSTEM - An SSTS that meets all flow requirements and other sizing requirements of this ordinance and Minn. R. chs. 7080-7083, has three feet of separation, and uses original soils.

TYPE II SYSTEM - Holding tanks, privies, and SSTS on lots within the General Floodplain Zoning District.

TYPE III SYSTEM - An SSTS specifically designed to overcome site deficiencies and size restrictions. A Type III is intended to meet state tank effluent quality standards as found in Minn. R. ch. 7080.2150 subp, 3. K.

TYPE IV SYSTEM - An SSTS designed to include a registered pretreatment device and incorporate pressure distribution and time dosing, allowing application of a higher Soil Hydraulic Loading Rate and reduced soil separation distances.

TYPE V SYSTEM - An SSTS that does not meet the definition for a Type I – Type IV system and/or uses non-registered treatment technology. These systems require a licensed engineer and advanced designer.

FEES

| | |
|---|----------|
| Holding Tank/Privy Installation (Type II) | \$150.00 |
| Septic System Installation (Type I, III – V) (including soil verification) | \$250.00 |
| Class V Injection Well or Systems with more than 9 bedrooms | \$500.00 |
| Cluster Systems..... | \$500.00 |
| Operating Permit (initial issuance for Type II – V, Class V, 9+ Bedrooms, Cluster or Other Establishment) | \$100.00 |
| Operating Permit Renewal (prior to expiration or revocation) | \$5.00 |
| Operating Permit Renewal (after expiration or revocation) | \$50.00 |
| Soil Verification | \$75.00 |



STAFF REPORT

Issue: Sign ordinance update

Agenda Item: Old Business 2

Background: In coordination with Douglas County Land & Resource, the Alexandria Township Board of Supervisors has approved an updating of the Township and County sign ordinances. Both the County and Township language regarding signs is identical, except that billboard signs are permitted by the County in commercial and industrial districts while the Township requires a conditional use permit for billboards in these districts.

The general plan for updating the ordinance includes the following steps:

1. Initial research by Hometown Planning to develop a listing of the issues that typically arise in the writing of a sign ordinance and initial suggestions for amendment.
2. Initial consultation with Douglas County staff to determine the scope of issues that it would like to address in its updated ordinance.
3. Initial consultation with Alexandria Township to determine the scope of issues that it would like to address in its updated ordinance.
4. Develop a working outline to guide the writing of the new sign ordinance. Present to Douglas County staff and Alexandria Township for review.
5. Draft an updated sign ordinance.
6. Present draft ordinance to Douglas County staff and Alexandria Township Planning Commission for review and comment.
7. Present draft sign ordinance to local sign manufacturers/installers for comment and suggested revisions, so as to ensure adequate industry input prior to a final public hearing. The sign companies would be provided a copy of the draft ordinance and Hometown Planning would make itself available for phone or in-person meetings with industry staff to discuss their thoughts and suggestions.
8. Amend draft ordinance based on County/Township comments.
9. Turn over draft ordinance to Douglas County staff for public hearing process. Hometown Planning will be available to answer questions or provide input at the public hearing if requested.
10. Once approved by the County, hold public hearing at Alexandria Township to adopt amendments (and implement more restrictive standards, if desired).

Consistent with Steps 1 and 3 above, the following is a summary of the items discussed by the Planning Commission at its July 2012 meeting:

1. Agreement that the list of items below (#1a-e) should be reviewed and debated as to whether they are too restrictive.

2. A general reluctance to allow for digital display signs within the Township.
3. A need to address how, it at all, garage sale signs and day care signs are regulated.
4. A desire to research options for the removal of existing signs that are in disrepair.
5. A desire to incorporate discussions of what types of signs could possibly be allowed in non-commercial and non-industrial zoning districts into the planned update of the Township's Comprehensive Plan (currently just beginning).

Hometown Planning also held a meeting with Douglas County staff and two County Planning Commission members at the end of July. A brief summary of issues they brought up include:

1. The County also felt that digital display signs should either be greatly restricted or prohibited altogether, depending on where they were located.
2. A need to regulate signs that are on the sides of semi-trailers (although these are primarily along the freeway where they are regulated by MnDoT).
3. A need to discuss appropriate regulations for signs on the sides of buildings (currently unregulated)
4. A need to address permanent "welcome" signs placed by municipalities and how these should be regulated and permitted.
5. A desire to look into whether signs located close to road right-of-ways need additional safety considerations in their design ("break-away" signs).
6. A desire to look at proper regulations for temporary/mobile signs. They felt they should be allowed, but for limited periods of time.
7. A need to look at the regulation of signs located at intersections that direct people to businesses located nearby, but not on the same property as where the sign is located.
8. There was also discussion about whether signs advertising businesses in towns along County Roads should be allowed within certain limited distances of those towns.

The attached represents the first draft of a new sign ordinance. Staff met with Douglas County staff on November 21st and received their initial comments on the first draft. Some notes regarding their comments are in the sidebar of the attached.

Planning Commission Direction: The Planning Commission is asked to review the draft ordinance and identify sections where it would like changes to be made and otherwise comment on the draft. After some initial changes are made, a draft will be sent to local sign companies for their review and comment.

DOUGLAS COUNTY/
ALEXANDRIA TOWNSHIP

**DRAFT SIGN
ORDINANCE**

NOVEMBER 2012

1. Findings, Purpose, and Intent.

- a. Findings. The County/Township hereby finds as follows:
 - i. Exterior signs have a substantial impact on the character and quality of the community.
 - ii. Signs provide an important medium through which individuals may convey a variety of messages.
 - iii. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.

2. Purpose and Intent. It is not the purpose or intent of these sign standards to regulate the message displayed on any sign; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from the outside of a building. The purpose and intent of this Section is to:

- a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the County/Township in order to protect and promote the public health, safety, and welfare.
- b. Maintain, enhance, and improve the aesthetic environment of the County/Township by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the County/Township while providing for effective means of communication, consistent with constitutional guarantees and the County/Township's goals of public safety and aesthetics.
- d. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- e. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- f. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- g. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the County/Township

3. Definitions.

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning - a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign - a sign or graphic printed on or in some fashion attached directly to an awning attached to a building.

Banner sign – a sign that is made of flexible material, contains a message, and is not inflatable.

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Billboard – see “Off-Premise billboard sign”

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign - any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service station canopy signs.

Changeable copy sign, Non-electronic - A non-electronic sign or portion of a sign which is characterized by interchangeable letters and figures.

Changeable copy sign, Electronic – An electronic sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such signs include, but are not limited to, signs using cathode-ray tubes (CRT), light-emitting diode (LED) displays (including organic LED screens), plasma displays, liquid-crystal displays (LCD), projection screens or other similar technologies.

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.

Digital sign – see “Changeable copy sign, Electronic”

Directional sign, On-premise – A sign, generally informational, that has a purpose secondary to the use of the property upon which it is located, intended to facilitate the movement of pedestrians and vehicles within the site and identify the location and nature of businesses, services or other activities located on the premise.

Directional sign, Off-premise – see “Off-Premise directional sign”.

Dynamic sign – see “Changeable copy sign, Electronic”

Erect – the activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign - a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, and does so more frequently than once per five seconds, so as to provide intermittent illumination including the illusion of intermittent flashing light by means of animation or which resembles zooming, twinkling, or sparkling.

Comment [BO1]: Is this too short? Too long?

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Ground sign – see “Monument sign”.

Hanging sign - any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Illuminated sign - any sign which contains or uses an element designed to emanate light or any sign which has lighting directed upon it to increase its visibility.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee - any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign - any sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign – a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Off-premise billboard sign – an off-premise sign greater than 100 square feet in size.

Off-premise directional sign - an off-premise sign that is not a billboard and which serves to direct potential customers or visitors to a specific business, service or location located within two (2) miles of the sign location.

On-premise messages – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Parapet (wall) - that portion of building wall that rises above the roof level.

Pole sign - see “Pylon Sign”.

Portable sign - any sign which is manifestly designed to be transported by vehicle or moved by hand, including those placed or mounted on a vehicle, by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. Portable signs include sandwich and other signs designed to be easily carried or worn by a person, signs pulled, placed in or on a vehicle and signs on the side of semi-trailers, box trucks or other such equipment.

Principal building or structure - the building or structure in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings or structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface or such building or wall face.

Pylon sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the roof line.

Roof sign, integral - any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign

extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating sign - a sign or portion of a sign which turns about on an axis.

Shimmering signs - a sign which reflects an oscillating sometimes distorted visual image.

Sign – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed in the public view for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Visible - capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall - any structure which defines the exterior boundaries or courts of a building or structure.

Wall sign - any sign attached parallel to the wall of a building, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign - any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

4. Permits Required. No sign, unless specifically exempted by this ordinance, shall be erected, altered, reconstructed, or moved in the County/Township without first securing a permit from the County/Township. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
5. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
 - a. The changing of the display surface on a previously approved or legal nonconforming painted or printed sign provided that no structural changes are made and the sign face does not increase in size.
 - b. Unilluminated signs six (6) square feet or less in size.

Comment [BO2]: Is this too large? It is this provision that could be used to allow for garage/yard sale signs, contractor signs, etc... without need for a permit.

Alternatively, we could specifically exempt garage/yard sale, etc... signs and reduce the size of exempted signs to something like 2.25 sq ft (equivalent to 1.5 ft x 1.5 ft).

- c. Personal/Decorative Signs: Unilluminated signs ~~twenty-four (24) square feet or less in of any size~~ which are 1) attached to a building, 2) ~~setback from a road right-of-way at least fifty (50) feet and less than ten (10) feet in height~~ or 3) are clearly for ~~decorative-non-commercial purposes~~, and 3) are for personal enjoyment and not intended to draw attention from the general public.
- d. Public and Traffic Signs: Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) erected by, or on the order of, a duly constituted public office of City, County, State, or Federal governments in pursuance of their public duties.
- e. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- f. Private Traffic Direction Signs: Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign.
- g. ~~Flags not greater than sixty-four (64) square feet in size or greater than thirty-five (35) feet in height.~~

Comment [BO3]: This is an attempt to allow certain signs that are clearly not directed at the public for advertising or other purposes – but are only for the enjoyment of the property owner (i.e. an antique sign attached to their garage).

Comment [BO4]: This is an attempt to allow flags without a permit, but within certain size limits (i.e. the typical Perkins Restaurant flag would not be exempt?). Or should there not be a limit to the size of a flag?

6. Prohibited Signs. The following signs are prohibited signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal. Private traffic direction signs shall not be subject to this prohibition.
- b. ~~Off-premise billboard sign.~~
- ~~e. Signs painted, attached, or in any other manner affixed to trees, rocks, or similar natural surfaces.~~
- ~~d.c.~~ Signs attached to public street/traffic signs, utility poles, bridges, towers, or similar public structures or property. Signs in violation of this Subdivision may be removed by Township or County personnel at their discretion, without advance notice to the sign owner.
- ~~e.d.~~ Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized by this ordinance.
- ~~f.e.~~ No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide ~~light, air,~~ ingress or egress of any building or structure.
- ~~g.f.~~ Signs shall not be permitted within public right-of-way or easements nor shall a sign extend into the airspace over such a right-of-way or easement, except as specifically allowed or permitted by the relevant road authority.

Comment [BO5]: This is listed as “billboard” specifically to allow for some off-premise directional signs.

Comment [BO6]: This could be interpreted to mean rocks that are decoratively painted, but have no advertising aspect to them. Should it be clarified that simply painting a rock is allowed, but not in a way that creates an advertisement or has words on it? Or is it clear enough that that is not considered a sign?

Comment [BO7]: Is there a desire to address non-sign advertising elements in this ordinance? For instance, the inflatable “Gumby” or strings of colored flags sometimes seen at used car lots or other businesses? Or the gorillas at the corner of 3rd and Nokomis?

7. Temporary Signs. Do not require a permit unless they extend past the allowed duration of the sign and other requirements as noted:

- a. Signs advertising a new subdivision or development. Each subdivision or development shall be allowed one (1) sign and one (1) advertising element not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height. Such signs ~~shall be allowed no more than twenty-one (21) days prior to sale and must be removed, or obtain a permit as a permanent sign, within six (6) months from that date will be considered temporary up to one (1) year past the date of the final plat or other final approval. Such signs, when placed for longer than one year, must be permitted in accordance with the requirements of this ordinance and the relevant zoning district.~~
- b. Unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided such signs shall not exceed six (6) square feet and are no more than five (5) feet in height and shall be removed within ~~six (6)~~ twelve (12) months from the start of construction.
- c. Real estate signs, ~~pertaining advertising the to a~~ sale or lease of a building or property, shall not exceed twelve (12) square feet in area located on the subject property and limited to one (1) such sign for each 200 feet, or fraction thereof, of road frontage of the property. ~~Signs shall be removed within seven (7) days of the sale.~~ Temporary real estate directional signs not exceeding ~~three (3)~~ six (6) square feet in area ~~and four (4) in number showing a directional arrow and placed back of the property line~~ shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height.
- d. Signs announcing any public, charitable, educational or religious event or function, located entirely within the premises of that institution and set back no less than ten (10) feet from the property line up to a sign area of twenty-four (24) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function.
- e. Signs announcing a temporary seasonal event, sale, or service such as for the sale of Christmas trees, pumpkins, corn mazes, or fruit picking or for boat storage, located within two (2) miles of the property where the event is to take place. The total time frame the sign is in place shall not exceed forty-five (45) days in any six month period.
- f. Signs less than six (6) square feet in size which are designed to be placed outside of a business during daytime business hours and removed each night, such as A-frame or portable signs.
- g. Temporary signs that relate to an event, date, or time that has passed shall be removed within seven (7) days of the event, date, or time specified therein. If they are not removed by this date, the Zoning Administrator or his/her designee may remove it

Comment [BO8]: We would need a definition of "advertising element" to reflect banners, flags, inflatable persons, etc...

Comment [BO9]: County suggestion, to coincide with the length of time a land use permit to build a structure is valid.

and charge the costs of removal to the individual or enterprise responsible or property owner per the ~~County's~~ Township's Fee Schedule.

8. General Provisions.

- a. Non-commercial speech. Notwithstanding any other provision of this Ordinance, all signs of any size containing Non-commercial speech may be posted in any number from August 1 in a (state) general election year until ten (10) days following the (state) general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.
- ~~b.~~ Setbacks: Setbacks required by this Ordinance shall be as measured to the closest part of any sign, whether on the ground or elevated in the air.
- ~~b.c.~~ Electrical Signs. Electrical signs must be installed in accordance with the current electrical code and a separate electrical permit from the State must be obtained prior to placement.
- ~~e.d.~~ Sign Area Calculation. The area within the frame shall be used to calculate the square footage, regardless of whether or not more than one side is used. If such letters or graphics are mounted directly on a wall of fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. Double-faced signs which have a 45 degree angle or less between the two faces need only count one face for the purpose of calculating area. Third or greater faces on a sign shall be counted against the maximum size allowed.
- ~~e.e.~~ Canopies, Marquees, and Fixed Awnings. Canopies, marquees, and fixed awnings are an integral part of the structure to which they are attached. Where allowed, they shall meet the following requirements and the applicable square footage requirements.
 - i. An awning, canopy, or marquee may not extend out from the building more than thirty (30) inches.
 - ii. Awnings, canopies, or marquees may have no part of the structure other than supports nearer to the ground surface than seven (7) feet.
 - iii. Below Marquee. No sign, either illuminated or non-illuminated, may project below a marquee.
- ~~e.f.~~ Illumination. Illumination for signs, whether internal or external, shall be so constructed and maintained so that the source of light is diffused and not directly visible by a motorist or pedestrian viewing the sign.
- ~~f.g.~~ No sign shall be placed in such a way that it creates a safety hazard by obstructing lines of sight for motorists or pedestrians or physically blocks a pedestrian corridor.

Comment [BO10]: County wants to eliminate this (redundant...required by state Electrical Code already?)

Comment [BO11]: This may not be very common, but the idea is to ensure that multi-faced signs (i.e. 3 or 4-sided) are not used as a way to skirt the size limitations? This may come up more often on corner lots.

Comment [BO12]: The idea here is to make sure that there aren't bare light bulbs visible to the public – i.e. if a section of the sign falls off and exposes a bare light bulb or if a light bulb is used to indirectly illuminate a sign.

g-h. Electronic Changeable Copy Signs - Where allowed, electronic changeable copy signs shall meet the following requirements, in addition to any other requirements that would otherwise apply:

- i. Electronic changeable copy signs shall only be allowed where the digital portion of the sign contains only the printable characters (letters, numbers, punctuation marks, and symbols) available on a standard keyboard. Pictures, graphics and video are not allowed.
- ii. The electronic portion of a sign can only display characters in a single color, against a non-illuminated, dark background.
- iii. The electronic portion of a sign must remain static, and not scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement. Notwithstanding these requirements, the digital display may change its message not more than once per hour.
- iv. Digital display signs must be turned off between the hours of 10:00 pm and 7:00 am, unless the property contains a business that is open later into the evening. Businesses open 24 hours per day do not need to turn off such signs.
- v. The text displayed on an electronic changeable copy sign that is visible to passing motorists shall be of a sufficient size and clarity so as to be quickly read without extensive straining or staring so as not to create a safety hazard.

Comment [BO13]: County suggests specifying the minimum height/width of lettering so this is more enforceable.

9. Fees.

Sign permit fees are as established by the adopted fee schedule.

Comment [BO14]: This is intended to allow for the digital signs only if they are essentially serving the function of a static sign (except that they are easier to change). It would allow for gas station price signs, lottery jackpot signs or any other message so long as the message didn't change more frequently than once per hour.

10. Specific Regulations by Zoning District.

a. Signs in Residential Zones

i. Signs requiring an administrative permit

1. Wall, projecting, banner and hanging signs attached to a building between six (6) and twelve (12) square feet in size
2. Up to one (1) off-premise directional sign up to twelve (12) square feet in size
3. Up to one (1) freestanding sign no greater than twelve (12) square feet in size that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

Comment [BO15]: It would not be necessary to have this section as long as the sign ordinance is incorporated into the zoning ordinance (as opposed to a stand-alone ordinance)

Comment [BO16]: Off-site directional signs direct people to a business within two miles (i.e. "Go ½ mile, turn right"). Should these be allowed in all districts? What should be the maximum size?

Comment [BO17]: Previous ordinance allowed up to sixteen (16) square feet for home occupations. Should we keep the 16 sq ft limit?

ii. Signs requiring a conditional use permit

1. Wall, projecting, banner and hanging signs attached to a building between twelve (12) and twenty-four (24) square feet in size

Comment [BO18]: County suggests 32 sq ft

2. Off-premise directional signs not greater than 24 square feet in size
3. Freestanding signs greater than six (6) square feet in size (12 sq ft if for a childcare business) related to an allowed or permitted home occupation, unless otherwise permitted or prohibited by this ordinance.
4. More than one (1) freestanding sign per parcel.

iii. Prohibited signs

1. Signs larger than twenty-four (24) square feet in size
2. Signs with a total height greater than fifteen (15) feet, unless a wall sign placed on a permitted building.
3. Electronic changeable copy signs
4. Portable signs
5. Rotating signs
6. Shimmering signs
7. Flashing signs
8. Balloon signs
9. More than one (2) freestanding signs per parcel.

Comment [BO19]: County suggests 32 sq ft

iv. Setbacks

1. Right-of-Way: 0 feet
2. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

Comment [BO20]: County suggests 1-2 ft at least

Comment [BO21]: This is to ensure that if the sign were to fall down, it would not fall on a neighboring property (it could fall into a right-of-way).

v. Illumination

1. Internal illumination: Not allowed
2. External illumination: Not Allowed

Comment [BO22]: County does not want to allow.

b. Signs in Business/Commercial/Industrial Zones

i. Signs requiring an administrative permit

1. Window, banner or wall signs no greater than twenty-four (24) square feet in size, which may be internally or externally illuminated.
2. Hanging or projecting signs attached to a building no greater than twelve (12) square feet in size, which may be internally or externally illuminated.
3. Up to one (1) unilluminated pylon/pole sign no greater than sixty-four (64) square feet in size
4. Up to one (1) unilluminated monument sign per road frontage. Each monument sign shall be no greater than sixty-four (64) square feet in size.

Comment [BO23]: County suggests 32 sq ft

- 5. Off-premise directional signs not greater than 24 square feet in size
- ii. Signs requiring a conditional use permit

- 1. Window, banner or wall signs greater than twenty-four (24) square feet in size
- 2. Hanging or projecting signs attached to a building greater than (12) square feet in size.
- 3. Off-premise directional signs between 24 and 100 square feet in size
- 4. Illuminated freestanding signs
- 5. Electronic changeable copy signs
- 6. Portable signs
- 7. Rotating signs
- 8. Shimmering signs
- 9. Flashing signs
- 10. Balloon signs
- 11. More than one (2) freestanding signs per parcel.
- 12. Signs with more than two faces

Comment [BO24]: County suggests 32 sq ft

Comment [BO25]: County suggests 32 sq ft

- iii. Prohibited signs

- 1. Off-premise billboard sign

- iv. Setbacks

- 1. Right-of-Way:
 - a. Signs less than 10 feet in height: 0 feet
 - b. Signs from 10 to 20 feet in height: 10 feet
 - c. Signs greater than 20 feet in height: 20 feet
- 2. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.
- 3. Maximum height
 - a. Along roads with a posted speed limit of 40 miles per hour or greater: 35 feet
 - b. Along roads with a posted speed limit of less than 40 miles per hour: 20 feet
- 4. Maximum size
 - a. 100 square feet or as otherwise noted

Comment [BO26]: County suggests 1-2 ft at least

- v. Corner lots

1. When a sign is located on a corner lot, it may construct a single pole/pylon sign in such a way that it has a face directed toward each frontage. The maximum size allowed shall apply to each face individually.

Comment [BO27]: Is it preferred, for corner lots, to allow two separate pole signs (one on each frontage) or to allow two signs to be mounted onto one pole (each pointed in a different direction)?

c. Signs for Water-Oriented Businesses

On shoreland properties where resorts, bait shops, restaurants or other permitted or legal nonconforming businesses exist:

Comment [BO28]: Currently not allowed by Douglas County ordinance. They will be discussing whether they want to allow or not.

i. Signs requiring an administrative permit

1. Window or wall signs no greater than twenty-four (24) square feet in size.
2. Hanging signs attached to a building no greater than twelve (12) square feet in size
3. Up to one (1) unilluminated freestanding sign, no greater than thirty-two (32) square feet in size, per water frontage.

ii. Signs requiring a conditional use permit

1. Wall signs greater than twenty-four (24) square feet in size
2. Hanging signs attached to a building greater than (12) square feet in size.
3. Illuminated signs

iii. Prohibited signs

1. Off-premise billboard sign
2. Electronic changeable copy signs
3. Portable signs
4. Rotating signs
5. Shimmering signs
6. Flashing signs
7. Balloon signs
8. More than one (2) freestanding signs per parcel.

iv. Setbacks

1. Ordinary High Water Mark: No sign may be placed within a shore impact zone, except wall signs on legal, nonconforming buildings.
2. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

v. Maximum height: 15 feet

vi. Maximum size: 32 square feet

11. Non-Conforming Signs

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions.

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

12. Inspection, Maintenance, Removal

a. Inspection

Any sign for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and all other applicable laws.

b. Maintenance

- i. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- ii. All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- iii. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- iv. Any sign located in the County/Township which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions

of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

c. Removal

- i. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- ii. Illegally erected signs shall be removed by the owner or lessee of the premises upon which the sign is located upon notice by the Zoning Administrator of its illegal status.
- iii. If the owner or lessee fails to remove an abandoned or illegally erected sign, the Zoning Administrator shall remove it in accordance with this section. These removal provisions shall not apply to abandoned signs where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.
- iv. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.
- v. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Zoning Administrator may remove the sign. The Zoning Administrator may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the Zoning Administrator shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary fee collection or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County Roads may be removed by the County at any time without notice.

13. Severability

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The County/Township hereby declares that it would have adopted the Sign

Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Comment [B029]: This section not necessary if incorporated into Zoning Ordinance.

DRAFT