



## Request for Council Action

**TO:** Mayor and City Council  
**THROUGH:** Tim Murray, City Administrator  
**FROM:** Deanna Kuennen, Com and Econ Dev Director  
**MEETING DATE:** July 28, 2020  
**SUBJECT:** Ordinance 2020-12 Repealing Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code (Related to Subsurface Sewage Treatment Systems) – First Reading

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### Background:

In 2014 the City amended Chapter 28 of the City Code, adding new regulations associated with subsurface sewer treatment systems (septic systems). The timing of these additions correlated to major revisions made by the MPCA to subsurface sewer treatment systems. The changes to the City Code placed the responsibility of regulating septic systems inside the city limits on the City, versus the County who is responsible per state statutes.

At the time that these changes were adopted, the City employed staff with proper certifications that allowed the City to administer the program, and an informal agreement was in place with Rice County to conduct inspections. On the rare occasion that a septic system inside the city limits failed, needed replacement, or was being proposed, an applicant would complete an application and pay a fee per the City's adopted Fee Schedule. The City would retain a portion of the fee for administration and would review the design, paying Rice County to do all required inspections.

Currently the City does not employ staff with the proper credentials to administer the subsurface sewer treatment system regulations. However, Rice County has a Sewage and Wastewater Treatment Ordinance that was adopted in 2013 that follows Minnesota Rules, Chapter 7080-7083. They also have jurisdiction to administer/inspect/regulate septic systems throughout the county.

**710.05 JURISDICTION.** The jurisdiction of this Ordinance shall include all lands of Rice County except for incorporated or unincorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction, which is at least as strict as this Ordinance and has been approved by Rice County.

**Recommendation:**

Staff recommends approving Ordinance 2020-12 on First Reading. This action will repeal Ordinance 2014-003 related to subsurface sewage treatment systems, and shift responsibilities to Rice County for ensuring all MPCA rules and regulations related to septic systems, and Minnesota Rules Chapter 7080-7083 are followed and implemented throughout the city limits.

**Attachments:**

- Ordinance 2020-12

**CITY OF FARIBAULT**

**ORDINANCE No. 2020-12**

**REPEALING SEC. 28-250 THROUGH SEC. 28-260 OF ARTICLE IX OF CHAPTER 28  
OF THE FARIBAULT CITY CODE  
(RELATED TO SUBSURFACE SEWAGE TREATMENT SYSTEMS)**

**THE CITY OF FARIBAULT ORDAINS:** The City Code of Ordinances shall be amended by the repeal in its entirety of Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code as follows:

Section 1. Sec. 28-250 through Sec. 28-260 of Article IX of Chapter 28 of the Faribault City Code is hereby repealed in its entirety.

Section 2. This ordinance amendment shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading: July 28, 2020

Second Reading:

Publication Date:

**Faribault City Council**

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Kevin F. Voracek, Mayor

**ATTEST:**

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Timothy C. Murray, City Administrator