



City Council Memorandum

To: Mayor Fasbender and City Council
From: John Hinzman, Community Development Director
Date: October 7, 2024
Item: 2nd Reading\Adopt Ordinance: Amend City Code Chapter 50.05 – On-Site Sewer Requirements

Council Action Requested:

Consider 2nd Reading and adoption of the attached amendment to Hastings City Code Chapter 50.05 – On-Site Sewer Requirements. The amendment transfers licensing and permitting authority for SSTS’ - subsurface sewage treatment systems (also referred to as septic systems) to Dakota and Washington County. The City Council considered 1st Reading at the September 16, 2024 meeting.. A simple majority is necessary for action.

The 1st Reading inadvertently excluded the following language within the existing code and has been added as Chapter 50.05, Subd. C of the amendment:

C. No private on-site sewer system shall be permitted without approval by the City Council. City Council may deny approval of an on-site sewer on property situated within the Municipal Urban Service Area (MUSA) due to the pending availability of City sanitary sewer service.

Background

On April 1, 2024 the City Council authorized submittal of a request to the respective counties to provide SSTS permitting and licensing. Both Dakota and Washington County have agreed to provide services.

The vast majority of homes and businesses within the City are connected to the municipal sewer system; however, there are approximately 30 homes where sanitary sewer service is not available. The City currently provides, inspection, permitting, and licensing services for SSTS’ requiring certain certification through the State of Minnesota. The City no longer has an individual who is SSTS certified and seeks to transfer authority to the respective counties in which staff does have training and where SSTS inspection is much more common.

Council Committee Review

N/A

Advisory Commission Review

N/A

Attachment

- Ordinance Amendment
- Existing Ordinance

ORDINANCE NO. _____

**AN ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA, AMENDING
HASTINGS CITY CODE CHAPTER 50.05 REGARDING ON-SITE SEWER
REQUIREMENTS – SEPTIC SYSTEMS**

The City Council of the City of Hastings, Dakota and Washington Counties, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT. The Code of the City of Hastings, State of Minnesota, Chapter 50.05, on-site sewer requirements (septic systems) shall be deleted in its entirety and replaced as follows

50.05 On-Site Sewer Requirements

- A. *Adoption Of Subsurface Sewage Treatment Systems (SSTS).* Standards for the installation and repair of individual on-site sewer systems are established by Minnesota Administrative Rules, Chapters 7080-7083, Dakota County Ordinance No. 113, and Washington County Ordinance No. 206. Commonly referred to as the Subsurface Sewage Treatment Systems (SSTS) Program, or Septic Systems the above rules and ordinances are hereby adopted by reference as though set forth verbatim herein.
- B. *Permit Required by Respective County.* No person shall install, repair, alter, or pump a SSTS without first obtaining a permit from the respective county in which the SSTS is located.
- C. No private on-site sewer system shall be permitted without approval by the City Council. City Council may deny approval of an on-site sewer on property situated within the Municipal Urban Service Area (MUSA) due to the pending availability of City sanitary sewer service.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

The text amendment adopted by the Hastings City Council on October 7, 2024 amends the City Ordinance to clarify transfer permitting authority for on-site sewer systems (septic systems) from the City to the respective County.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 7th day of October, 2024

Mary D. Fasbender, Mayor

Attest:

Kelly Murtaugh, City Clerk

Published in the Hastings Journal on October 10th and 17th, 2024.

EXISTING ORDINANCE

50.05 On-Site Sewer Requirements

1. *Adoption Of Subsurface Sewage Treatment Systems (SSTS)*. Standards for the installation and repair of individual on-site sewer systems are established by the Minnesota Pollution Control Agency. Commonly referred to as the Subsurface Sewage Treatment Systems Program – Chapters 7080 – 7083, published by the Minnesota Pollution Control Agency, these standards along with Dakota County Ordinance No. 113 are hereby adopted by reference as though set forth verbatim herein. The stricter provisions of Dakota County Ordinance No. 113 shall apply.
2. *Permit Required*. No person shall install, repair, alter, or pump an on-site sewer system without first obtaining a permit as provided herein. Applications, provided by the City, must be completed in writing prior to issuance of a permit. Permit fees shall be as provided in this code.
3. *SSTS License required*. Installation and repair of on-site sewer systems requires licensing by the respective county jurisdiction. Persons applying for a permit for installation or repair of an on-site sewer system must provide evidence of licensure with Dakota County if the property where work will be performed is in Dakota County or licensure with Washington County if the property where work will be performed is in Washington County. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in Hastings must be completed by a business licensed by the MPCA under Minnesota Rules Chapters 7080-7083.
4. *Required Conditions*.
 1. Soil percolation tests must be completed by an independent party and must be favorable for the operation of an on-site sewer system before a permit will be issued.
 2. Installations, alterations, repairs, and maintenance shall be performed in accordance with MPCA Rules Chapter 7080-7083.
 3. No private on-site sewer system shall be permitted without approval by the City Council. City Council may deny approval of an on-site sewer on property situated within the Municipal Urban Service Area (MUSA) due to the pending availability of City sanitary sewer service.

(Prior Code, § 4.12) Penalty, see § 10.99

HISTORY

Amended by Ord. [2012-14, 3rd Series](#) on 10/15/2012