

PUBLIC NOTICES

COOK COUNTY ORDINANCE NO. 56 SUBSURFACE SEWAGE TREATMENT SYSTEMS

» Continued from...page C3

If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.

E. The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 business days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 business days of receipt from the certified inspector. 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 5 years from the date of issue unless the Department finds evidence of noncompliance.

2.03 Existing Systems

A. Compliance inspections shall be required when any of the following conditions occur:

- (1) When a construction permit is required to repair, modify, or upgrade an existing system;
- (2) 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;
- (3) 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;
- (4) At any time as required by this Ordinance or the Department deems appropriate such as, but not limited to, upon receipt of a complaint or other notice of a system malfunction.
- (5) When the lakeshore inspection program is extended or other inspection programs are implemented.

B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. 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 soil or bedrock including a vertical separation verification report. Chapter 7082.0700, Subp. 4 requires that a vertical separation report include verifications by two independent parties, which may be licensed inspection businesses and/or a qualified employee inspector with jurisdiction. If there is a dispute between the two verifying inspectors, the disputing parties must follow the local dispute resolution procedures. If no local dispute resolution procedures exist, the dispute resolution procedure described in 7082.0700, Subp. 5 must be followed.
- (3) Sewage backup, surface seepage, or surface discharge including a hydraulic function report.

C. The certificate of compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.

D. The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 business days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 business days of receipt from the licensed inspection business.

E. Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

2.04 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 years for SSTS older than five years or within (five) years if the system is less than five years old, prior to the intended sale or transfer of the property; unless evidence is found identifying an 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 Article VIII, Section 2.03 of this Ordinance.
- (3) The seller of the property must disclose to the buyer in writing information about the status and location of all known ISTS on the property on a form acceptable to the Department.
- (4) If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying ISTS. The security shall be placed in an escrow with a licensed real estate broker, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to 150% of a written estimate to install a complying ISTS provided by a licensed and certified installer, or the amount escrowed shall be equal to 110% of the written contract price for the installation of a complying ISTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance.

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 the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.
- (3) The transfer is a foreclosure or tax forfeiture.
- (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 a contract.
- (5) Any dwellings or other buildings that are connected exclusively to a municipal wastewater treatment system; any dwellings or other buildings that are located within the jurisdiction of a County approved agreement requiring exclusive connection to the wastewater treatment system of any municipality; or, any dwellings or other buildings that are connected exclusively to an approved wastewater treatment facility other than an individual sewage treatment system.

C. All property conveyances subject to this Ordinance occurring during the period between November 15th and April 15th, when SSTS compliance cannot be determined due to frozen soil conditions, shall require a winter agreement, which includes an application for an SSTS permit and an agreement to complete a compliance inspection by the following June 1st by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be non-compliant, an escrow agreement must be established in accordance with section 2.04 A (4), above, and the system upgraded.

D. The responsibility for filing the completed compliance portion of the Certificate of Compliance under section 2.04 A, above, or for upgrading a system found to be non-compliant, shall be determined by the buyer and seller. Buyer and seller shall provide the Department with a signed statement indicating responsibility for completing the compliance portion of the Certification of Compliance and for upgrading a system found to be non-conforming.

E. Neither the issuance of permits, Certificates of Compliance, 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.

ARTICLE IX SEPTAGE DISPOSAL AND TREATMENT

Septage, as defined in Minnesota rules, Chapter 7080 or successor rules, shall be pumped and disposed of at an MPCA permitted wastewater treatment facility, or land spread in accordance with applicable local, State and Federal Laws.

ARTICLE X ENFORCEMENT

ARTICLE X, SECTION 1.0 VIOLATIONS

1.01 Cause to Issue a Notice of Violation

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.

1.02 Notice of Violation

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);
- D. A mandatory time schedule for correction, removal and compliance with this Ordinance; and
- E. A statement indicating that the property owner will be responsible for any costs required to remove, abate, repair and/or replace an imminent threat to public health, and that those costs shall be recovered by the County through a charge against property taxes.

1.03 Cease and Desist Orders

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.

ARTICLE X, SECTION 2.0 PROSECUTION

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.

ARTICLE X, SECTION 3.0 STATE NOTIFICATION OF VIOLATION

In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

ARTICLE XI RECORD KEEPING

The County 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 county sorted by licensed installation businesses, and other records relevant to each system.

ARTICLE XII ANNUAL REPORT

The department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

ARTICLE XIII FEES

It shall be the responsibility of the Cook County Board of Commissioners, based on recommendations from the Environmental Health Department, to establish fees for any specified activity undertaken pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

ARTICLE XIV INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

ARTICLE XV SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

ARTICLE XVI ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

ARTICLE XVII ORDINANCE REPEALED

Any previous Cook County ordinance for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed.

ARTICLE XVIII ADOPTION

The Cook County Subsurface Sewage Treatment Program Ordinance is hereby adopted by the Cook County Board of Commissioners on the ____ day of _____, 20__.

Chairperson, Cook County Board of Commissioners

ATTEST: _____

EFFECTIVE DATE: January 1, 2010

MINNESOTA SECRETARY OF STATE CERTIFICATE OF ASSUMED NAME

Minnesota Statutes Chapter 333

The exact assumed name under the business is or will be conducted: Cook County North Shore Hospital & Care Center.

Address of the principal place of business. 515 Fifth Ave. West, Grand Marais, MN 55604.

List of names and of all persons conducting business under the above Assumed Name or if the business is a corporation, provide the legal corporate name and registered office address of the corporation: Cook County Hospital District, 515 Fifth Ave. West, Grand Marais, MN 55604.

Dated October 7, 2009
Signed Diane Pearson, Administrator
Linda Taylor, Contact Person
218-725-6872

State of Minnesota
Department of State
Filed October 14, 2009
Mark Ritchie
Secretary of State

Published October 24 and 31, 2009

MINNESOTA SECRETARY OF STATE CERTIFICATE OF ASSUMED NAME

Minnesota Statutes Chapter 333

The exact assumed name under the business is or will be conducted: It Rhymes With Orange.

Address of the principal place of business. 8459 Flagstone Dr., Tampa, FL 33615.

List of names and of all persons conducting business under the above Assumed Name or if the business is a corporation, provide the legal corporate name and registered office address of the corporation: Jason Ian Mendelson and Matt Slaughter, 8459 Flagstone Dr., Tampa, FL 33615.

Dated September 24, 2009
Signed Jason Mendelson, Proprietor
Jason Mendelson, Contact Person
813-885-7425

State of Minnesota
Department of State
Filed September 30, 2009
Mark Ritchie
Secretary of State

Published October 17 and 24, 2009



NOTICE OF PUBLIC ACCURACY TEST

Cook County will test electronic voting machines to be used for the vote tabulation in the November 3, 2009 Special Election.

The test will be held on:
Tuesday, October 27, 2009

at 10 a.m.

At the:
Cook County Auditor's Office
Cook County Courthouse
411 West Second Street
Grand Marais, MN 55604

The public is invited to attend.

Published October 24, 2009

NOTICE OF SPECIAL ELECTION AND MAIL BALLOT PROCEDURES OF COOK COUNTY, MINNESOTA November 3, 2009 Special Election

NOTICE IS HEREBY GIVEN that a special election in and for Cook County, Minnesota, will be held on Tuesday, November 3, 2009, by mail balloting, for the purpose of voting upon the following questions:

QUESTION NO. 1

"Shall Cook County impose a sales and use tax of one percent (1%) on all taxable transactions within Cook County to pay for all or a portion of the following projects and associated financing costs: (i) construction and improvement of a countywide high-speed communications infrastructure network; (ii) construction, improvements and additions to community centers and public recreation areas, including public parking areas, located in Grand Marais, Tofte and Lutsen; (iii) construction of and improvements to the Grand Marais Public Library; and (iv) construction and improvement of a district energy plant for public facilities in Grand Marais?"

QUESTION NO. 2

"Shall Cook County construct and equip a new telephone exchange as a part of the construction and improvement of a countywide high-speed communications information network?"

The following procedures shall be applicable to this special election, and shall apply to all of the Cook County precincts.

The ballots will be mailed by the Cook County Auditor/Treasurer no earlier than October 14, 2009, and no later than October 20, 2009, to all voters registered by the end of the business day on October 13, 2009, addressed to the voter at the voter's residence as shown on the registration file unless the voter completes an absentee ballot request.

An eligible voter who is not registered to vote in Cook County on October 13, 2009, may submit by mail or in person an application for an absentee ballot to the Cook County Auditor/Treasurer and receive voter registration forms and an absentee ballot for the election.

All mail or absentee ballots must be received by the Cook County Auditor/Treasurer by 8:00 p.m. on November 3, 2009 whether by mail, in person or by designated agent. The ballots must be submitted in the ballot secrecy envelope and return envelope provided by the County Auditor/Treasurer. The voter and the voter's witness must complete the voter's certificate on the return envelope. If the voter does not have a witness, he/she may bring the voting materials to the Auditor's office and a staff member will serve as their witness.

The office of the Cook County Auditor/Treasurer at the Cook County Courthouse, 411 West Second Street, Grand Marais, Minnesota, will be open as follows, in addition to regularly scheduled hours:

- (i) From 10:00 a.m. until 3:00 p.m. on Saturday, October 31, 2009;
- (ii) From 8:00 a.m. until 5:00 p.m. on Monday, November 2, 2009; and
- (iii) From 7:00 a.m. until 8:00 p.m. on Tuesday, November 3, 2009.

The ballots will be counted at the Cook County Courthouse in Grand Marais, Minnesota, after 8:00 p.m. on November 3, 2009.

Additional information concerning this election may be obtained from:

Braidy Powers, County Auditor/Treasurer
Cook County Courthouse
411 West Second Street
Grand Marais, Minnesota 55604
(218) 387-3640

Dated 9/8/2009.

By Order of the Board of County Commissioners of Cook County, Minnesota

/s/ Braidy Powers, County Auditor/Treasurer

OFFICIAL BALLOT

COOK COUNTY STATE OF MINNESOTA NOVEMBER 3, 2009

**SPECIAL ELECTION BALLOT
COOK COUNTY, MINNESOTA
NOVEMBER 3, 2009**

INSTRUCTIONS TO VOTERS
To vote, completely fill in the oval(s) next to your choice(s) like this:

| COUNTY QUESTIONS |
|--|
| To vote for a question, completely fill in the oval next to the word "YES" for that question. To vote against a question, completely fill in the oval next to the word "NO" for that question. |
| COUNTY QUESTION 1 |
| Shall Cook County impose a sales and use tax of one percent (1%) on all taxable transactions within Cook County to pay for all or a portion of the following projects and associated financing costs: (i) construction and improvement of a countywide high-speed communications infrastructure network; (ii) construction, improvements and additions to community centers and public recreation areas, including public parking areas, located in Grand Marais, Tofte and Lutsen; (iii) construction of and improvements to the Grand Marais Public Library; and (iv) construction and improvement of a district energy plant for public facilities in Grand Marais? |
| <input type="radio"/> YES <input type="radio"/> NO |
| COUNTY QUESTION 2 |
| Shall Cook County construct and equip a new telephone exchange as a part of the construction and improvement of a countywide high-speed communications information network? |
| <input type="radio"/> YES <input type="radio"/> NO |

ALL PRECINCTS

Typ:01 Seq:0001 Sp:01
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