

BELTRAMI COUNTY

Subsurface Sewage Treatment System (SSTS) Ordinance

Adopted December 17, 2013

Beltrami County Ordinance #32

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100 TITLE

This ordinance shall be known as the Beltrami County Subsurface Sewage Treatment System (SSTS) Ordinance and herein referred to as the ordinance.

200 PURPOSE AND SCOPE

201 PURPOSE

The purpose of this ordinance is to provide minimum standards for and regulation of subsurface sewage treatment systems(SSTS) and sewage disposal, including their proper location, design, construction, operation, maintenance and repair; to protect surface water and ground water from contamination by human sewage; to protect the public health and safety, and eliminate or prevent the development of *public nuisances*.

202 AUTHORITY

This Subsurface Sewage Treatment System (SSTS) Ordinance is adopted by the Beltrami County Board of Commissioners and accepted by the State of Minnesota Pollution Control Agency (MPCA) pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A, 375, 394 and 471, and specifically including Sections 115.55, 145A.05, 375.51, 394.21 through 394.37 and 471.

203 REPEALOR

This ordinance repeals and replaces the previously adopted version(s) of Beltrami County Ordinance #32.

204 JURISDICTION

The provisions of this Ordinance shall apply to all lands in Beltrami County except incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as restrictive as this Ordinance.

205 OBJECTIVES

The principal objectives of this ordinance shall include the following:

- A. To maintain and enhance the environmental quality of the area. The protection of lakes, rivers, streams, wetlands, and groundwater is essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of Beltrami County.
- B. The regulation of SSTS construction, reconstruction, repair, maintenance and septage disposal to prevent the entry and migration of contaminants, thereby assuring the non-degradation of surface or ground water and assuring that all sewage generated in Beltrami County is treated in an MPCA permitted facility or in accordance with MN Rules chapters 7080 and 7081.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.

- D. The prevention and control of waterborne disease, lake degradation, potable water-related hazards and public nuisance conditions through plan reviews, inspections and complaint investigation, and through the positive stages of technical assistance and public education.

206 SCOPE

This Ordinance regulates the siting, design, installation, alterations, operation, inspections, maintenance, monitoring, and management of all SSTS within the jurisdiction of this ordinance. All sewage generated in unsewered areas of Beltrami County shall be treated by an approved SSTS or by a system that has been permitted by the MPCA.

300 GENERAL

301 BELTRAMI COUNTY

The ESD shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the county shall review 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.

302 STATE OF MINNESOTA

Where a single SSTS or group of SSTS under single ownership within one-half mile of each other or 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 MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required.

303 VALIDITY

The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

304 LIABILITY

Any liability or responsibility shall not impose upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

400 DEFINITIONS

Unless defined in this ordinance, MN Rule chapters 7080-7083, or Minnesota Statutes 115.55, all terms used in this ordinance shall be as defined in a standard English dictionary.

ESD – Beltrami County Environmental Services Department.

500 ADMINISTRATION

501 LICENSE REQUIREMENTS

- 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 MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
- B. An MPCA license is not required for an individual who is constructing a SSTS on land that is owned by the individual and shall function solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. This exemption does not apply to properties where the intention is to develop and sell the property. Installation of the system shall be based upon a design by a licensed designer. Systems shall be inspected according to inspections required by ESD.

502 PERMITS

502.1 Permits Required

It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without a SSTS permit. The issuance of any permit or variance under the provision of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

502.2 Activities Requiring a Septic Permit

A septic permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of tanks or 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.

502.3 Activities Not Requiring a Septic Permit

A septic permit is not required for minor repairs or replacements of system components that do not alter the original function of the system.

502.4 SSTS Permit Applications

- A. Septic permit applications shall be made on forms provided by the ESD. The applications shall include all of the requirements identified in the application.
- B. The ESD shall review a permit application and supporting documents. Once it is determined that the SSTS will conform to the provisions of this Ordinance, the ESD shall issue a permit authorizing construction of the SSTS as designed.

- C. In the event the applicant makes a significant change to the approved application, the applicant shall file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial.
- D. Any permit application that is incomplete or does not meet the requirements of this ordinance shall be denied.
- E. No permit will be issued on a parcel of land where an existing violation of any County Ordinance exists, unless the permit is necessary for resolution of the violation.

502.5 Operating Permit

An Operating Permit shall be required for new holding tanks, MSTs, Type IV, Type V, or any other system deemed by the ESD to require operational oversight. Monitoring of a SSTS shall be performed in accordance with the monitoring frequency and parameters stipulated in the permit.

502.6 Permit Expiration

SSTS permits shall be valid for a period of 12 months from the date of issuance. Operating permits shall be valid for a period of one to five years, as determined by the ESD.

502.7 Suspension or Revocation

The ESD may suspend or revoke a SSTS permit issued under this section for any false statements, misrepresentations of facts on which the SSTS 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 the SSTS permit is reinstated.

502.8 Fees

The schedule of fees, as adopted by the Beltrami County Board of Commissioners, shall be posted in the ESD and may be altered or amended only by resolution of the Beltrami County Board of Commissioners.

503 VARIANCES

Any persons requesting relief from the strict application of the official controls prescribed in this Ordinance must submit an application for variance to the ESD. A technical committee assigned by the ESD shall review all administrative variance requests and determine if an administrative decision can be made or if the application should be referred to the Board of Adjustment for a public hearing and decision. If the application is referred to the Board of Adjustment for a decision, all requirements for variances identified in the Beltrami County Shoreland Management Ordinance shall apply.

600 ENFORCEMENT

- A. The Beltrami County Board of Commissioners and the ESD shall be responsible for the administration and enforcement of this ordinance. No person shall hinder or otherwise interfere

with the ESD in the performance of their duties and responsibilities pursuant to this Ordinance. Upon request of the ESD, the applicant or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purpose of regulating and enforcing this ordinance.

- B. Any violation of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with conditions and safeguards established in connection with the granting of, or contained with permits or variances shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. The Beltrami County Sheriff shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their agent. Beltrami County, through the ESD may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.
- C. Each day of a violation of this ordinance or each day that a failure to comply with any requirements of this ordinance continues shall constitute a separate offense.
- D. The Department may enforce the provisions of the ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy. In addition to other remedies, the Beltrami County Attorney may initiate appropriate actions or proceedings to prevent, restrain, correct or abate violations.
- E. Cease and desist orders may be issued when the ESD 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, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.
- F. It shall be the duty of the Beltrami County Attorney and Beltrami County Sheriff to perform such duties as may be necessary to enforce the provisions of this Ordinance.

700 GENERAL STANDARDS

701 ADOPTION OF MINNESOTA RULES

Beltrami County hereby adopts by reference Minnesota Rules, Chapters 7080 - 7083 in their entirety as now constituted and as from time to time amended except as identified in Section 800 of this Ordinance.

702 HOLDING TANKS

Holding tanks may be used for single family homes and other buildings with limited water use under the following conditions:

- A. The owner shall install a remote reading water meter to continuously record indoor water use.
- B. The owner shall maintain a valid contract with a licensed maintainer to pump and haul the holding tank waste to a licensed treatment facility or approved land application site.

- C. The holding tank shall be regularly pumped by a licensed maintainer as required in the operating permit.
- D. The maintainer shall certify each date the tank is pumped, the volume of the liquid waste removed, and the water meter reading at the time of pumping and report to the ESD.
- E. The landowner is responsible for all reporting and other requirements identified in the operating permit or maintenance agreement.

703 LOADING RATES

Minnesota Rule chapter 7080.2150, Subp. 3(E) Table IX shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Ordinance with the following exception:

- A. Table IXa may be used for determining the hydraulic loading rate and infiltration area when there are disturbed soils or other situations where Table IX does not adequately address site specific conditions.

704 PRIMARY AND ALTERNATIVE SITES

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by MN Rule 7080.2200.

705 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should/shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

706 CLASS V INJECTION WELLS

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 Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

707 PROHIBITIONS

707.1 Occupancy of a Building Without a Compliant SSTS

It shall be unlawful for any person to maintain, occupy, or use any building for habitation that is not provided with a SSTS that complies with the provisions of this Ordinance.

707.2 Sewage Discharge to Ground Surface or Surface Water

It shall be unlawful for any person to construct, maintain, or use any SSTS or similar system that results in raw or partially treated wastewater discharging to the ground surface or flowing into any surface water that is not permitted under the National Pollutant Discharge Elimination System program.

707.3 Sewage Discharge to a Well or Boring

It shall be unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

707.4 Discharge of Hazardous or Deleterious Materials

It shall be unlawful for any person to discharge into an SSTS any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

708 ABANDONMENT

Any components of a SSTS, cesspool, or other similar system that will no longer be used must be abandoned in accordance with Minnesota Rule 7080.2500. The owner or owner's agent must submit a completed record of abandonment to ESD within 15 days of abandonment.

709 MANAGEMENT PLANS

709.1 SSTS Requiring Management Plans

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the ESD with the construction permit application for review and approval.

709.2 Required Contents of a Management Plan

Management plans shall include:

- A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- B. Monitoring requirements;
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- D. Statement that the owner is required to notify the ESD when the management plan requirements are not being met;
- E. 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.
- F. Other requirements as determined by the ESD.

709.3 Requirements for Systems Not Operated Under a Management Plan

SSTS that are not operated under a management plan must have treatment tanks inspected according to Minnesota Rule 7080.2450 Subp. 2 and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

710 COMPLIANCE INSPECTIONS

710.1 New Construction or Replacement

- A. A construction inspection must be completed for each new or replacement SSTS prior to covering the SSTS to determine compliance with applicable rules.
- B. A Certificate of Compliance for new SSTS construction or replacement shall be issued by the Inspector if the Inspector has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the permit.

- C. The certificate of compliance must include a certified statement by a licensed inspector or qualified employee who conducted the inspection that the SSTS is or is not 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 be issued to the owner and local government unit and include a statement specifying those ordinance provisions with which the SSTS does not comply.
- D. The certificate of compliance or notice of noncompliance, along with digital photos, must be submitted to the ESD and the owner or owner's agent no later than 15 calendar days after the date of inspection. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.
- E. Certificates of compliance for new construction or replacement shall remain valid for five years from the date of inspection unless the ESD finds evidence of noncompliance.
- F. SSTS installers shall provide an observation pit or other acceptable means to verify soils. The inspector must at a minimum, verify the soil classification, depth of installation of the dispersal system, and depth to the limiting layer.
- G. SSTS installers shall, at the time of inspection, sign an Affidavit of Installation to be given to the inspector. This affidavit shall state that the system was put in according to the design submitted by the licensed designer.

710.2 Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
 - 1. 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;
 - 2. At any time as required by this Ordinance or the ESD deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
 - 3. Any time there is a building permit application and the SSTS does not have a valid certificate of compliance.
- B. In addition to a compliance inspection (if required), if a bedroom(s) is added to the structure, the existing SSTS shall be inspected if the SSTS does not have a valid certificate of compliance and shall be upgraded if necessary to meet the required design flow of the existing home with the bedroom addition(s).
- C. 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. Watertightness 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 vertical separation verification report in accordance with Minnesota Rules 7082.0700, Subp 4 (2); and must explain method used to determine depth.
 - a. For an SSTS built before April 1, 1996, and outside of areas designated as systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments (SWF) there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

- b. For systems built after March 31, 1996 or in SWF, a 15 percent reduction in the vertical separation distance is allowed to account for settling of sand or soil, normal variation measurements, and interpretations of the limiting layer conditions is allowed per Minnesota Rules 7080.1500, Subp. 4 (D);
- 3. Sewage backup, surface seepage, or surface discharge including a hydraulic function report.
 - D. 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 requirements in this ordinance. 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 SSTS permit application must be submitted to the ESD if the required corrective action is not a minor repair.
 - E. The certificate of compliance or notice of noncompliance must be submitted to the ESD and the owner or owner's agent no later than 15 calendar days after the date the inspection was performed.
 - F. Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the ESD finds evidence of noncompliance.

710.3 Notice of Non-Compliance

If a Notice of Noncompliance is issued, the owner must comply with the following conditions:

- A. If the SSTS is identified as an Imminent Threat to Public Health or Safety, the tank(s) must be pumped within 48 hours of inspection and the SSTS operated as a holding tank until the SSTS can be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this ordinance. The SSTS must be brought into compliance within 6 months of the date of notice of non-compliance.
- B. A SSTS that is identified as non-compliant and not an Imminent Threat to Public Health or Safety shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this ordinance within 12 months from the date of notice of non-compliance.

711 DISPUTE RESOLUTION

In the event there are conflicting site evaluations, designs, inspections, or other disputes, the following steps shall be taken:

- A. ESD will review both site evaluations and designs.
- B. A meeting will be set up with the SSTS professionals involved to see if a resolution can be achieved.
- C. Independent professional opinion may be obtained by the ESD to help determine a resolution.
- D. Final decision on site evaluations and designs will be made by the ESD.

712 TRANSFER OF PROPERTY

- A. 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 in accordance with Minnesota State Statute 115.55, subdivision 6.

- B. In addition to the requirements established in Minnesota Statutes, all property transferred must comply with Section 712(C) of this ordinance unless the sale or transfer involves one or more of 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 dwelling or other building that is connected exclusively to a municipal wastewater treatment system.
- C. No owner or other person acting with legal authority on behalf of an owner of a tract of land upon which a structure that is required to have a SSTS is located, shall convey to another party said tract of land, unless one of the following requirements are met:
1. A valid Certificate of Compliance is on file for all SSTS on the parcel of land to be conveyed, or
 2. A valid Operating Permit is in place for the SSTS and all monitoring and reporting requirements have been met satisfactorily, or
 3. If the seller fails to provide a Certificate of Compliance or knows the system is failing, but not an Imminent Threat to Public Health or Safety, the buyer may sign an agreement with the ESD stating that the buyer is accepting all liability to provide the ESD with a Certificate of Compliance for the SSTS within 12 months of the date of transfer, or
 4. If the seller fails to provide a Certificate of Compliance or knows the system is an Imminent Threat to Public Health or Safety, the buyer may sign an agreement with the ESD stating that the buyer is accepting all liability to bring the SSTS into compliance within 30 days of the date of transfer, or
 5. If property transfer occurs between November 15 and April 15, a Stipulation Agreement shall be submitted to the ESD if conditions exist that prohibit the completion of a compliance inspection stating that the buyer is agreeing to complete a compliance inspection by next June 1. If, upon inspection, the system is found to be non-compliant, the system must be brought into compliance within 12 months of the date of transfer.

800 ALTERNATIVE STANDARDS

This section includes technical differences from Minnesota Rules 7080 - 7081.

801 RAPIDLY PERMEABLE SOILS

- A. Soil absorption areas with a soil percolation rate of 0.1 to five minutes per inch that is not a fine sand or soil absorption areas with a United States Department of Agriculture soil texture of medium sand or loamy sand must use one of the following treatment techniques:
1. employ pressure distribution according to Minnesota Rule 7080.2050, Subp. 4; or
 2. divide the total soil treatment system into at least four parts with no part larger than 25% of the required absorption area and the parts constructed for serial application.

802 SIZING

Class III sizing is not allowed to be used for sizing a new SSTS for any dwelling.

900 LAND APPLICATION OF SEPTAGE

- A. Septage shall not be applied within a 10-year flood plain, on soil classified as coarse sands or gravels or on peat or muck soils which are not adequately drained.
- B. The application site shall be located such that the following setback distances are maintained. Greater separations shall be provided as necessary to prevent pollution of surface water or ground waters or formation of public health or nuisance problems.

Setbacks for All Surface Waters			
Land Slope	Soil Texture	Application Date	Setback Distance
0-6%	Coarse	May – Oct	200 feet
0-6%	Coarse	Nov – Apr	400 feet
0-6%	Medium & Fine	May – Oct	300 feet
0-6%	Medium & Fine	Nov – Apr	600 feet
>6 %	All Soils	All Year	Application not allowed without run-off retention, terraces, or berms

<u>FEATURE</u>	<u>SETBACK DISTANCE</u>
Irrigation wells	200 feet
Drinking water	600 feet
Public road right-of-way	50 feet
Individual dwellings	600 feet
Residential areas	¼ miles
Property lines	25 feet
Ground water and Bedrock in coarse soils*	8 feet
Ground water and Bedrock in medium and fine soils*	4 feet

* These measurements are vertical.

