

**SANITATION ORDINANCE ADOPTING REGULATIONS REGARDING THE
ADMINISTRATION OF ONSITE SEWAGE DISPOSAL SYSTEMS STANDARDS BY THE
MCDONALD COUNTY HEALTH DEPARTMENT.**

BE IT ORDAINED AS FOLLOWS:

Section 1: The Commission hereby promulgates and adopts Regulations regarding the Administration of Onsite Sewage Disposal Systems Standards as recommended and requested by the McDonald County Health Department. A copy of said Regulations are attached hereto and made a part hereof by reference.

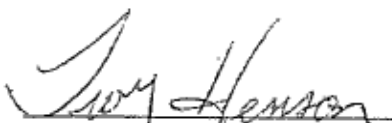
Section 2: The County Clerk is hereby ordered to have the attached Regulations printed and available in their office for distribution to the public.

Section 3: A copy of this order shall be published in a newspaper in this County on three successive weeks, with the first publication occurring not later than thirty (30) days after the passage of this order.

APPROVED THIS 14th DAY OF DECEMBER, 1995.



PRESIDING COMMISSIONER



EASTERN COMMISSIONER



WESTERN COMMISSIONER

ATTEST:



COUNTY CLERK

MCDONALD COUNTY
ONSITE SEWAGE DISPOSAL SYSTEMS
ORDINANCE

AN ORDINANCE GOVERNING THE CONSTRUCTION, MODIFICATION, INSTALLATION AND OPERATION OF ONSITE SEWAGE DISPOSAL TREATMENT SYSTEMS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS AND QUALIFICATIONS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RSMo 1986, which provides in part as follows: The county commissions and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulations, respectively, as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable, dangerous diseases or suspected disease into such a county, but orders or ordinances and rules and regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMo.

SECTION 2. APPLICABILITY. These regulations apply to all wastewater treatment systems except for:

2.01 Wastewater treatment systems connected to the sewage system operated by or on behalf of an incorporated municipality or incorporated public sewer district within the county.

2.02 Single family residence lots of three (03) acres or more (does not exempt any other occupancy or use) provided all points of the system are at least ten (10) feet from any property line and no effluent enters an adjoining property, contaminates surface or groundwater, or creates a nuisance.

SECTION 3. DEFINITIONS. The following words and phrases shall have the following meanings:

- 3.01 **Board:** The McDonald Conty Commission
- 3.02 **Department:** The McDonald County Health Department.
- 3.03 **Detailed Design:** The sketch drawing with all calculations and alterations.
- 3.04 **The Health Officer:** McDonald County Health Department or an authorized representative.
- 3.05 **Emergency Condition:** a condition of such extreme nature which presents an immediate danger to public health, requiring immediate correction without the necessary time to apply for the required permit as set forth herein.
- 3.06 **Health Hazards:** Any condition which is know or suspected to cause disease or harm to a person, community or the environment now or in the future.
- 3.07 **Permit:** A written authorization issued by the McDonald County Health Department which authorizes the permittee to construct, install, modify, repair or operate a wastewater facility as set forth in this ordinance.
- 3.08 **Person:** An individual, corporation, or other legal entity.
- 3.09 **Stop Order:** A written order issued by the County Health Officer or designated representative to stop all construction, installation, modification, repair or operation of a wastewater treatment system until official futher notice.

SECTION 4. PROHIBITIONS. No person shall:

- 4.01 Construct, install, modify, or operate any sewage or wastewater treatment system without the permit required herein.
- 4.02 Construct, install, or modify, any sewage or wastewater treatment system when the permit has expired or has been suspended or revoked.
- 4.03 Fail to comply with a STOP ORDER issued pursuant to this ordinance.

4.04 Construct, install, modify or operate any sewage or wastewater treatment system or any "on-site sewage disposal system" as defined in 701, RSMo in violation of the provisions of Chapter 701 or in violation of any construction, modification or operation permit issued by the Missouri Department of Natural Resources or any other federal or state agency.

4.05 Live, work or assemble in any building or assemble at any public gathering six (06) or more hours in duration where sanitary disposal of all human wastes and domestic sewage is not provided by methods or devices approved by the department. It shall be the responsibility of the property owner to comply with this section.

SECTION 5. CONSTRUCTION PERMITS.

5.01 Any person engaged in the construction, installation or renovation of any wastewater treatment system of less than 3000 GPD shall obtain a construction permit from the McDonald County Health Department.

5.02 Applicant shall provide the following information:

5.021 Legal description of the property to the nearest 1/4, 1/4 section.

5.022 Individual systems - a completed site Evaluation information and sketch for the individual sewer treatment systems.

5.023 Commercial systems with a maximum daily flow of less than 3000 gallons per day (GPD) - a completed Site Evaluation Information and detailed design of the proposed system.

5.024 Name of the installer and signature of the installer.

5.03 Individual sewage treatment systems shall be approved as to type, and capacity by the Department prior to issuance of the construction permit, in accordance with the current construction standards of the Missouri Department of Health, and in particular 10 CSR 20-8.021.

5.04 The system shall be constructed by an installer or contractor registered by the Department, except as specified in Section 7.03.

5.05 The permit application shall be signed by the owner of the property on which the system is to be installed, or by his legally authorized representative.

5.06 Any applicant knowingly providing false information on the application shall be subject to termination of the permit.

SECTION 6. STOP ORDER

6.01 A STOP ORDER may be issued by the County Health Officer or designated agent for the following reasons:

6.011 When substandard materials are being used in construction, installation, modification or repaired in a manner which varies substantially from the sketch or design of the wastewater treatment system.

6.012 When a wastewater treatment system is being constructed, installed modified or operated in violation of this ordinance.

SECTION 7. REGISTRY OF PERSONS AND BUSINESSES ENGAGED IN WASTEWATER TREATMENT SYSTEM PROJECTS.

7.01 Every person engaged in the design, construction, installation, modification, repair or cleaning of wastewater treatment systems, or septic tank cleaning, within McDonald County must be registered with the County Health Officer.

7.02 The Commission may adopt rules and regulations, establishing qualifications and minimum standards of experience and knowledge for persons desiring to register under this ordinance.

7.03 A homeowner is not required to be registered by the Department to install, add to, alter, or repair the private wastewater system that serves his permanent residence, however, he must obtain a permit if the repairs are being done as a result of a valid complaint received by the Department. The homeowner is required to meet all other requirements of this ordinance.

7.04 An applicant for registration shall demonstrate a thorough knowledge of the Department's current minimum standards for construction. The Installer is required to complete a county training program every two years, which will be provided by the Department.

7.05 An applicant shall be able to guarantee workmanship and materials on all installations for one year.

7.06 Any Installer failing to comply with any and all regulations, rules, order, and decisions of the Department relative to the type of systems installed, constructed, or maintained shall be subject to termination or suspension of registered status.

- 7.07 Any Installer failing to comply with the stated provisions for inspection of the system shall be subject to termination or suspension.
- 7.08 Any Installer installing any system for which no permit exists shall be subject to termination or suspension.
- 7.09 Any Installer shall provide any and all installation or construction data requested by the Department and shall maintain complete and accurate records of each installation for a period of not less than three (03) years.
- 7.10 Any Installer shall report promptly to the Department any conditions not in accordance with the system permit and shall cease construction of any installation until approval is obtained.
- 7.11 Any person whose application for Registration under this section has been denied will be notified in writing as to the reasons for denial, and said person may appeal pursuant to Section 11 of this ordinance.
- 7.12 Whenever the County Health Officer determines that a holder of a valid registration under this section has violated any provision of this ordinance, or any provisions, rules or regulations adopted by the Commission, the County Health Officer may recommend to the Board that said registration be suspended or revoked. If the Board finds that the County Health Officer's recommendation has merit, and the findings are supported by the County Commission, then the Board shall schedule a hearing on the proposed suspension or revocation after giving the said holder not less than ten (10) days notice of said hearing and reasonable opportunity to be heard. The Board shall set the term of the revocation or suspension within ten (10) days of said hearing.

SECTION 8. SEPTIC TANK CLEANING STANDARDS.

8.01 Inspection of equipment and dumping site: The County Health Officer shall inspect or cause to be inspected the equipment and dump site of the Registered Tank Cleaner for the purpose of determining if his equipment and dumpsite are in good operation condition and if the same are being operated and maintained in a sanitary and healthful manner, and in compliance with this ordinance. The discharge of wastewater or sewage from the tank truck shall be emptied by using hoses and connections that are approved by the County health Officer. An inspection of the dump site will be conducted at the time of registration and periodically as the County Health Officer deems appropriate.

8.02 The property owner of the dumping site and Registered Tank Cleaner must have an agreement, on file with the County Health Officer to use the property as a sewage disposal site, and said dumping site must be approved by the Department of Natural Resources and the County Health Officer for proper sewage disposal. The Registered Tank Cleaner must use one of the following methods for disposal:

1. Land Application
2. Lagoon
3. Discharge in municipal treatment plant

SECTION 9. POWERS AND AUTHORITY OF INSPECTORS

9.01 The Health Officer, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

SECTION 10. PENALTIES

10.01 Any person found to be violating any provision of this ordinance shall be served by the Department with a written notice, via certified mail, or in person, whenever possible, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Notice shall be deemed to have been given if sent by certified mail to the last known address of the property owner, even if such mail is returned.

10.02 Any person who shall continue any violation beyond the time limit provided for in Section 10.01 shall be guilty of a misdemeanor and on conviction thereof may be fined in the not exceeding One Thousand Dollars (\$1,000.00) for each violation. Each day in which any such violation does continue may be deemed a separate offense.

10.03 Any person violating any of the provisions of this chapter shall become liable to the Department for any expenses, loss or damage incurred by the Department by reason of such violation.

SECTION 11. APPEALS

11.01 Any person aggrieved by any decision of the County Health Officer may appeal to the Board by filing a written application with the County Health Officer within thirty (30) days after being notified of the decision which is the subject of the appeal.

11.02 The Board shall schedule a hearing on appeal, and shall give the person notice of the date of hearing at least ten (10) days prior to the hearing date and give the person reasonable opportunity to be heard.

11.03 Appeal hearings to the Board shall be conducted in accordance with the Commission's adopted rules and procedures.

SECTION 12. WASTEWATER TREATMENT SYSTEM PERMIT FEES

WASTEWATER TREATMENT SYSTEM PERMIT FEES ARE NON-REUNDABLE. THESE FEES ARE AS FOLLOWS:

12.01 Single Family Dwellings.

The fee for a single family dwelling wastewater treatment system is Seventy Five Dollars. (\$75.00)

12.02 Non-Single Family Dwellings.

The fee for a wastewater treatment system permit other than a single family dwelling wastewater treatment system permit is One Hundred Twenty-Five Dollars (\$125.00).

12.03 Registerend Engineers, Registered Contractors, Tank Cleaners, and Registered Installers Fee.

The fee for Registered Engineers, Registered Contractors, Registered Septic Tank Cleaners, and Registered Installer, is Twenty-Five Dollars (\$25.00), Annually.

12.04 Waiver of Fees.

The fees for modification of an existing single family dwelling wastewater treatment system may be waived by the Health Officer if the fees would cause undue hardship on the permit applicant.

SECTION 13. SEVERABILITY

13.01 If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation.

13.02 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department.

SECTION 14. LOAN EVALUATIONS

14.01 Inspections of existing on-site sewage systems may be conducted by a McDonald County Health Department representative. The Health Department may charge up to fifty dollars (\$50.00) for an inspection of an existing on-site sewage system conducted pursuant to a request from a lending institution.

SECTION 15. FACILITIES PERMITTED BY ANOTHER GOVERNMENT ENTITY AND NOT INSPECTED BY THE HEALTH DEPARTMENT

15.01 Commercial systems with a minimum daily flow of greater than 3000 GPD shall provide a letter of approval for the construction issued by the Missouri Department of Natural Resources and a copy of the engineering plans as approved by the Missouri Department of Natural Resources.