

Ordinance No. 93-01
Audrain County, Missouri
Individual Sewage Treatment Systems Permit Ordinance

Section 1. Authority

Section 192.300, RSMo. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission or county health board, such commission or county health board shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law.

Section 2. Applicability

This ordinance shall apply to all sewage treatment systems under the purview of this ordinance located within unincorporated areas of Audrain County, Missouri. However, any incorporated area may petition the Audrain County Commission for inclusion under this ordinance.

Section 3. Definitions

As used in this ordinance, unless the context otherwise requires, the following terms shall mean:

- a) "ACHD", Audrain County Health Department.
- b) "Agent", any person authorized, in a written and signed statement by the property owner, to execute the interests of the property owner in matters related to this ordinance.
- c) "Authority", regulatory agent or designated representative such as ACHD.
- d) "DHSS", Department of Health and Senior Services.
- e) "Emergency repair", the modification, extension, or replacement, due to a structural or mechanical failure which prevents the disposal of wastewater from plumbing fixtures, of a sewage tank, secondary

sewage treatment system, or any other part of the individual sewage system which provides for the treatment of organic waste".

- f) "Hearings", the Audrain County Commission or its representative may convene to hear information and make determinations with regard to issues affecting the administration of this ordinance, section 49.210, RSMo. A hearing may be called by the Audrain County Commission or its representative, or a hearing may be held upon receipt of a written request from any person affected by any decision of the Audrain County Commission or its representative. Such request shall be received within ten (10) days following such decision. A hearing shall be held within thirty (30) days from the receipt of the written request. The decision of the hearing officer shall be conveyed in writing to the affected person within thirty (30) days following the hearing. An appeal of the decision of the hearing shall be consistent with section 49.230, RSMo and chapter 536, RSMo.
- g) "Individual sewage treatment system", any sewage system, disposal system or treatment system, which is intended to render harmless or remove potentially hazardous organic waste from sewage, originating from a single residential or any other facility which generates less than 3,000 gallons of sewage per day and is not regulated by any other state entities such as the Department of Natural Resources.
- h) "Minor repair", any repair which does not involve the modification, extension, or replacement of a sewage tank, secondary sewage treatment system, or any other part of an individual sewage system which provides for the treatment of organic wastes.
- i) "OWTS", On Site Waste Water Treatment Systems
- j) "Permit", the written authorization from the Audrain County Commission or its representative, which authorizes the permittee to construct, install or modify an individual sewage treatment system according to the standards herein adopted by the Audrain County Commission.
- k) "Property owner", the person in whose name legal title to the real estate is recorded.
- l) "Registered Installer" (RI), sewage system contractor registered by the State of Missouri and is listed in good standing on the Registered Onsite Wastewater Treatment System (OWTS) Installers List.
- m) "Sewage", all wastewater originating from the sanitary conveniences of residences, commercial buildings, factories and institutions, to include, but not restricted to wastewater from toilets, baths, kitchens and laundry facilities.

Section 4. Permits

Any construction, installation or modification of an individual sewage treatment system shall require the property owner or agent to obtain a permit from the Audrain County Commission or its representative.

- a) A permit shall only be issued to the official applicant of record who shall be the owner or agent (with written and signed consent) of the property owner.
- b) Each completed application shall be reviewed and a determination made within fifteen (15) business days from the date the application is received by ACHD. Incomplete applications shall not be processed.

Each application shall be submitted with all the supporting data necessary for review. The fifteen (15) day review by ACHD renews, as necessary, following incomplete application submittal. Processing of the application with respect to recommendations or required changes shall be accomplished in accordance with the provisions of the design standards, to 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewer Disposal Systems.

- c) The issuance of a permit to construct, install or modify an individual sewage treatment system does not relieve the permittee of the responsibility to properly plan, design, construct or maintain the system described in the permit application. Construction cannot start until payment is made and the pre-construction onsite inspection has been verbally approved. At the time of the initial inspection both the owner/agent and the Registered Installer shall be present to go over the details of the pending construction. Events may constitute a change to this practice as approved by ACHD. Pictures and/or videos may be taken as part of the inspection process.
- d) All new or modified systems using a lagoon shall be preceded by an appropriately sized septic tank. Wastewater lagoon surface area shall not be reduced when preceded by a septic tank. This practice may be changed upon the approval of ACHD and/or Audrain County Commission. All systems are required to have a primary system such as a septic tank followed by a secondary system. This practice may be changed upon the approval of ACHD and/or Audrain County Commission.
- e) Single-family residence lot consisting of less than three acres may be required to have an engineered system as deemed by the regulatory authority. Any single-family residence or commercial on-site sewer systems (number of acres) will not be exempt from the permitting process.
- f) Emergency repairs shall meet or exceed the adopted minimum design standards. The property owner or agent shall obtain a permit within five (5) days after beginning emergency repairs. No part of the emergency repairs shall be backfilled until being inspected and approved.

Section 5. Sewer System Contractors

- a) No person shall operate as an individual sewage system contractor in Audrain County unless registered by the State of Missouri and is listed on the Registered Onsite Wastewater Treatment System (OWTS) Installers List. Lists of current individual sewage system contractors are available online and through DHSS and the Audrain County Health Department by request.
- b) Registered Installers/Contractors who install OWTS must be registered with DHSS as Registered Basic Installers or Registered Advanced Installers. Basic OWTS Installers are required to attend a course and pass an examination provided by, or approved by, DHSS. This course covers the basic concepts of the law and rules governing onsite sewage, basic soil science, health and safety precautions, applying for permits, and technical information on the components of onsite wastewater treatment systems. Advanced OWTS Installers are required to also attend a course and pass an examination provided by, or approved by, DHSS. The advanced course covers, soil water movement, use of soil fill material, advanced pretreatment systems, pressure distribution, low-pressure pipe distribution systems, and drip irrigation dispersal systems. Upon successful completion of the class(es), individual's names are placed on a list that is published on the Internet and distributed in paper form upon request. 19 CSR 20-3.080 details the requirements and responsibilities of registered installers.

Section 6. Construction, Installation, Modification or Maintenance in Compliance with Issued Permit

The permittee shall:

- a) Construct, install, modify and maintain the permitted individual sewage treatment system in accordance with the terms and conditions of the permit issued by the Audrain County Commission or its representative. Unauthorized changes, deviations or modifications are a violation of the permit conditions. A new or amended application shall be filed to obtain a review of the requested changes to the proposed system. No change of the original specifications shall be implemented by the permittee until a new or revised permit is issued.
- b) Notify ACHD at least twenty-four (24) hours prior to the backfilling of the individual sewage treatment system. Such notification shall allow the inspection to be performed during normal business hours. An inspection shall be made by ACHD of the construction, installation or modification to assure compliance with the conditions and specifications of the permit. The compliance section of the permit shall be signed by the ACHD representative if the conditions and specifications are accomplished. The required fencing of a lagoon shall be postponed until after the final inspection. A follow-up is required to ensure fencing compliance. If the prerequisite notice is not given by the permittee, one or more of the following actions shall be required:
 - 1) Excavation of the individual sewage treatment system to reveal compliance with the conditions of the permit;
 - 2) revocation/suspension of the permit, and/or
 - 3) prescribed legal action.

Section 7. Duration, Termination, Renewal, Extension or Transfer of Permits

As permitted by the Audrain County Commission or its representative:

- a) An individual sewage treatment system shall be constructed, installed or modified within one (1) year from the date of issuance of the permit.
- b) A permit may be transferred to a new owner upon the written request of the official applicant if the construction, installation or modification project is not completed at the time of the sale of the property. The letter requesting the transfer shall also be signed by the new owner. The request for the transfer of an existing permit shall be acted upon within thirty (30) days after receipt.
- c) Any conditions established in the permit shall remain in effect when a permit transfer is granted to a new owner.
- d) Upon legal transfer of the property, the new owner of the property becomes the legal owner of the permitted individual sewage treatment system, which remains subject to any conditions of such permit.

Section 8. Denial of a Permit

The Audrain County Commission or its representative may deny an individual sewage treatment system permit for any of the following reasons:

- a) The application does not meet the applicable minimum design and construction standards as specified in the current revision of the design standards; 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewer Disposal Systems; except as noted within this ordinance.
- b) The project, if constructed, may be in violation of state surface or ground water standards; and/or any other applicable standards.
- c) A public sanitary sewer is available within three hundred (300) feet of the building to be served by the proposed individual sewage treatment system. The sewer connection shall be practical, economically feasible and approved by the public sewer authority;
- d) Any other justifiable reason which shall be provided in writing by the Audrain County Commission or its representative.

Section 9. Immunity

The Audrain County Commission or its representative shall not be liable for damages resulting from approval by the Audrain County Commission or its representative for the construction, installation or modification, maintenance or operation of an individual sewage treatment system.

Section 10. Complaints

The Audrain County Commission or its representative may not investigate a sewage complaint except when necessary as part of a communicable disease investigation unless the complaint is received from an aggrieved party or an adjacent landowner in writing with all pertinent information and signed by the aggrieved party or an adjacent landowner.

Section 11. Penalties

The following penalties to be imposed:

- a) Any person who fails to comply with any provision of this ordinance or procedure issued hereunder, or order pursuant hereto, shall be guilty of a misdemeanor or infraction, punishable by a one hundred dollar (\$100) to one thousand dollar (\$1,000) fine and/or up to one (1) year imprisonment. Each day or any part thereof in which such violation occurs shall constitute a separate offense.
- b) The Audrain County Commission or its representative, upon receipt of a valid complaint, as required in sections 701.025 through 701.059, RSMo, from an aggrieved person, is authorized to require the property owner to correct an individual sewage treatment system within a specified time period, not to exceed one hundred twenty (120) days. After which time the property owner shall be guilty of a misdemeanor or infraction, punishable by a fifty dollar (\$50) to five hundred dollar (\$500) fine and/or up to six (6) months imprisonment. Each day or any part thereof in which such violation occurs shall constitute a separate offense.
- c) The prosecuting attorney of the County of Audrain shall act on behalf of the Audrain County Commission or its representative and shall, upon request of the Audrain County Commission or its representative, institute appropriate proceeding for correction of the noncompliance or violation involved.

Section 12. Schedule of Fees

The Audrain County Commission or its representative shall annually adopt a schedule of fees associated with the administration and implementation of this ordinance.

Section 13. Severability

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and that holding shall not affect the validity of the remaining portion of this ordinance.

Section 14. Revisions. Amendments

The Audrain County Commission may convene a hearing and enter into this ordinance any necessary revisions or amendments for the administration and/or implementation of this ordinance. Such revisions or amendments shall represent a separate, distinct and independent entity of the ordinance and may be accomplished by court order or any other method allowed by law.

Section 15. Effective Date

This ordinance shall become effective on the date that this ordinance is acted upon and ordered by the Audrain County Commission.

Presiding Commissioner

Date

Eastern Commissioner

Date

Western Commissioner

Date