

Jasper County Wastewater Treatment Systems Ordinance

JASPER COUNTY HEALTH DEPARTMENT

IN COOPERATION WITH
THE MISSOURI DEPARTMENT OF HEALTH & SENIOR SERVICES

105 Lincoln Street
Carthage, MO 64836

Telephone (417) 358-0481 * Fax (417) 358-0494

JASPER COUNTY WASTEWATER TREATMENT SYSTEMS ORDINANCE

Effective: September 1, 1995 **Revised: May 31, 2001**

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

SECTION I AUTHORITY: This ordinance is enacted pursuant to Section 192.300, RSMo.1994, 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 or dangerous diseases into such a county, but orders and ordinances or 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. The Jasper County Health Department shall promulgate rules and amendments to 19 CSR 20-3.060 which can be more restrictive than state guidelines per 701.035 which states: **701.035. Local regulations and standards, requirements-private right to action not preempted.-** Sections 701.025 to 701.059 shall not prohibit the enforcement of ordinances of political subdivisions establishing a system for the regulation and inspection of on-site sewage disposal contractors and a minimum code of standards for design, construction, materials, operation, and maintenance of on-site disposal systems, for the transportation and disposal of wastes therefrom and for on-site disposal systems servicing equipment, provided such ordinances establishes a system at least equal to state regulation and inspection. Nor shall sections otherwise exist. Nothing in sections 7001.025 to 701.059 shall be construed to prohibit a political subdivision from enacting and enforcing standards which are more stringent than the provisions of sections 702.025 to 701.059 and rules promulgated pursuant thereto.
(L. 1986 H.B. 1101 § 6, A.L. 1994 S.B. 446)

SECTION II APPLICABILITY: These regulations apply to all wastewater treatment systems treating domestic wastewater except for wastewater treatment systems connected to the sewage operated or on behalf of an incorporated municipality or incorporated public sewer district within the county and properly permitted to operate in the county by the Department of Natural Resources. Onsite wastewater treatment systems installed and inspected within cities of Jasper County having local codes equivalent to Missouri State Standards and this ordinance are also exempt.

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- SECTION III DEFINITIONS: The following words and phrases shall have the following meanings:
- 3.01 Commission: The Jasper County Commission
 - 3.02 Department: The Jasper County Health Department
 - 3.03 Detailed Design: The sketch drawing with all calculations and alterations.
 - 3.04 The Health Officer: The Administrator of the Jasper 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 may cause disease, harm or a health nuisance to a person, community or the environment now or in the future.
 - 3.07 Permits:
 - A. On-site Sewage Treatment System Permit:
A written authorization issued by the Jasper County Health Department which authorizes the permittee to construct, install, modify or operate a wastewater facility as set forth in this ordinance.
 - B. Building Permit:
A written authorization issued by the County to build, erect, install or construct any structure to be used as a residence, house, home or as a commercial facility.
 - 3.08 Site Evaluation: An evaluation to determine soil conditions (properties and permeability), slope, existence of lowlands, surface depressions, rock outcrops, and sinkholes, set back distances, depth of water table, location of easements and underground utilities, amount of available area for installation and/or replacement of septic system, location of dwellings, runoff water potential, and any potential for significant groundwater contamination. A site evaluation shall contain a soil profile/morphology completed by a soil scientist recognized by the Missouri Department of Health or a Percolation test done in accordance with the Department procedure and performed by a person certified by the Missouri Department of Health as a Percolation Tester. Notification of all Site Evaluations done shall be made to the Department no less than twenty four (24) hours prior to the Evaluation.
 - 3.09 Approved Septic Tanks: Any septic tank approved by the Missouri Department of Health or Jasper County Health Department. No metal tanks are approved by Jasper County Health Department unless specifically allowed by the administrative authority on a case by case basis.
 - 3.10 Person: An individual, corporation, or other legal entity.
 - 3.11 Stop Order: A written order issued by the County Health Officer or designated representative to stop all construction, installation, modification or operation of a wastewater treatment system.
 - 3.12 Abandoned Well: Any well that has been filled in and abandoned in accordance with the Missouri Department of Natural Resource guidelines.

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SECTION IV PROHIBITIONS: No person shall:

- 4.01 A. Commence construction on any structure to be used for a residence or commercial facility with a restroom without a Building Permit issued by Jasper County.
- 4.01 B. Construct, modify, repair or operate any sewage treatment system without an On-site Sewage Treatment System Permit issued by Jasper County.
- 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 701.025, 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 (6) or more hours in duration where sanitary disposal of all human wastes and domestic sewage is not provided by methods or device approved by the Department. It shall be the responsibility of the property owner to comply with this section.
- 4.06 Install an on-site wastewater system on a lot that is smaller than ninety-two hundredths (.92) of an acre. Applies to lots platted and recorded or approved by Department of Natural Resources after May 6, 1999.
- 4.07 Attach more than one residence, house, home or commercial facility to an on-site wastewater system. Multiple family dwellings such as duplexes shall be considered as one residence.
- 4.08 Install an electrical meter loop and or meter to serve new structure commercial, residential or mobile home until clearance for such installation has been received in writing from Jasper County. Such clearance will be issued to the electrical utility upon issuance of a permit for On-site Sewage system and/or a Building Permit. All temporary meter loop installations shall be reported by the utility to the Department within seven (7) days after installation. Temporary meter loops shall not supply electricity to mobile homes, prefabricated buildings, etc. moved in as a residence or commercial facility.

SECTION V PERMITS:

- 5.01 Building Permit: Any person wishing to establish a residence or commercial facility to include any commercial or private use of any above or below ground structure on property located within Jasper County shall apply to the County for a Building Permit except for property within political jurisdictions which issue building permits within the minimum requirements of all State and County requirements for the issuing of building permits. A permit will be issued when all county offices which govern property usage have approved the permit application.
- 5.02 Any person engaged in the construction, installation or renovation of any wastewater treatment system or the owner of the property on which the above is engaged shall obtain an On-site Sewage Treatment System Permit or On-site Sewage Repair Permit from the Jasper County Health Department.
- 5.03 Applicants for permits shall provide the following information and then permit application must be completely filled out:
 - A. Name of the property owner, legal description of the property, the physical (E-911) address of the property, and mailing address of the property owner, day time and evening telephone number for the property owner.

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- B. Individual and commercial sewage systems with a maximum daily flow of less than 3000 gallons per day (GPD) – a completed Site Evaluation information sheet with detailed design for the proposed system. The site evaluation must include a soil profile for each system. The name and signature of the property owner and installer on the application for permit.
 - C. Exception: System design/processes currently approved by the Missouri Department of Natural Resources will not require a permit to install.
 - D. Commercial systems with a maximum daily flow of greater than 3000 GPD – 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.
- 5.04 Individual sewage treatment systems must be approved as to type, design and capacity by the Department prior to issuance of the On-site Sewage Treatment Systems Permit, in accordance with the current construction standards of the Missouri Department of Health, in particular 19 CSR 20-3.060 and any rules or amendments to 19 CSR 20-3.060 promulgated by Jasper County Health Department and any regulations pertaining to the treatment system. The Department may also refer to rules and standards promulgated by the Clean Water Commission and Department of Natural Resources Chapter 600 RSMo 1994 (10 CSR 20).
- 5.05 The systems shall be constructed by an installer or contractor registered by the Department, except as specified in section 7.03.
- 5.06 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 and by the installer that is to construct or repair the system.
- 5.07 Any applicant knowingly providing false information on the application shall be subject to termination of the permit.
- 5.08 Repair permits will be issued for the repair or replacement of the Septic Tank and/or a portion of the absorption field. Additions to absorption fields that may be failing are limited to one hundred feet (100') of lateral when issued a repair permit. Only one (1) Permit for Repair will be issued per site for addition of up to one hundred (100) feet of lateral without the submission of a completed site evaluation.
- 5.09 Building Permits will not be issued until the property owner has met all requirements of the County. The minimum requirements include: Flood Management review and approval, On-site Sewage Treatment System Permit issued by Jasper County Health Dept., E911 address verification. The County reserves the right to modify the requirements for a Construction Permit; the requirements will be published in the Jasper County Construction Permit Requirements standard operating procedure.

SECTION VI STOP ORDER:

- 6.01 A STOP ORDER may be issued by the County Health Officer for the following reasons:
- A. When substandard materials are being used in construction, installation or modification of the wastewater treatment system.
 - B. When a wastewater treatment system is being constructed, installed, modified or operated in violation of this ordinance.
 - C. When a temporary electric meter is supplying electrical power to a residence or commercial facility. This will require the electric utility to pull the meter within five (5) working days. The utility will be notified by the Department.

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SECTION VII REGISTRY OF PERSONS AND BUSINESSES ENGAGED IN WASTEWATER TREATMENT SYSTEM PROJECTS:

- 7.01 Every person engaged in the design, construction, installation, repair or modification of on-site sewage treatment systems within Jasper County must be registered with the County Health Officer with the exception of property owners working on their own private system are not required to be registered if they construct no more than one (1) system in a period of three (3) years.
- 7.02 The Department may adopt rules and regulations, establishing qualifications and minimum standards of experience and knowledge for persons desiring to register under this ordinance and for private home owners wishing to work on their own private on-site wastewater system.
- 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, a permit must be obtained. The homeowner is required to meet all other requirements of this ordinance with the exception of registration and training: an indication of knowledge may be required such as passing a basic knowledge test on sewage systems.
- 7.04 An applicant for registration shall demonstrate a thorough knowledge of the Department's minimum standards for construction. The installer is required to complete a training program that meets the standards of the Missouri Department of Health or Jasper County Health Department.
- 7.05 An applicant shall guarantee workmanship and materials on all installations for one year.
- 7.06 Any installer failing to comply with any and all regulations, rules, orders and decisions of the Department relative to the type of systems installed, constructed or maintained shall be subject to termination or suspension of registration to operate in Jasper County.
- 7.07 Any installer failing to comply with the stated provisions for inspection of the system shall be subject to termination or suspension of registration to operate in Jasper County.
- 7.08 The installer installing any system for which no permit exists shall be subject to termination or suspension as addressed in Section 9 of this ordinance.
- 7.09 The installer shall provide any and all installation and construction data requested by the Department and shall maintain complete and accurate records of each installation for a period of not less than three (3) years.
- 7.10 The installer shall report promptly to the Department any conditions not in accordance with the system permit and shall cease all 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 10 of this ordinance.
- 7.12 Whenever the County Health Officer determines that a property owner or 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 Department or Commission, the County Health Officer may suspend or revoke said registration and inform the property owner of all violations on the property in accordance with section 9.01.

SECTION VIII. POWERS AND AUTHORITY OF INSPECTORS AND INSPECTION PROVISIONS

- 8.01 **Notification.** The installer shall notify the Health Officer at least twenty-four (24) hours before final inspection is needed. Inspections will be performed during normal business hours. No inspections will be scheduled on weekend or holidays. After the allotted time period, the system may be covered. The installer shall notify the Health Officer to cancel the scheduled inspections if the system will not be completely done at the appointed time. All notification must be made to the Health Officer during normal business hours by telephone or by facsimile (FAX).

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- 8.02 **Inspection.** The Health Department will schedule an inspection of the site as soon as an Inspector is available. The Health Department reserves the right not to schedule an inspection if no Inspector is available. The inspection shall be accomplished according to the Jasper County Health Department established procedure which will insure that the system workmanship and material at the time of inspection is in accordance with the Jasper County Health Department Standards before being approved by the Inspector. The Jasper County Health Department reserves the right to establish and modify inspection procedures and standards for construction as necessary due to changes in Missouri statutes, rules, regulations, best practices, manufacturer's recommendations, and precedence.
- 8.03 **Right to enter.** The Health Officer or a representative of the Health Officer shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. This shall include facilities permitted by another government entity.

The Property owner by the act of applying for a permit to install on the site grants to the Jasper County Health Department the right to enter the private property at the site for the purposes of monitoring construction of the sewage treatment system and for inspection of the system at any time from the moment a permit is applied for until the sewage treatment system is completed and or the final inspection is completed. The Department has the right to enter property if there is the suspicion of a violation of this ordinance, any Health Hazard or any Health Nuisance present on the property at any time.

SECTION IX. PENALTIES / ENFORCEMENT

- 9.01 Any person found to be violating any provision of this ordinance or allowing the violation on their property shall be served by the Department with a written notice and/or Stop Order, stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.
- 9.02 Any person who continues any violation beyond the time limit provided for in Section 9.01 may be charged with a misdemeanor and upon conviction thereof shall be fined as otherwise provided by law. Each day in which any such violation does continue shall be deemed a separate offense.
- 9.03 Any person violating any of the provisions of this ordinance or allowing violation on their property shall be liable to the County for any expenses, loss, or damage incurred by reason of such violation.
- 9.04 Upon any occurrence of installing or repairing a system without a proper permit the property power will be required to submit all of the proper documentation for all applicable permits, pay the Noncompliance Fee in section 11.03, obtain all permits required, and shall assist the Department in a proper inspection of the system. This section does not limit the prosecution of the property owner or the installer for ordinance violations.

SECTION X. APPEALS

- 10.01 Any person aggrieved by any decision of the County Health Officer may appeal to the Appeals 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.
- 10.02 The Appeals 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.

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- 10.03 Appeals hearings to the Appeal Board shall be conducted in accordance with the Commissions adopted rules and procedures. The Appeal Board shall consist of One County Commissioner, The Administrator, One Environmental Health Specialist, One Registered Installer, One Soil Scientist, and One Citizen at Large. The Commissioner shall chair the board. The Administrator shall schedule the board hearings and determine the personnel makeup on the board. The decision of the Appeal Board is final unless overruled by a court of law. If the ruling of the Appeal Board is taken to court and the ruling prevails any and all legal costs and personnel costs shall be paid by the Appellant.

SECTION XI. FEES

Fees are nonrefundable. All fees are subject to annual revision and can be adjusted by the Department or the County Government. These fees are as follows:

- 11.01 Building Permit Fee: Twenty-five Dollars (\$25.00)
- 11.02 On-site Sewage Treatment System Permit: Seventy-five Dollars (\$75.00)
- 11.03 On-site Sewage Repair Permit Fee: Twenty-five Dollars (\$25.00)
- 11.04 Noncompliance Fee: One Hundred Fifty Dollars (\$150.00)
- 11.05 Registered Engineers, Registered Soil Scientists, and Registered Installers Fee. The fee for Registered Engineers, Registered Soil Scientists, and Registered Installers is Twenty-five Dollars (\$25.00) yearly.
- 11.06 Waiver of Fee. The fee for modification of an existing single family dwelling wastewater treatment system may be waived by the Health Office if the fees would cause undue hardship on the permit applicant. Fees may be waived to facilities that are owned by the county, or not for profit institutions.
- 11.07 Fee Deposition. Fees collected by the Jasper County Health Department and all revenue from this ordinance shall be deposited in accordance with the Jasper County Commission guidelines.

SECTION XII. SEVERABILITY

- 12.01 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.
- 12.02 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department.

SECTION XIII. LOAN EVALUATIONS

- 13.01 Inspections of existing on-site sewage and private water systems-Inspection of On-site Wastewater Treatment Systems, and private water systems for purposed of tending a loan on the subject property shall be accomplished by an individual licensed by the Missouri Department of Health. The payment of fees for this inspection is of a private matter and should be negotiated with the inspector. Inspectors shall obtain all data available pertaining to the inspection property from the Jasper County Health Department before inspection is attempted. A copy of all inspection results shall be forwarded to the Jasper County Health Department within 30 day of any and all inspections in this county.

SECTION XIV. COMPLAINTS

- 14.01 Sewage complaints must be in writing for official action to be taken. Anonymous complaint may be investigated at the Administrator's request.
- 14.02 Complaints may be filed by any citizen of Jasper County regardless of official office or political election or appointment.

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- 14.03 The Department has fifteen (15) working days to respond to a complaint. Response shall be in writing to the person registering the complaint.
- 14.04 Complaints shall be held as confidential unless required by a court of law.
- 14.05 Complaints that are valid and indicate a violation of this ordinance shall be processed on the property owner or installer in the complaint. The violating party shall be given reasonable time to respond and correct the violation(s). Any violations that are not corrected within the time indicated must be fully justified by the party responsible.