

CERTIFIED COPY OF ORDER NO: 02-2017 # 1796

STATE OF MISSOURI
COUNTY OF PETTIS

} ss.

Term, 2017

In the Pettis County Commission of said County, on the 21st day of April 2017, the following, among other proceedings, were had, viz:

COMMISSION ORDER 02-2017 #1796

(AMENDED)

**Pettis County, Missouri
On-site Wastewater Treatment Systems**

An ordinance governing the construction, modification, installation, and operation of on-site wastewater treatment systems within Pettis County requiring certain permits for installation and operation, and providing penalties for violations thereof.

On-site wastewater treatment systems which are properly functioning and not in violation of sections 701.025 through 701.059 RSMo., or sections 644.006 through 644.141 RSMo., when this becomes effective shall not be required to obtain a permit for operation. However, all systems shall be maintained free of nuisances, potential health hazards, or violations of Missouri Law regardless of when the system was originally installed.

It is hereby ordered by the Pettis County Health Center Board of Trustees and the Pettis County Commission as follows:

Section 1. Authority

This ordinance is enacted pursuant to Section 192.300 RSMo., 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 infections, contagious, communicable or dangerous diseases into such county, but orders or ordinances and rules and regulations shall not be conflict with any rules or regulations authorized and made by the Missouri Department of Health and Senior Services in accordance with this chapter or by the Missouri Department of Social Services under chapter 198 RSMo.

The administrative authority shall be the Pettis County Health Center, or its designated representative.

The Pettis County Health Center Board of Trustees shall be the Pettis County On-site Wastewater Review Board, also referred to as the Review Board. The Review Board may consult technical experts or appoint an Ad Hoc Committee as needed.

Section 2. Adoption

The Pettis County Commission hereby adopts the State standards as defined in Missouri Laws accompanied by Department of Health and Senior Services Rules Governing On-Site Sewage Systems, Section 701.025 through 701.059 RSMo. and Minimum Standards for On-Site Sewage Disposal Systems defined under 19 CSR 20-3.060 and 19 CSR 20-3.080, with the following exceptions:

- 2.01 Fees for construction permits, installer registration, and inspection fees may be adjusted no more often than once every year.
- 2.02 The fees collected by the Pettis County Health Center pursuant to this section and sections 2.02, 2.04, and 2.12 shall be used to implement the on-site sewage program.
- 2.03 The Pettis County Health Center Board of Trustees may set different construction permits fees on the design flow of an on-site wastewater treatment systems and for systems that are installed

without obtaining a construction permit from the administrative authority. The schedule below will be used for determining fees:

- a. Class I: On-site wastewater treatment systems that have a design flow less than one-thousand (1,000) gallons per day.
 - b. Class II: On-site wastewater treatment systems that have a design flow between one-thousand (1,000) to two-thousand (2,000) gallons per day.
 - c. Class III: On-site wastewater treatment systems that have a design flow over two-thousand (2,000) gallons per day.
 - d. Class IV: On-site wastewater treatment systems that are installed without obtaining a construction permit from the administrative authority shall be at least twice the amount the permit fee would have been if the system had been properly permitted.
- 2.03 Inspection Fee: Fee that is collected to recoup costs incurred in investigating and determining if on-site wastewater treatment systems that have been installed without a construction permit or approval by the administrative authority meet the minimum state and county requirements.
- 2.04 The Pettis County Health Center Board of Trustees may set different inspection fees regarding on-site wastewater treatment systems installed without a construction permit. Any person who installs an on-site wastewater treatment system without a construction permit may be charged an inspection fee. The schedule below will be used for determining inspection fees:
- a. Inspection Fee Rate I: A property owner and/or registered installer who installs an on-site wastewater treatment system without a construction permit and/or that is not in compliance with the construction code.
 - b. Inspection Fee Rate II: A property owner or registered installer who has installed more than one on-site wastewater treatment system without a construction permit and/or that is not in compliance with the construction code.
 - c. Inspection Fee Rate III: A non-registered installer who installs an on-site wastewater treatment system without a construction permit and/or that is not in compliance with the construction code.
 - d. Inspection Fee Rate IV: A non-registered installer who has installed more than one on-site wastewater treatment system without a construction permit and/or that is not in compliance with the construction code.
- 2.05 Inspections of existing systems may be made at the request of a person for his/her own system, a seller, a buyer, a lending institution, or their respective agents for the purpose of evaluating the system to determine its operation is not in violation of this ordinance or Sections 701.025 through 701.059 RSMo. These inspections shall be conducted by private individuals who are properly licensed or registered by the Missouri Department of Health and Senior Services.
- 2.06 At least seventy-five percent (75%) of on-site sewage disposal systems constructed, modified or repaired, that are required to be permitted, will be inspected by the Administrative Authority established in Section 1 of this ordinance.
- 2.07 Sewage complaints shall be handled underneath this ordinance. Procedures for sewage complaints and investigations shall be based from rules used by the Missouri Department of Health and Senior Services. In the event a system is found to be failing this issue may be resolved by replacing or repairing the offending portion of the system. A permit will be required if the sewage system will need replacement or major repairs. Any complaints that are found to be valid and are not corrected within the time allowed by the Administrative Authority shall be forwarded to the Pettis County Prosecutor's Office.
- 2.08 No exemptions shall be allowed for single family residences. Any new construction, replacement, modification or major repair shall be required to obtain a construction permit from the Pettis County Health Center regardless of size of the lot or amount of acreage.
- 2.09 Due to the limited information that is gathered from the use of a percolation test, this soil test will no longer be allowed when designing an on-site wastewater treatment system.
- 2.10 Any persons installing on-site wastewater systems that are regulated under this ordinance shall be registered with the Pettis County Health Center and registered with the Missouri Department of Health and Senior Services except as provided for in Section 701.055 RSMO. The registration period for installers shall run concurrently with the registration issued by the Missouri Department of Health and Senior Services. The registration period is three years and is based on the date the registration is issued. When the registration period is sixty (60) days from expiring the installer

when be sent a renewal form by the administrative authority. Any persons not registered and installing on-site wastewater systems that are regulated under this ordinance shall be in violation of this ordinance. This registration may be revoked or suspended by the Pettis County Health Center or its representatives if this ordinance is violated in any manner by the individual holding said registration.

- a. Any person who has his or her registration revoked or suspended will be notified by certified mail or in person. Upon notification the installer will have ten (10) business days from the date of notification to request a hearing with the Pettis County On-site Wastewater Review Board.
 - b. A hearing if requested shall be held within thirty (30) days from date of notification of revocation or suspension.
 - c. Any person who has his or her registration revoked or suspended shall not install On-site Wastewater Treatment Systems for one (1) year from date of notification. When the revocation or suspension is completed the person must reapply for registration with the Pettis County Health Center.
 - d. Any person who has his or her registration revoked or suspended more than once shall not be allowed to reapply for registration without the permission of the Pettis County On-site Wastewater Review Board.
- 2.11 Fees for on-site wastewater treatment system installer registration shall be set as provided for in section 2.01.
- 2.12 STOP ORDER: A written order by the Pettis County Health Center or its authorized representative to stop all construction, installation, modification, major repairs, or operation of an on-site wastewater treatment system.
- 2.13 A STOP ORDER may be issued by the Pettis County Health Center or its representative for the following reasons:
- a. For new construction or installation, if the materials and/or manner of installation fail to meet the requirements contained in the permit.
 - b. For existing systems that are being operated in violation of this Ordinance and the owner of said system has been issued a Notice of Violation by the Administrative Authority or its representative.
 - c. If the effluent is leaving the property of origin, becomes a nuisance, creates odor, and/or is contaminating ground water or surface water.
 - d. If there exists a condition of such extreme nature which presents an immediate danger in public health requiring immediate corrective action. Examples of such an immediate danger include direct contamination of a potable water source.

Section 3. Notification

When the Pettis County Health Center or its representative has reasonable grounds to believe there is a violation of this ordinance or any adopted rule, regulation, or applicable law, the Pettis County Health Center or its representative shall give written notice to the person(s) alleged to be in violation, detailing violation, location, remedial action and time allowed for correction. Such notices shall be delivered in person or by certified mail. This notification shall be considered valid and final.

Section 4. Immunity

The approval of any permit or wastewater treatment system shall not be taken as a guarantee that the system will operate and function as intended. The Pettis County Commission, Health Center, Board of Trustees or their representatives shall not be liable for damages resulting from the approval by the Pettis County Health Center or its representatives for the construction, installation or modification, maintenance or operation of an individual wastewater treatment system.

Section 5. Penalties

Any person who violates any provision of this ordinance shall be guilty of a Class A misdemeanor. Every day, or part thereof, in which a violation occurs or continues, shall constitute a separate violation. The Pettis County Health Center may assess an administrative penalty of not more than fifty dollars per day with no monetary limit on any property owner who has been issued a Notice of Violation and who fails to repair a failing on-site wastewater treatment system or goes past the last date of abatement given by the administrative authority. This penalty may also be applied to systems that were installed without a

construction permit or that are not in compliance with the construction code. Any penalties collected shall be dispersed according to law.

Section 6. 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 7. Jurisdiction

The regulations contained in this ordinance shall be applicable to all unincorporated areas within Pettis County, Missouri and by order of the Pettis County Commission, incorporated municipalities which petition the Pettis County Commission to be included and the Pettis County Commission agrees to order their inclusion after public hearing thereon.

Section 8. Amendments

This ordinance may be amended at any time.

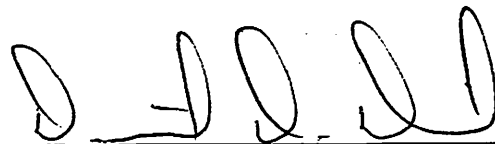
Section 9. Effective Date

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


Section 10. Right of Review of Denial, Suspension, Revocation before a Review Board.

- 10.01 The Pettis County Health Center may deny, suspend, or revoke a permit for any reason as described in this ordinance. In the event a permit is denied, suspended, or revoked; the applicant shall be notified in writing of the reasons for denial, suspension, or revocation.
- 10.02 Any applicant that has had their permit denied or revoked may request in writing of the reasons for denial, suspension, or revocation. An applicant denied or revoked a permit may request in writing a hearing before a Review Board stating the grounds in support of the request within thirty (30) days of the notification of denial or revocation.
- 10.03 A suspension of a permit in accordance with the appropriate sections of this ordinance will remain in effect for sixty (60) days or until the circumstances leading to the suspension are corrected which ever is longer, unless a hearing before the Review Board is requested in writing within ten days (10) days of the suspension being issued. The suspension will remain in effect until the Review Board can rule on the request.
- 10.04. In the event that the Pettis County Board of Trustees denies a permit or revokes an installers registration the impacted individual may appeal in writing within 10 days to the Pettis County Commission who will have the Final Authority.

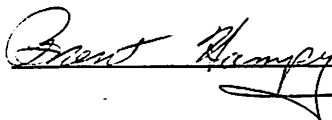
This ordered on this 21st day of April, 2017



David D. Dick
Presiding Commissioner



Jim Marcum
Western Commissioner



Brent Hampy
Eastern Commissioner

I, Nick La Strada, Clerk of Pettis County Commission, in and for said County, do hereby certify the above and foregoing to be a true copy of the proceedings of our said PETTIS COUNTY COMMISSION, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County Commission, at the office in Sedalia, MO, this, the 21st Day of April, 2017.



Clerk of County Commission

By K. Layton D. C.