

**PIKE COUNTY ON-SITE
SEWAGE DISPOSAL SYSTEM
ORDINANCE 2001-A&B**

Pike County Health Department

**5 East Church Street
Bowling Green, MO 63334**

**PIKE COUNTY ON-SITE SEWAGE DISPOSAL
ORDINANCE 2001-A
PIKE COUNTY BUILDING NUISANCE AND
CONDEMNATION
ORDINANCE 2001-B**

* Denotes clarification of administrative authority

An ordinance establishing the requirement for permits to be issued to construct, install, repair, or modify on-site sewage disposal systems, the certification of installers, the certification of haulers, qualifications of persons performing percolation tests and soils morphology examinations, and the penalties regarding violations of said ordinance in Pike County, Missouri (A)(Systems which are functioning properly and not in violation of sections 701.025 through 701.059, RSMo., or sections 644.006 through 644.141, RSMo., when this ordinance becomes effective, shall not be required to obtain a permit for operation. However, all systems shall be maintained free of nuisances and imminent health hazards regardless of when the system was originally installed.) (B)This section to establish for the welfare of the general public to be protected from un-safe structures as outlined in The U.S. Department of Housing and Urban Development guidelines as outlined in handbook 4905.1, 4150.2, 4145.1 REV 2, change 1, 4240.4 REV-2, 4150.1 REV-1.

Section 1. Authority.

Section 192.300, RSMo. The county commissions and county health 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 in accordance with this chapter or by the Department of Social Services under chapter 198, RSMo.

The administrative authority shall be the Pike County Environmental Public Health Specialist/Officer

Section 2. Applicability.

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This ordinance shall apply to any on-site sewage disposal system, as defined in Section 3.9 of this ordinance, located on a lot or parcel of less than three (3) acres within Pike County, which is not regulated pursuant to chapter 644, RSMo. *The owner of a single-family residence lot consisting of 3 acres or more, except lots adjacent to lakes operated by the Corps of Engineers or by a public utility, shall be excluded from the provisions of Pike County Ordinance 2001-A&B and the rules promulgated thereunder, including provisions relating to the construction, operation, major modification and major repair of on-site disposal systems, when all points of the system are located in excess of ten feet from any adjoining property line and no effluent enters an adjoining property, contaminates surface waters or groundwater or creates a nuisance as determined by a readily available scientific method. Except as provided in this section, any construction, operation, major modification or major repair of an on-site sewage system shall be in accordance with rules promulgated under Pike County Ordinance 2001-A&B regardless of when the system was originally constructed. The provisions of the Pike County Ordinance shall not apply to lots located in subdivisions under the jurisdiction of the Missouri Department of Natural Resources which are required by a consent decree, in effect on or before May 15, 1984 to have class one (1), National Sewage Federation (NSF) aerated sewage disposal systems. (Portion in italics was added on May 16, 1996 to comply with the*

language of Section 701.031 of the Missouri Law for On-Site Disposal Systems.) However, this ordinance shall apply to and be enforced upon any and all violations of RSMo., 644 with strict compliance to The Department of Natural Resources regulations and guidelines as pertaining to any type of on-site or sewage discharge systems. Section (B) of this ordinance shall apply to all building structures which do not meet the safety guide lines outlined in The U.S. Housing and Urban Development manuals referenced in this Ordinance, to include 4905, 4150.2, 4145.1 REV-2 change 1, 4240.4 REV-2, and 4150 REV-1. Section (B) shall carry the same administrative measures as section (A).

Section 3. Definitions.

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

3.1 "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.

3.1A "Condemnation" building or structure unsuitable for safe occupancy to include but not limited to lead presence, mold, vectors, animals, water, sewage, electrical, plumbing or structural defects.

3.2 "Emergency repair", the modification, extension, or replacement of an on-site sewage system requiring more than a minor repair due to a sudden structural or mechanical failure which prevents the disposal of sewage from plumbing fixtures.

3.3 "Hauler", see Section 3.10. On-site sewage disposal system hauler.

3.4 "Existing system", an on-site sewage disposal system in operation before January 1, 1996.

3.5 "Imminent health hazard", a condition which is likely to cause an immediate threat to life or a serious risk to the health, safety, and welfare of the public if immediate action is not taken.

3.6 "Installer", see Section 3.11. On-site sewage disposal system installer.

3.7 "Minor repair", any repair which does not involve the modification, extension, or replacement of a sewage tank, subsurface soil absorption system, or any other part of an on-site sewage disposal system which provides for the treatment of organic wastes except for the repair or replacement of aeration unit motors.

3.8 "Nuisance", sewage, human excreta or other human organic waste discharged or exposed on the owner's land or any other land from an on-site sewage disposal system in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease to or between a person or persons, or which contaminates surface waters, or groundwater. (B) Dangerous structures with vectors, wild animals, waste excreta other than human, lead, mold or other environmental factors.

3.9 "On-site sewage disposal system", any sewage system, disposal system or treatment system, discharging a maximum of three thousand gallons per day into a subsurface soil absorption system, which is intended to render harmless or remove potentially hazardous organic wastes.

3.10 "On-site sewage disposal system hauler" or "hauler", any person who pumps, cleans, transports, and disposes of sewage removed from an on-site sewage disposal system on behalf of, or under contract with the owner or agent of such system.

*3.11 "On-site sewage disposal system installer" or "installer", any person who performs construction, alteration, repair, extension, of an on-site sewage disposal system on behalf of, or under contract with, the owner or agent of such system.

*3.11A The Pike County Health Department defines a Professional On-Site Sewage Disposal System Installer as an individual who:

A. Has paid the annual Twenty-Five Dollar (\$25) Pike County On-Site Sewage Disposal System Installer License fee.

B. Has provided a copy of certification from the State Health Department for On-Site Sewage Disposal System Training (attended the State training class for on-site sewage disposal systems and passed the exam).

C. Has shown to be covered by a License & Permit Bond or Contractor's Bond in the amount of Ten Thousand Dollars (\$10,000).

D. Has shown to be covered by General Liability Insurance in the minimum amount of Five Hundred Thousand Dollars (\$500,000).

E. Has demonstrated knowledge of Pike County's septic system permit procedure.

F. Has been in good standing with all State & County Regulatory Agencies.

G. Has demonstrated in a field setting the ability to use blueprints, transit and or laser levels. To include ten (10) successful installations of systems unless otherwise demonstrated by approval letter from a neighboring county.

*3.11B The Pike County Health Department defines a Homeowner On-Site Sewage Disposal System Installer as an individual who has

A. Paid a Twenty-Five Dollar (\$25) Pike County On-Site Sewage Disposal System Installer License fee.

B. Passed the Missouri State Installers examination and course.

A Homeowner On-Site Sewage Disposal System Installer License shall be valid for six (6) months and six (6) months only from date of issuance and applies only toward a septic system installation on the property of the homeowner's primary residence. No extensions shall be granted for this license. This authorization does not allow a General Contractor to act as a homeowner, for any installation purposes either for custom built or spec homes.

3.12 "Person", any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the state of Missouri or any department thereof, any other government body or any department thereof, or any political subdivision of this state.

3.13 "Permit", the written authorization from the Pike county health department, allowing the property owner or the agent of the property owner to construct, install or modify an on-site sewage disposal system according to the standards adopted by the Pike County Commission.

3.14 "Property owner", the person in whose name legal title to the real estate is recorded.

3.15 "Sewage", all wastewater originating from the sanitary conveniences of residences, commercial buildings, factories, institutions, or other buildings to include, but not restricted to wastewater from toilets, baths, kitchens and laundry facilities. Sewage is further defined as blackwater, which consists of wastes carried off by toilets, urinals, and kitchen drains, and gray water, which consists of all other domestic wastes including bath tubs, showers, lavatories, and laundry machines.

3.16 "Subdivision", land divided or proposed to be divided for primarily residential purposes into parcels as required by local ordinances, or in the absence of local ordinances, "subdivision" means land which is divided by a common owner or owners into three or more lots or parcels, any of which contains less than three acres, or into platted or unplatted units, any of which contains less than three acres, as a part of a uniform plan of development.

3.17 "Subsurface soil absorption system", a system for the final renovation of the sewage tank effluent and return of the renovated wastewater to the hydrologic cycle, including the lateral lines, the perforated pipes, the rock material, and the absorption trenches. Included within the scope of this definition are: soil treatment systems, privies, chemical toilets, single-family wastewater stabilization ponds and similar systems; except that a subsurface soil absorption system does not include a sewage system regulated pursuant to chapter 644, RSMo.

Section 4. Permits

✓ Repairs

Subsequent to the passage of this ordinance, any construction, installation, modification, or repair of an on-site sewage disposal system shall require the property owner or agent to obtain a permit from the Pike County Health Department at 5 East Church Street, Bowling Green, MO 63334.

4.1 A permit shall only be issued to the property owner or agent.

4.2 The issuance of a permit to construct, install, modify, or repair an on-site sewage disposal system does not relieve the property owner or agent of the responsibility to properly plan, design, construct or maintain the system described in the permit application in accordance with currently adopted standards.

4.3 Emergency repairs shall meet or exceed the adopted minimum design standards. The property owner or agent shall

obtain a permit within five (5) working days after beginning emergency repairs. No part of the emergency repairs shall be backfilled until the compliance section of the permit is signed by the Pike County Health Department.

Section 5. Prohibitions.

No person, except when authorized by a permit issued by the Pike County Health Department pursuant to this ordinance, shall:

5.1 construct, install, modify, or repair any on-site sewage disposal system in a manner inconsistent with the terms and conditions of a permit issued for that system; or,

5.2 construct, install, modify, or repair an on-site sewage disposal system with a permit that has expired or has been suspended or revoked.

*Section 6. Responsibilities; Installers, Haulers, Soil Scientist, Private Inspectors, and Engineers to be certified; Suspension or Revocation of Certification.

At least one certified on-site sewage system installer shall be on site at all times during the construction, installation, modification, or repair of an on-site sewage disposal system. The certified on-site sewage disposal system installer is responsible for assuring that the adopted standards of this ordinance are followed. Certification shall be issued to an installer upon compliance with Sections 6.1 and 6.2 of this ordinance.

*6.1 Each person desiring to become a Professional On-Site Sewage Disposal System Installer or a Homeowner On-Site Sewage Disposal System Installer shall attend and pass the state installers course and examination.

*6.2 Examination dates and locations can be obtained through the Pike County Health Department.

*6.3 The examinations for the Professional On-Site Sewage Disposal System Installer License or a Homeowner On-Site Sewage Disposal System Installer License shall test the applicant's knowledge of the design, construction, installation, modification, repair and servicing of on-site sewage disposal systems.

6.4 The Pike County Health Department shall issue certificates and maintain a roster of professional on-site sewage disposal system installers, soil scientist, engineers, private inspectors and haulers currently approved in Pike County. The roster will be considered public information and available for review and publication. All state licenses shall be a requirement for certification.

6.5 Each approved installer, hauler, soil scientist, private inspector and engineer shall furnish proof of valid state or county licensing upon requested by the Pike County Health Department.

6.6 The certificate may be suspended or revoked by the Pike County Health Department if the *certified* installer, hauler, soil scientist, private inspector or engineer violates any section of

this ordinance or sections 701.025 through 701.059, RSMo., or any rule or regulation adopted under this ordinance or other statute.

6.7 The installer, hauler, soil scientist, private inspector or engineer may request a hearing pursuant to Section 19, of this ordinance. Until the final decision of the hearing is issued, the installer, hauler, soil scientist or engineer shall be required to suspend all operations related to the construction, installation, modification, repair, or servicing of on-site sewage disposal systems.

6.8 If the decision to deny, suspend or revoke the certification of an installer, hauler, soil scientist, private inspector or engineer is upheld and not appealed, the person/company may reapply for certification one (1) year after the date of the final decision.

Section 7. Adopted Standards.

Persons performing percolation tests and soils morphology examinations must meet or exceed the minimum qualifications of 19 CSR 20-3.080. All plans, specifications, and installations shall meet or exceed the minimum design standards filed with the Missouri Secretary of State on April 17, 1995 titled, 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems, promulgated by the Missouri Department of Health, except:

7.1 All new or modified systems using a wastewater stabilization pond shall be preceded by an appropriately sized septic or aeration tank. Wastewater surface area shall not be reduced when preceded by a septic or aeration unit.

7.2 Metal sewage tanks shall not be used in the construction, installation, modification, or repair of any on-site sewage disposal system.

*7.3 Soil Evaluations

Before any new on-site sewage disposal system is installed, or any existing absorption field is repaired, a soil evaluation shall be performed on the site by a qualified soil scientist. In certain instances where the sewage disposal system is not dependent upon soil characteristics, and at the discretion of the Pike County Health Department the soil evaluation may be waived. Percolation tests are allowed at the discretion of the homeowner, however, the Pike County Health Department is not required to honor the results.

*7.32 Conventional Systems

Inspection Ports

Inspection ports, consisting of 4" PVC pipe shall be placed at the end of each absorption line for the purpose of determining the true water depth in each trench.

*7.35 Gravelless Pipe Systems

The following criteria shall be observed when installing Gravelless Pipe Systems:

*7.35A Top Location Indicator Stripe

When installing gravelless pipe in the trench, the visible top location indicator marking stripe, running the length of the pipe, shall be placed top dead center.

***7.35B Inspection Ports**

Inspection ports, consisting of 4" PVC pipe shall be placed at the end of each absorption line. The inspection port shall be connected to the end cap of the gravelless pipe and oriented such that the connection is at the lowest part of the gravelless pipe.

***7.40 Chamber Systems**

The following criteria shall be observed when installing Chamber Systems:

***7.40A Inspection Ports**

Inspection ports, consisting of 4" PVC pipe shall be placed at the end of each absorption line. The inspection port shall be connected to the end cap of the chamber.

***7.50 Low Pressure Pipe Systems**

The following criteria shall be observed when installing Low Pressure Pipe Systems:

***7.50A Trenches**

When backfilled, all absorption field trenches, manifold trenches and supply line trenches should remain mounded with six (6) to eight (8) inches of backfill soil until complete settling of the soil has occurred.

***7.50B Distribution Laterals**

All absorption field pipes shall be constructed with ninety-degree-elbowed, threaded, removable end caps at the distal end of each line to facilitate periodic cleaning.

***7.50B1** A valve box or cover shall be placed over the end of each removable end cap to protect it from accidental breakage. A valve box or cover shall be placed over each ball valve leading into each distribution lateral. The tops of all valve boxes or covers shall be at or slightly above finished grade. Valve box lids shall be tight fitting and free of holes or openings.

***7.50B2** All distribution laterals shall be Schedule 40 PVC pipe or equivalent and shall be installed clear and clean of all soil, debris and drill cuttings.

***7.50B3** Distribution laterals shall be no more than eighty (80) feet in length.

***7.50C Landblocks**

A twenty-four (24) inch wide, hand dug landblock shall be situated between the supply manifold and each distribution lateral. A twenty-four (24) inch wide, hand dug or tamped landblock shall be situated at twenty (20) foot intervals along the length of each distribution trench.

***7.50D Pump Tanks**

The volume of the pump tank shall be at least twice the daily flow rate of the residence it serves. Pump tanks for Low Pressure Pipe Systems shall be single compartment tanks.

***7.50D1** The pump tank shall be fitted with a high water alarm. The high water alarm indicator shall be placed in a visible location and be wired on a circuit separate from the circuit that serves the sewage pump.

***7.50D2** All Low Pressure Pipe Systems should be designed to time dose the absorption field two to four times each day. However variance can be obtained.

***7.55 Recirculating Sand Filter Systems**

The following criteria shall be observed when installing Recirculating Sand Filter Systems:

***7.55A Septic Tank Requirements**

All recirculating sand filter systems shall be preceded by a Class I septic tank.

***7.55B Filter Media**

Filter media shall consist of one-eighth (1/8) to three-eighths (3/8) inch diameter pea gravel and shall be wet or damp at time of installation.

***7.55C Distribution Laterals**

Distribution laterals shall have one, one-eighth (1/8) inch diameter orifice per each six (6) square feet of sand surface area. The distal end of each distribution lateral shall be elbowed and capped with threaded end caps so as to facilitate periodic flushing of the distribution laterals.

***7.55D Sand Basin Fences**

Recirculating sand filter boxes should be fenced by a four-foot high chain link fence or equivalent and have an access gate to allow for entry to the basin area.

***7.55E Pump Tanks**

The pump tank for a Recirculating Sand Filter System shall be fitted with a high water alarm. The high water alarm indicator shall be placed in a visible location and be wired on a circuit separate from the circuit that serves the sewage pump. To prevent freezing in cold weather, the supply line coming from the pump should not be fitted with a check valve.

***7.55F Recirculation Rate**

All Recirculating Sand Filter Systems shall be designed to recirculate 80% of the sewage effluent back to the pump tank/sand basin and to discharge 20% of the sewage effluent to the discharge system.

***7.55G Drain Piping**

The recirculating sand filter basin shall discharge through a drainpipe consisting of four (4) inch Schedule 40 PVC pipe. The drainpipe shall have one-quarter (1/4) inch grooves cut every 4" to a depth of one-half (1/2) the pipe diameter. Perforated 4" PVC pipe may also be used as drain piping. Six (6) inches of one and one-half (1 1/2) to two (2) inch washed river rock shall be on the bottom of the sand filter basin and shall cover the drainpipe. As an alternative to coarse gravel, the drain piping may be covered with a nondecaying, nonmetallic mesh with a grid opening of between one-sixteenth inch (1/16") and one-eighth (1/8"). At least one breather pipe shall extend up to the surface from the drain piping and be elbowed 180 degrees at the top and fitted with an insect screen. The

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insect screen and the elbow shall be left unglued so as to facilitate maintenance.

***7.60 Drip Soil Irrigation Systems**

The following criteria shall be observed when installing Drip Soil Irrigation Systems:

***7.60A Emitter Lines**

Drip soil irrigation emitter lines should be laid out and installed roughly on contour.

***7.60A1** Drip soil irrigation emitter line shall be stored out of direct sunlight.

***7.60A2** Drip soil irrigation emitter line shall be installed at a depth of no less than six (6) inches and no more than ten (10) inches. Total lineal footage shall not be less than 2000 feet.

***7.60A3** Emitter lines should be installed during the coolest part of the day to minimize shrinkage, stretching and separating of the emitter lines from the manifold.

***7.60B Vacuum Breakers**

At least one vacuum breaker shall be installed at the high point of the absorption field.

***7.60B1** If emitter lines are installed on rolling hills such that there are highs and lows along the length of the emitter lines, all high points of the emitter lines shall be connected by a common line and lead to a vacuum breaker.

***7.60C Pressure Regulators**

If a pressure regulator is used to control emitter line pressure, a bypass line and ball valve shall be installed in order to bypass the pressure regulator and facilitate periodic flushing of the emitter lines.

***7.60C1** The pressure regulator and bypass valve shall be housed in a yard box with a tight-fitting removable cover. The pressure regulator shall be located in close proximity to the absorption field so that pressure loss does not prevent effluent from circulating throughout the entire absorption system.

***7.60D Manifold Lines**

The trench bottoms of the manifold lines shall be moistened and compacted to help prevent separation of the manifold line from the emitter line due to settling of the manifold trench bottom.

***7.60D1** All main and manifold lines shall be installed below the frost line.

***7.60D2** Main lines and manifold lines shall be flushed to remove all debris prior to final installation of the emitter lines.

***7.60E Pump Tanks and Dosing**

Pump tanks shall be single compartment and have a volume equivalent to a minimum of one times the daily flow rate of the residence it serves.

***7.60E1** Pump tanks shall be watertight. The manhole riser shall be a minimum of two (2) inches above finished grade to prevent ground water infiltration.

***7.60E2** Drip Soil Irrigation systems should time-dose the absorption field at a rate of six to eight times each day.

***7.60E3** The pump tank shall be fitted with a high water alarm. The high water alarm indicator shall be placed in a visible location and be wired on a circuit separate from the circuit that serves the sewage pump.

***7.60F Filters**

An approved filter shall be installed in the supply line of the Drip Soil Irrigation System.

***7.65 Constructed Wetlands Systems**

The following criteria shall be observed when installing Constructed Wetlands Systems:

***7.65A Plants**

Before approval of a permit application for a Constructed Wetlands is given, the homeowner or their agent shall provide a signed contract for the purchase of the appropriate types and numbers of aquatic plants to be planted in the Constructed Wetlands. The contract must stipulate the type of plants to be used, the number of plants to be used and the approximate date planting is to take place. Planting of the Wetlands cell must be completed prior to occupancy of the dwelling.

***7.65B Inspection Ports**

An inspection port consisting of perforated PVC pipe shall be placed vertically in the Wetlands bed so as to allow the monitoring of the water level in the Wetlands cell.

***7.70 Maintenance Schedule**

Installers shall provide the homeowner with a written schedule of periodic maintenance pertaining to the installed system.

***7.80 Septic Tanks**

***7.80A** All newly installed septic tanks shall be fitted with an approved effluent filter except those preceding a sewage treatment lagoon. Filters should be fitted with a rigid handle to facilitate removal, cleaning and replacement.

[Modification of Adopted Standards 19 CSR 20-3.060 Section 4B.13.B]

***7.80B** A six-inch (6") inspection port shall be provided over the inlet and outlet baffles of all septic tanks and terminate at or above grade. An inspection port shall not be used as pumpout access. A manhole cover at or above grade may *not* serve in place of inspection ports.

***7.80C No Reduction in Field Size For Aerated Septic Tanks**

There shall be no reduction in absorption field size due to the installation of an aerated septic tank.

***7.80D Bedding of Septic Tanks**

All septic tanks, other than concrete tanks, shall be bedded and backfilled with sand or concrete screenings two thirds of the way up the sides of the tank.

***7.80E Water in All New Septic Tank Installations**

All newly installed septic tanks should be filled with water as soon as possible after installation.

***7.80F Abandonment of Septic Tanks**

All septic tanks, pump tanks or cisterns, when disconnected from the building and/or abandoned, shall be properly demolished. All septic or pump tanks which are being abandoned shall have all sewage removed by a certified Pike County sewage disposal system hauler before demolition or removal. All demolition or removal shall be done by a licensed Pike County installer.

***7.80F1** The demolition of the septic tank, pump tank or cistern shall be by one of the following methods:

- 1.) The top of the septic tank, pump tank or cistern collapsed and the void filled with a fine grained material such as soil, sand or gravel.
- 2.) The septic tank, pump tank or cistern unearthed and removed. A septic or pump tank is considered hazardous waste and must be hauled by a certified sewage disposal system hauler.

***7.80F2** All related electrical wiring, such as wiring to an aeration device, warning device or pump motor, shall be permanently disconnected from the power source.

***7.84 Connection of Building Sewers to Community or Public Sewage Collection Systems**

7.84A Sewer line connections shall be done by a licensed Pike County Professional Septic System Installer. Installer shall submit a completed Septic Tank Abandonment/Sewer Line Hook-Up Information Form to the Pike County Health Department at time of completion of sewer line connection.

Both gray water and black water building sewer pipes shall be connected to the community or public sewage collection system. All new sewer piping shall consist of Sch 35 PVC pipe or better.

***7.84B** Foundation and roof drainpipes shall not be connected to the community or public sewage collection system.

***7.85 Distribution Boxes**

Location of distribution boxes should be marked with either a stand pipe or ground stake unless the top of the box is visible. This includes distribution boxes used in recirculating sand filters.

***7.90 Pump Tanks** *to Daily Flow Rate*

***7.90A** All electrical wiring for pump tanks shall have their connections at a waterproof location outside of the pump tank.

***7.90B** All pump tanks shall be fitted with a high water alarm. The high water alarm indicator shall be placed in a visible location and be wired on a circuit separate from the circuit that serves the sewage pump.

Section 8. Application Procedure.

The following procedure shall be adhered to when making application to the Pike County Health Department for an on-site sewage disposal system permit:

8.1 Any person who proposes to construct, install, modify, or repair an on-site sewage disposal system shall submit a written application on forms provided. A permit fee is due upon submission of the application.

8.2 The application for a permit to construct, install, modify, or repair an on-site sewage disposal system shall:

8.2.1 provide identifying information;

***8.2.2** be accompanied by plans, specifications, design data and other pertinent information covering the project or additional information as required by Pike County Health Department.

Section 9. Exceptions for Existing Systems and Lots.

9.1 Exceptions to the minimum setbacks of 19 CSR 20-3.060 may be allowed by the Pike County Health Department for existing systems or for lots or parcels platted and recorded before January 1, 1996 due to size and shape limitations. Plans for the modification, repair, or replacement of existing systems or installation on lots or parcels platted before January 1, 1996 may vary, except as to:

9.1.1 the protection of public and private water wells, systems and lines. (19 CSR 20-3.060 (1)(D) Table 1);

9.1.2 the protection of surface and groundwaters;

9.1.3 the provisions of primary sewage treatment; and,

9.1.4 the requirement to contain the sewage upon the property from which it is generated.

9.2 Any exception which may impact an adjoining property owner shall require a written, signed and notarized statement from the adjoining property owner which expresses no objection to any and all exceptions. Any on-site sewage disposal system, which is granted an exception, shall be designed and stamped by a licensed engineer.

***Section 10. Application Processing Procedure.**

***Summary of Permit Procedure**

The Pike County Health Department shall process all permits in accordance with the following:

***10.0A Soil Evaluation** Before any new on-site sewage disposal system is installed, or any existing absorption field is repaired, a soil evaluation shall be performed on the site by a qualified soil scientist. A list of qualified soil scientists shall be available from the Pike County Health Department or the State Health Department. In certain instances where the sewage disposal system's operation is not dependent upon soil quality characteristics, and at the discretion of the Pike County Health Department, the soil test may be waived. In addition to the required soil evaluation, the property owner may also obtain a percolation test from a qualified percolation tester however, the

Pike County Health Department is not required to honor the results.

***10.0B Receive Options and Permit Application** The property owner or their agent shall make arrangements with the Pike County Health Department to discuss the soil evaluation with an Environmental Specialist. The property owner or their agent may receive suggested septic system options, which meet the requirements of the Adopted Standards 19 CSR 20-3.060, from a Pike County Environmental Specialist. The Environmental Specialist may consider other options presented by the homeowner or their agent. The property owner or their agent receives at this time a blank On-Site Sewage Disposal System Permit Application Form for construction or repair.

***10.0C Choose a Septic System**
Based on the suggested septic system options discussed in 10.0B, the property owner and their installer shall determine which type of on-site sewage disposal system meets the needs of the property owner. A Pike County Environmental Specialist may provide technical assistance and be consulted to ensure conformance with the Adopted Standards 19 CSR 20-3.060.

***10.0D Submit Proposal/Pay Permit Fee**
The property owner or their agent submits to the Pike County Health Department a completed **Permit Application Form** for the proposed septic system, including a detailed plat of the property showing slopes, relevant structures and features such as wells, ponds and water lines and the approximate distances between them. Incomplete permit application forms will not be processed. A permit fee, in the form of a check or money order payable to "Pike County Health Department," shall be paid at this time. The Pike County Health Department reserves the right to alter the fee schedule under certain circumstances of hardship.

***10.0E [Replaces 10.1] Review of Proposal** The Pike County Health Department will review the proposal and either accept or reject the proposal within 15 days, giving reasons and points that are in conflict with this ordinance. After the proposal is accepted, a preliminary site inspection is scheduled. Incomplete applications will not be processed.

***10.0F Site Evaluation/Permit Issued** When the Sanitarian meets the property owner or their agent on the site and determines that the proposed system is appropriate for the lot, a permit to begin construction is issued at that time by the Sanitarian.

***10.0G No work** may begin until a permit has been issued to the property owner or their agent, and the permit fee has been paid.

***10.0H Final Inspection [Replaces Section 11.4] Notify** the Pike County Environmental Public Health Specialist prior to 10:00 a.m. on the day preceding completion of construction, installation, modification, or repair of an on-site sewage disposal system. The system shall be maintained in a condition which allows for a complete inspection until 3:00 p.m. on the day of completion, pursuant to this ordinance, unless the Pike County Health Department provides confirmation that the system has been inspected and approved prior to that time. The on-site sewage system shall not be closed or completed if the

Pike County Environmental Specialist determines upon inspection that the system does not meet the adopted standard. On-site sewage disposal systems closed prior to 3:00 p.m. without the approval of the Pike County Health Department will result in one of the following actions being instituted by the Lincoln County Office of Environmental Sanitation:

***10.0H.1** excavation of the on-site sewage disposal system at the expense of the installer to demonstrate compliance with the conditions of the permit;

***10.0H.2** revocation/suspension of the permit, pursuant to Section 15;

***10.0H.3** the prescribed legal action described in Section 19 of this ordinance.

Registered installers may forego a final inspection, only after receiving specific permission from the local Sanitarian.

10.2 Each application shall be submitted with all the supporting data necessary for review. Processing of the application with respect to recommendations or required changes shall be accomplished in accordance with the provisions of the design standards, 19 CSR 20-3.060 and the provisions of this ordinance.

10.3 The property owner or agent shall be notified of the status of the application within 15 calendar days from the date the application is received. If the conditions for the permit are different from the proposed specifications submitted, the permit notification shall include reasons for the specification changes.

10.4 If, upon review of an application, it is determined that a permit is not required, the property owner or agent shall be notified of this determination. Such notification shall constitute final action of the application.

10.5 If, upon review of an application, it is determined that a permit shall not be granted, the property owner or agent shall be notified of the permit denial and the reasons for the denial.

10.6 If the property owner or agent is dissatisfied with the conditions or denial of a permit, the applicant may request a hearing pursuant to Section 19, of this ordinance.

10.7 A permit shall be issued by the Pike County Health Department upon approval of the submitted application.

10.8 In the event a permit is not required, unexpended permit fees may be refunded to the applicant.

Section 11. Construction, Installation, Modification, Repair, or Maintenance in Compliance with Issued Permit.

In order to receive a written final approval of the on-site sewage disposal system by the Pike County Health Department the property owner or agent shall assure that the installer:

11.1 constructs, installs, modifies, repairs and maintains the permitted on-site sewage disposal system in accordance with the terms and conditions of the permit issued by the Pike County Health Department. 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 property owner or agent until a new or revised permit is issued. However, a waiver may be granted pursuant to Section 11.2 of this ordinance.

11.2 request a waiver for authorization to utilize materials and/or procedures differing from the specifications of the issued permit. A waiver may be granted if the materials cannot be obtained or the procedures cannot be accomplished as specified in the issued permit. However alternative materials must meet or exceed minimum standards. The Pike County Health Department may grant a waiver upon receipt of a written request for such, provided that the content of the request is immediately incorporated in writing into the permit.

11.3 conduct the maintenance of the permitted on-site sewage disposal system in accordance with this ordinance, statements, representations and procedures presented in the complete application and supporting documents, and in a manner free of nuisances and imminent health hazards. Compliance with this subsection is required of the property owner or any subsequent owner of the permitted on-site sewage disposal system as long as the on-site sewage disposal system remains in operation.

11.4 notify the Pike County Environmental Public Health Specialist prior to 10:00 a.m. on the day preceding completion of construction, installation, modification, or repair of an on-site sewage disposal system. The system shall be maintained in a condition which allows for a complete inspection until 3:00 p.m. on the day of completion, pursuant to this ordinance, unless the Pike County Environmental Public Health Specialist provides confirmation that the system has been inspected and approved prior to that time. The on-site sewage system shall not be closed or completed if the Pike County Environmental Public Health Specialist determines upon inspection that the system does not meet the adopted standard. The compliance section of the permit shall be signed by the Pike County Environmental Public Health Specialist if the conditions and specifications of the permit are accomplished or confirmation that the on-site sewage disposal system was not inspected prior to closing. On-site sewage disposal systems closed prior to 3:00 p.m. without the approval of the Pike County Environmental Public Health Specialist will result in one of the following actions being instituted by Pike County Health Department

11.4.1 excavation of the on-site sewage disposal system at the expense of the installer to demonstrate compliance with the conditions of the permit;

11.4.2 revocation/suspension of the permit, pursuant to Section 15;

11.4.3 the prescribed legal action described in Section 19 of this ordinance.

Section 12. Duration, Termination, Renewal, Extension, or Transfer of Permits.

As permitted by Pike County Health Department.

12.1 An on-site sewage disposal system shall be constructed, installed, modified, or repaired within one hundred eighty (180) calendar days from the date of issuance of the permit.

12.2 A permit may be transferred to a new owner upon the written request of the official applicant if the construction, installation, modification, or repair 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 by the Pike County Health Department within thirty (30) calendar days after receipt.

12.3 Any conditions established in the permit shall remain in effect when a permit transfer is granted to a new owner.

12.4 A permit may be renewed, or the expiration date extended for up to thirty (30) calendar days, upon written request from the property owner or agent. The request shall state that the conditions of the original permit shall be met. The request shall be received at least thirty (30) calendar days prior to the original expiration date of the permit.

12.5 Upon legal transfer of the property, the new owner of the property becomes the legal owner of the permitted on-site sewage disposal system, which remains subject to any conditions of such permit.

Section 13. Denial of a Permit.

The Pike County Health Department shall deny an on-site sewage disposal system permit for any of the following reasons:

13.1 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, except as noted in Section 9.1 of this ordinance;

13.2 The project, if constructed, may be in violation of state surface or groundwater standards;

13.3 A public sanitary sewer is available within three hundred (300) feet of the building to be served by the proposed on-site sewage disposal system. The sewer connection shall be practical, economically feasible and approved by the public sewer authority;

13.4 Any other justifiable reason which shall be provided in writing by the Pike County Health Department.

13.5 Any person denied a permit may request a hearing within ten (10) calendar days of such denial pursuant to Section 19. of this ordinance.

Section 14. Change of a permit.

14.1 Before completion of an on-site sewage disposal system, the Pike County Health Department may change the specifications of a permit due to one or more of the following reasons:

14.1.1 unforeseen or changing site conditions which could prevent construction, and resultant operation, from complying with state or local regulations pertaining to the operation and maintenance of an on-site sewage disposal system;

14.1.2 receipt of additional information affecting the specifications of the proposed on-site sewage disposal system permit;

14.1.3 any other reason necessary to implement applicable state or local statutes or regulations.

14.2 The Pike County Health Department shall notify the property owner or agent, in writing, of the intent to change the permit.

14.3 Notification shall include the proposed changes, the reasons for the changes, and the time period in which to accomplish the changes.

14.4 The change of the permit shall become final ten (10) calendar days from the date of the notice to the property owner or agent unless within that ten (10) day period the property owner or agent requests a hearing pursuant to Section 19, of this ordinance.

14.5 A copy of the changed permit shall be mailed to the property owner or agent the date the change is approved. All changes shall be incorporated into the construction, installation, modification, or repair of the on-site sewage disposal system before the final inspection.

Section 15. Suspension or Revocation of a Permit.

The Pike County Health Department shall suspend or revoke a permit before construction, installation, modification, or repair of an on-site sewage disposal system is completed for the reasons set forth in Section 15.1 of this ordinance.

15.1 The property owner or agent shall be mailed written notification within ten (10) calendar days of the intent to suspend or revoke the permit due to one or more of the following:

15.1.1 noncompliance with the terms of the permit;

15.1.2 unapproved alterations, by the property owner or agent, in design or construction;

15.1.3 determination of false information submitted in the application;

15.1.4 changing site conditions which could result in violations of applicable state or local regulations;

15.1.5 noncompliance with the current design standards, 19 CSR 20-3.060;

15.1.6 any other reason necessary to implement applicable state or local statutes and regulations.

15.2 The notification to the property owner or agent shall include the reasons for the suspension or revocation.

15.3 The suspension or revocation of a permit shall become final ten (10) calendar days from the date of such notice unless, within that ten (10) day period, the property owner or agent requests a hearing pursuant to Section 19, of this ordinance.

Section 16. Compliance with State and Local Water Quality Management Plans.

No permit shall be issued for any on-site sewage disposal system which is in conflict with any approved water management plan prepared under Section 301. 208 and/or 201 of the Federal Clean Water Act, as amended.

Section 17. Immunity.

The Pike County Health Department shall not be liable for damages resulting from approval by the Pike County Health Department for the construction, installation, modification, repair, maintenance, or operation of an on-site sewage disposal system.

Section 18. Violation Notices.

Violation notices shall be issued in accordance with the following:

*18.1 Whenever The Pike County Health Department has reasonable grounds for believing that there has been a violation of this ordinance, (A) or (B) or any rule or regulation adopted pursuant thereto, the Pike County Health Department shall give written notice to the person alleged to be in violation. Reasonable grounds includes the receipt by the Pike County Health Department

- 1) any signed written complaint from an aggrieved party,
 - 2) any ~~unsigned, anonymous, written~~ complaint from an aggrieved party, or
 - 3) any complaint received over the telephone provided that the date and time the call was received is recorded on the complaint form and in the Pike County telephone log book.
- Such notice shall identify the provision of this ordinance, or regulation adopted thereby, alleged to be violated and the facts alleged to constitute such violation.

*18.15 Fees Charged For Complaint-Related Inspections

A maximum fee of One Hundred and Fifty Dollars (\$150) may be charged by the Pike County Health Department to the homeowner of any septic system found to be in violation of this Ordinance as a result of a complaint investigation. When allotted time for abatement has expired, and a reinspection is performed to check for compliance, another fee of no more than One Hundred and Fifty Dollars (\$150) may be charged by the Pike County Health Department. This fee applies to any and every subsequent inspection trip to the site of the violation. This fee will not apply when the Pike County Health department is contacted for a final inspection to demonstrate abatement.

18.2 Such notice shall be served in the manner required by law and may be accompanied by an order of the Pike County Health Department requiring remedial action, which if taken

Time

within the time specified in such order, shall effect compliance with the requirements of this ordinance. Such order shall become final unless a request for a hearing is made pursuant to Section 19. of this ordinance. In lieu of such order, the Pike County Health Department may require the person named in such notice to appear at a hearing at a time and place specified in the notice. A hearing shall be conducted pursuant to Section 19. of this ordinance.

18.3 Such notice shall be deemed to have been properly served upon the owner, operator, or installer when a copy thereof has been sent by registered or certified mail to the last know address furnished to the Pike County Health Department.

Section 19. Hearings

This ordinance includes the opportunity for any person affected by the decision(s) of the Pike County Health Department to request an Administrative hearing to review issues regarding the administration of this ordinance (See Sections 6.8.1, 9.6, 12.5, 13.4, 14.3, 18.2, and 22). The specifications contained within the adopted standards of Sections 701.025 through 701.059 RSMo and Sections 644.006 through 644.141 RSMo are minimum regulations mandated by the State of Missouri and are not subject to challenge through the Hearing process herein established.

19.1 Request for hearing. A person may request a hearing after having the certificate to operate as an installer and/or hauler, soil scientist, or engineer suspended or revoked (Section 6.8), after being denied a permit (Section 12), after being denied a change of permit (Section 13), after having a permit suspended or revoked (Section 14), and after being assessed a notice of violation (Section 18). The form to request a hearing can be obtained by contacting the Pike County Health Department. Such request for a hearing shall be in writing and be received by the Pike County Health Department within ten (10) calendar days of the administrative decision in question. As stated above, the specifications contained in the minimum regulations mandated by the State of Missouri cannot be challenged within the context of the Pike County Hearing Board. Requests for hearings based on a challenge of the minimum regulations mandated by the State of Missouri will be denied and the hearing request returned to the person filing the complaint within ten (10) calendar days. If the request for the hearing is granted, an administrative hearing shall be held within thirty (30) calendar days from the receipt of the written request to the Pike County Health Department

19.2 Hearing Board. The Hearing Board shall consist of three members. Members of the Hearing Board shall be residents of Pike County. Qualifications shall include: (1) Working knowledge and/or experience with on-site sewage disposal systems and regulations, (2) not currently employed as a politically-elected official, and (3) available to attend hearings at their own expense for their one (1) year appointment. Professional backgrounds: (a) On-site Sewage Disposal System Installer and/or Hauler, (b) Environmental Health Sanitarian, (c) Real Estate Inspector/Evaluator, (d) Design Engineer or Soil Scientist, (e) Building Code Inspector, (f) Lending Agent, (g) Real Estate Broker or Appraiser. A majority vote of the Commissioners and /or Health Department Board is required for appointment to the Hearing Board. If a seated member of the hearing board is party to a request for a

hearing, that person shall be replaced by a temporary board member by the Pike County Commission and/or Health Department Board until a final decision has been rendered.

19.3 Hearing Procedure. If a request for a hearing is received and meets the criteria in Section 19 and 19.1, the complainant will be notified by the Pike County Health Department within ten (10) calendar days for the time and date of the hearing. Failure of the complainant to appear for the scheduled hearing will result in default in favor of the Pike County Health Department. The Hearing Board will hear the complainant's reasons for reversal then hear the rebuttal by the Pike County Health Department. The Hearing Board will be allowed to question each party then discuss the issue in private and vote by secret ballot with simple majority rule. The complainant and Pike County Health Department will be notified in writing within ten (10) calendar days of the Hearing Board's decision. If the decision is in favor of the complainant, the Pike County Health Department will be required to re-issue the appropriate permit and/or certificate.

Section 20. Penalties.

The following penalties shall be imposed:

20.1 Any person who fails to comply with any provision of this ordinance (A) (B) or order pursuant hereto, shall be guilty of a misdemeanor, punishable by a one hundred dollar (\$100) to one thousand dollar (\$1,000) fine and/or up to one year imprisonment. Each day or any part thereof in, which such violation occurs, shall constitute a separate offense.

20.2 Operation as an installer, soil scientist, engineer or hauler without a valid certification is specifically a violation of this ordinance and subject to the aforementioned penalties.

20.3 The Pike County Health Department, upon receipt of a valid written and signed complaint from an aggrieved person, is authorized to require the property owner to correct an on-site sewage disposal system within a specified time period not to exceed one hundred twenty (120) calendar days, *if the complaint is determined to be valid.* After which time, the property owner shall be guilty of a misdemeanor, punishable by a fifty dollar (\$50) to five hundred dollar (\$500) fine and/or up to six months imprisonment. Each day or any part thereof in, which such violation occurs, shall constitute a separate offense. In addition the above referenced section applies to section (B) of this ordinance.

20.4 The prosecuting attorney of the County of Pike shall act on behalf of the Pike County Health Department and shall, upon request of the Pike County Health Department, institute appropriate abatement proceedings.

Section 21. Schedule of Fees.

The Pike County Commission and/or Health Department Board of Pike County shall adopt a schedule of fees associated with the administration of this ordinance or accept the schedule of fees proposed by its representative. The schedule shall be recorded as a court order effective the 1st day of January of each year.

Section 22. Inconsistent Codes Repealed.

Non applicable at this time.

Section 23. Conflict With Other Laws.

The provisions of any law or regulation of any municipality, the state of Missouri, or federal agency establishing standards affording greater protection to the public health and/or safety shall prevail within the respective jurisdictions over the provisions of this ordinance adopted hereunder.

Section 24. 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 effect the validity of the remaining portion of this ordinance.

Section 25. Revisions; Amendments.

The Pike County Commission may convene a hearing and enter into this ordinance any necessary revisions or amendments for the administration 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 26. Effective Date.

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

Mark Beante 10-18-2001
Presiding Commissioner

Robert Clark Jr 10-18-2001
Eastern Commissioner

Jack V Stumbaugh 10-18-2001
Western Commissioner

Jim Ford 10-18-2001
Witnessed By County Clerk