

ANDREW COUNTY ONSITE WASTEWATER TREATMENT SYSTEMS ORDINANCE

AN ORDINANCE GOVERNING THE CONSTRUCTION, MODIFICATION, INSTALLATION, AND OPERATION OF ONSITE WASTEWATER TREATMENT SYSTEMS WITH MAXIMUM FLOWS OF 3000 GALLONS PER DAY WITHIN ANDREW COUNTY REQUIRING CERTAIN PERMITS FOR INSTALLATION AND OPERATION, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

ONSITE 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 ORDINANCE 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 ANDREW COUNTY HEALTH DEPARTMENT BOARD OF TRUSTEES AND THE ANDREW COUNTY COMMISSION AS FOLLOWS:

SECTION 1. AUTHORITY AND SCOPE OF REGULATIONS

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

- 1.1** The administrative authority shall be the Andrew County Health Department, or its designated representative.
- 1.2** The permit system established through these regulations governs only the installation and repair of onsite wastewater treatment systems. The permit is not to be construed as being a building permit, zoning compliance permit, or any other permit that may be required by other agencies or offices to erect a structure in Andrew County.
- 1.3** These rules establish the minimum sizes and distances adopted in Andrew County. The County does not design the system nor does the permit bind or obligate the County to guarantee the successful or proper function of any system.
- 1.4** Property owners of any property where people live, work or assemble shall provide for sanitary disposal of all domestic wastewater.
- 1.5** It shall be a violation of these regulations to own, operate or make available for use a malfunctioning or failing onsite wastewater treatment system.
- 1.6** It shall be a violation of these regulations to operate an onsite wastewater treatment system or transport and dispose of waste removed in such a manner that may result in contamination of surface waters or groundwater or present a nuisance or imminent health hazard to any other person or property owner and that does not comply with the requirements of this regulation.
- 1.7** The owner of a single-family residence lot consisting of three (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 this ordinance when all points of the system are located in excess of fifty feet from any adjoining property line and no effluent enters an adjoining property, contaminates surface waters or groundwater or creates a nuisance. Similarly, the owner of a residential lot consisting of twenty acres or more with no single-family residence onsite wastewater treatment system located within three hundred sixty feet of any other onsite wastewater treatment system and no more than one single-family residence per each ten acres in the aggregate, except lots adjacent to lakes operated by the Corps of Engineers or by a public utility, shall be excluded from the provisions of this ordinance when all points of the system are located in excess of fifty (50) feet from any adjoining property line and no effluent enters an adjoining property, contaminates surface waters or groundwater or creates a nuisance. Except as provided in this section, any construction, operation, major modification or major repair of an onsite wastewater treatment system shall be in accordance with this ordinance.

1.8 It shall be a violation of these regulations to construct, repair or modify an onsite wastewater treatment system without first obtaining a construction permit, if one is required, or when the permit has expired or has been suspended or revoked.

1.9 It shall be a violation of these regulations to fail to comply with a STOP ORDER issued pursuant to this regulation. A stop order may be issued by the Andrew County Health Department. Reasons for issuing a stop order may include, but not be limited to:

- Use of substandard materials in construction, installation, or modification of the onsite wastewater treatment system.
- Construction, installation and/or modification of an onsite wastewater treatment system in violation of this ordinance.

1.10 It shall be a violation of these regulations to construct or perform major modification of an onsite wastewater treatment system unless the installer is registered with the Missouri Department of Health and Senior Services. A property owner who constructs, or effects a major modification of an onsite wastewater treatment system for his or her own residence upon his or her own property shall not be required to be registered as allowed in 701.025 – 701.059 RSMo.

1.11 It shall be a violation of these regulations to evaluate the site/soil for an onsite wastewater treatment system unless the Onsite Soil Evaluator is registered with the Missouri Department of Health and Senior Services.

1.12 The administrative authority, bearing proper credentials and identification, 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.

SECTION 2. DEFINITIONS

As used in this ordinance, the words and terms listed below shall have the following meanings. (See the publication "Missouri Laws Accompanied by Department of Health and Senior Services Rules Governing On-Site Sewage Systems" for additional definitions that may apply.)

2.1 Administrative Authority – shall mean the Andrew County Health Department or its designated representative.

2.2 Advanced System – Alternative and/or engineered treatment or distribution systems including, but not limited to:

- sand filters and other media bio-filters;
- constructed wetlands;
- sand mounds;
- low-pressure distribution systems;
- drip irrigation systems;
- and modified shallow placed gravity lateral trenches and other systems using fill soil material.

2.3 Applicant - Any person, institution, public or Private Corporation, partnership or other entity that submits an application for a permit to install, construct, or repair an onsite wastewater treatment system.

2.4 Approved - The official consent given in writing by the Andrew County Health Department and/or his or her designated representative.

2.5 Construction and/or Installation - Any act of building and/or installing a new onsite wastewater treatment system in order to make it operational and functional, or any act (other than routine maintenance) of repairing or replacing any portion of an existing onsite wastewater treatment system.

2.6 Dosing Chamber (or pump pit or wet well) – A tank or separate compartment that serves as a reservoir for a dosing device.

2.7 Effluent Screen - an easily removable, cleanable or disposable device installed on the outlet piping of a septic tank for the purpose of retaining solids of a specific size and conforming to a recognized industry standard.

2.8 Emergency - Any set of circumstances that constitute an imminent health hazard or the threat of an imminent health hazard as defined in this ordinance.

2.9 Emergency Repair- An act or work done to correct a system due to failure which has created an immediate health hazard or the threat of an immediate health hazard, and when the administrative authority has given prior verbal consent to start repair.

2.10 Homeowner – A person who owns the property on which the onsite wastewater treatment system is being constructed for occupancy by the property owner.

2.11 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.

- 2.12 Installer (or contractor or registered installer)** – Any person engaged in the construction, installation or renovation of any onsite wastewater treatment system.
- 2.13 Maintenance** – Actions taken to keep the system properly functioning. It shall include, but not be limited to: adjusting the flow from the distribution box, repairing baffles, replacing pumps, cleaning or replacing effluent screens, or pumping accumulated solids out of the sewage tank.
- 2.14 Major Modification** – The redesigning and alteration of an onsite sewage system by relocation of the system or a part of the system, replacement of the septic tank or construction of a new absorption field.
- 2.15 Malfunctioning or Failing Onsite Wastewater Treatment System-** Any wastewater treatment system not properly performing, which shall include but not be limited to:
- A. Subsurface systems that have sewage or effluent overflow from any of their component parts that ponds or flows on the ground surface.
 - B. Systems that cause sewage or effluent to back-up into any system components, the plumbing system or building.
 - C. Sewage treatment systems with failed structural components.
 - D. Systems that result in the contamination of surface waters or groundwater or present a nuisance or imminent health hazard to any person or property owner.
- 2.16 Modification** - Any act or work done to an existing onsite wastewater treatment system, other than routine maintenance, which changes the size, design, or function of the system. It shall include, but not limited to: building structures over the system and changing the flow into a system by changing or adding dwelling units.
- 2.17 Nuisance** – sewage, human excreta or other human organic waste discharged or exposed on the owner’s land or any other land from an onsite wastewater treatment 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.
- 2.18 Onsite Wastewater Treatment System** - Any system handling or treatment facility receiving domestic sewage which discharges three thousand (3000) gallons per day or less into a subsurface soil absorption system, or a lagoon serving a single family dwelling.
- 2.19 Onsite Wastewater Treatment System Board of Review** - A committee as further described in these regulations charged with determining variance requests and appeals authorized by these regulations.
- 2.20 Permit, Permit for Construction or Onsite Wastewater Permit** - Written authorization issued, under the provisions of this ordinance/regulation, by the Andrew County Health Department or its representative allowing construction, installation, modification, or repair of an onsite wastewater treatment system. This permit does not regulate the operation of an onsite wastewater treatment system.
- 2.21 Property Owner-** the person in whose name is on the legal title to the real estate is recorded.
- 2.22 Repair** - Work on the onsite wastewater treatment system, which is necessary to restore the proper functioning of the system, but does not change its size or location.
- 2.23 Single Family Dwelling** – A residential property designed for occupancy by one family.
- 2.24 Site Visit/Inspection** – An investigation required prior to approval for a permit, and performed by the Andrew County Health Department at a proposed soil absorption/ onsite wastewater treatment system installation site. The investigation "site visit/inspection" is usually done in cooperation with the property owner or their representative, i.e., the installer, engineer etc.
- 2.25 Soil Morphology Evaluation** – A report of site suitability and soil characteristics for the proposed soil absorption/septic installation site which includes texture, structure, porosity, consistency, color and other physical, mineral and biological properties of various horizons, and the thickness and arrangement of the horizons in the soil profile.
- 2.26 Soil Profile** – A vertical section of the soil through its horizons as read by a registered onsite soil evaluator wherein at least one of the required observations must be taken from a soil pit excavated at least forty-eight inches deep or to a non-penetrable layer if one is encountered. The pit(s) must represent the soils in the proposed location of the system. Additional profile observations may be required.
- 2.27 Stop Order** – A written order issued by the Administrative Authority to stop all construction, installation, or modification of a onsite wastewater treatment system.

SECTION 3. ADOPTION

The Andrew County Board of Health Department Trustees and the Andrew County Commission hereby adopts an ordinance establishing minimum construction standards and procedures for onsite wastewater treatment systems as outlined in the current Missouri Department of Health and Senior Services regulations relating to Onsite Wastewater Treatment Systems with the following exceptions:

- 3.1** All references to the “People of the State of Missouri” in the referenced rules and regulations shall mean citizens of Andrew County.
- 3.2** The Andrew County Health Department or its designated representative shall be the authority for administering this Onsite Wastewater Treatment Systems Ordinance, for issuing permits for construction or repairs, and shall investigate alleged violations of this ordinance and Sections 701.025 through 701.059 RSMo.
- 3.3** The property owner or agent shall obtain a permit from the Andrew County Health Department prior to any construction, installation, modification, or repair of any onsite wastewater treatment system as required in Section 1.6 of this ordinance.
- 3.4** At least 100 percent (100 %) of onsite wastewater treatment systems constructed, modified or repaired, that are required to have a permit, will be inspected by the Andrew County Health Department or its designated representative and one-hundred percent (100%) of onsite wastewater treatment systems constructed, modified or repaired by homeowner non-registered installers, that are required to have a permit, will be inspected by the Andrew County Health Department or its designated representative. As allowed by 701.025 – 701.059 RSMo, certification without onsite inspection may be accepted from a registered installer in lieu of a final inspection, when the Andrew County Health Department or its representative allows completion of the onsite wastewater treatment system construction without an onsite inspection, provided that the registered installer shall certify on the Certification of Onsite Wastewater Treatment System Without Onsite Inspection form issued by the Andrew County Health Department that the onsite wastewater treatment system was installed, modified or repaired pursuant to the state standard and this ordinance.
- 3.5** Soil morphology evaluations shall be the standard method of determining conditions of soil, sizing and selection of onsite wastewater treatment systems. Percolation tests are not an approved method of soil evaluation in Andrew County.
- 3.6** Metal Septic Tanks shall NOT be used in Andrew County for the construction, modification, or repair of any onsite wastewater treatment system.
- 3.7** A properly sized septic tank or aerobic treatment unit shall be installed prior to discharging into a wastewater stabilization pond (lagoon).
- 3.8** All septic tanks shall be equipped with a properly sized effluent screen.
- 3.9** All septic tanks and dosing chambers shall be equipped with a properly sized watertight riser and lid that is at least 20-inches in diameter and be made of approved material that is compatible with the sewage tank materials. The riser and lid must terminate above grade and shall have an effective locking device or otherwise be adequately sealed in a manor to prevent accidental access.

SECTION 4. PERMITS

It shall be unlawful for any person, partnership, company, corporation, or other business entity to construct, modify or repair an onsite wastewater treatment system within Andrew County unless that person holds a valid onsite wastewater permit as required by this ordinance issued by the Andrew County Health Department or its designated representative.

- 4.1** The permit shall be in the name of the property owner for which the specific construction, repair or modification is proposed.
- 4.2** The permit requirement may be waived by the Andrew County Health Department when procedures are deemed to be minor repairs or modifications.
- 4.3** A permit fee must be submitted to the Andrew County Health Department.
- 4.4** All permit applications shall include plans and specifications to demonstrate in writing and graphically that the proposed onsite wastewater treatment system to be constructed, repaired or modified shall conform to, or be in compliance with, the design standards and requirements included in these regulations. Design specifications must be submitted on a form provided by the Andrew County Health Department.
- 4.5** A soil morphology evaluation conducted by an onsite soil evaluator, registered with the Missouri Department of Health and Senior Services, must be obtained for the specific area of the proposed soil absorption system or lagoon.
- 4.6** The Andrew County Health Department shall review all permit applications for completeness. Incomplete applications shall be returned to the applicant, but may be resubmitted to the Andrew County Health Department after completion.
- 4.7** Site visit(s) by the Andrew County Health Department are required to evaluate or determine the suitability of the property for the installation of the proposed onsite wastewater treatment system prior to approving issuance of the Permit for Construction.
- 4.8** The applicant shall grant the Andrew County Health Department rights of ingress and egress to the property for the purposes of conducting an inspection and determining site suitability. The installer and/or property owner may be present during the site visit.

4.9 The location of the onsite wastewater treatment system components and other necessary features as listed in the setback requirements shall, at the discretion of the administrative authority, be marked by field markings, such as paint, flags, etc. with the location of proposed soil absorption trenches indicated along the length of the trenches.

4.10 The Andrew County Health Department shall take final action on all completed permit applications following the required site visit by either (1) approving the proposed plan for the site by issuing the permit to construct, or (2) by denying the permit.

4.11 When the application is adequately completed and reviewed by the Andrew County Health Department, and when the site inspection conducted by the Andrew County Health Department is satisfactory, the Andrew County Health Department will issue the permit for construction of the onsite wastewater treatment system.

4.12 The Permit for Construction must be posted and visible at the specific site during construction of the system.

4.13 It is required that notification of installation be given to Andrew County Health Department PRIOR to beginning the installation of an onsite wastewater treatment system.

4.14 Final and/or partial inspections of the installation may be required for approval of the system.

4.15 No onsite wastewater treatment system shall be constructed, modified or repaired in deviation from the terms and conditions set forth in the original approved application and permit to construct without amending the original application documents. The Andrew County Health Department must approve the amendment prior to starting the modification work.

4.16 Unauthorized changes, deviations or modifications shall constitute a violation of the permit and may subject the applicant to permit suspension, revocation and/or prosecution.

4.17 The following general conditions shall be applicable to all onsite wastewater treatment system permits for construction:

- A. All onsite wastewater treatment system permits shall be valid for one year after date of issuance. If the onsite wastewater treatment system is not constructed, modified, or repaired within one year, the permit is void and a new permit application may be required.
- B. If an onsite wastewater treatment system is installed, modified, or repaired after the initial permit has been officially voided, this shall constitute a violation.
- C. The Andrew County Health Department is not obligated in any way to issue a second permit, should the initial permit be allowed to expire. If reapplication for another permit is made, additional information may be required to be in full compliance with the regulations that exist at that time.
- D. Any changes in plans, details or specifications of construction, modification or repair of the onsite wastewater treatment system not approved by the Andrew County Health Department representative after the permit has been issued, will invalidate the permit.
- E. There will be no reimbursement of fees received with a permit application from any applicant.

4.18 Onsite wastewater permits for construction may be transferred to successor property owners prior to completion of construction, modification, or repair for which the permit is issued upon amending the permit application to show transfer of ownership. All terms and conditions of permits issued for construction repair, or modification shall be automatically applicable to any successor property owner upon transfer of ownership of said property.

4.19 The Andrew County Health Department may deny any onsite wastewater treatment system permit application. In the event the Andrew County Health Department denies issuance of a permit the applicant shall be notified in writing of the reason(s) for denial. The notification may include recommendations for corrective action or a request for additional information. Reasons for denial may include, but not be limited to:

- A. Violation of design and/or construction standards.
- B. Incomplete application.
- C. Problems and inconsistencies found during a site visit.
- D. Location within 200 feet of a sanitary sewer or community wastewater system if connection is allowed/approved by the authority for such system.

4.20 The Andrew County Health Department may suspend or revoke a permit before construction, repair, or modification of an onsite wastewater treatment system is completed due to noncompliance with the terms of the permit or current regulations and will give written notice of the suspension or revocation. Construction, modification, or repair of an onsite wastewater treatment system must cease when a permit is **SUSPENDED OR REVOKED**.

- A. Reasons for suspension and revocation shall include but not be limited to the following:
 1. Unapproved modifications in design or construction.
 2. Incorrect information submitted in the application for permit.
 3. Changing site conditions.

4. Incorrect soil morphology/landscape data.
5. Misrepresentation concerning compliance with these regulations or any other reasons necessary for protection of the public health or safety.
6. For installation of lines too deep, lateral trenches not level, system placed in a part of the landscape that was not evaluated or approved.

B. A suspension will be rescinded when the conditions causing the suspension are removed. If the conditions cannot be corrected, the permit will be revoked.

C. When a permit is revoked, the applicant may apply for a new permit by submitting an application adequately completed and paying the required permit fee. After review and approval by the Andrew County Health Department, a site inspection will be conducted by Andrew County Health Department, and if it is satisfactory, then the Andrew County Health Department will issue a new permit for construction of the onsite wastewater treatment system.

4.21 Emergency modifications or repairs made to relieve an imminent health hazard may be made without a permit; however an attempt shall be made to notify the Andrew County Health Department before the start of repairs. The Andrew County Health Department shall be notified no later than two (2) working days after the date on which the repair is made, and the property owner or agent shall submit a permit application and permit fee within five (5) working days after beginning emergency repairs. The repairs shall meet or exceed the requirements of this ordinance and the current Missouri Department of Health and Senior Services regulations relating to onsite wastewater treatment systems. If possible, no part of the emergency repairs shall be backfilled without the approval of the Andrew County Health Department.

4.22 A variance on the construction standards may be granted at the discretion of the Andrew County Health Department. The variance request shall be submitted on a form provided by the Andrew County Health Department. The Board of Trustees of the Andrew County Health Department will be notified of variances granted at the next regular board meeting.

SECTION 5. EXISTING ONSITE WASTEWATER TREATMENT SYSTEMS

All onsite wastewater treatment systems existing as of the effective date of this ordinance shall be presumed to be in compliance with these regulations unless, upon receipt of a complaint, there are reasonable grounds to believe that such system is presenting an imminent health hazard, malfunctioning or is in violation of Andrew County Health Department rules pertaining to onsite wastewater treatment systems. Upon verification of violation, the owner of the property shall then be subject to the provisions of these regulations and shall be required to apply for an onsite wastewater treatment system permit in order to modify or repair the existing system within such time as prescribed by the Andrew County Health Department.

SECTION 6. ONSITE WASTEWATER TREATMENT SYSTEM COMPLAINTS, INVESTIGATION, NOTICE OF VIOLATION

When the Andrew County Health Department or its representative receives an onsite wastewater treatment system complaint from an aggrieved party, an adjacent landowner, or has probable cause to believe there is a violation of this ordinance or any adopted rule, regulation, or applicable law, the Andrew County Health Center or its representative shall conduct an investigation. The Andrew County Health Department or its representative may enter any adjoining property, if necessary, when they are making an inspection pursuant to this section. The necessity for entering such adjoining property shall be stated in writing and the owner of such property shall be notified before the Andrew County Health Department or its representative may enter, except that, if an imminent health hazard exists, such notification shall be attempted but is not required.

6.1 If the Andrew County Health Department or its representative makes an investigation as described in this section and finds that a violation does exist, the property owner shall then be subject to the provisions of these regulations and shall be required to apply for and obtain an onsite wastewater treatment system permit in order to modify or repair the onsite wastewater treatment system.

6.2 When the Andrew County Health Department or its representative makes an investigation as described in this section and finds reasonable grounds to believe that a violation does exist, the Andrew County Health Department or its representative shall give written notice to the person(s) alleged to be in violation. The notice shall include a statement of the reasons for the issuance of the notice of violation, location where the violation occurred, contain an outline of remedial action which is required to effect compliance with this ordinance, or any adopted rule, regulation or applicable law, and allow reasonable time as determined by the Andrew County Health Department or its representative for the performance of any act it requires. Such notices shall be served upon the owner, operator or contractor, as the case may require,

provided that such notice or order shall be deemed to have been properly served upon such person when a copy thereof has been sent by registered or certified mail to the person's last known address, as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by the laws of this state.

6.3 Any person aggrieved by a decision of the Andrew County Health Department Sanitarian may appeal the decision to the Andrew County Health Department Administrator. The notice of appeal must be made in writing within ten (10) days of the Sanitarian's decision. The notice shall state the specific reasons for the person's disagreement with the Sanitarian's decision. Upon receipt of a written notice of appeal, the Andrew County Health Department Administrator shall schedule a hearing to be held within thirty (30) days of the filing of the written notice of appeal. If the request for the hearing is received and meets the criteria of this rule, the individual(s) requesting the hearing will be notified within ten (10) calendar days of the time and date for the hearing. The hearing shall be conducted by the Andrew County Commission. At the conclusion of the hearing, the Andrew County Commission has sole discretion, may affirm or reverse the decision of the Andrew County Health Department Sanitarian. The Andrew County Commission shall make their decision in writing and shall supply a copy of their decision to the aggrieved person within fifteen (15) days of the conclusion of the hearing. Failure of the requesting individual(s) to appear for the scheduled hearing will result in default in favor of the Andrew County Health Department.

6.4 The Andrew County Health Department or its representative, may require a property owner to abate a nuisance or repair a malfunctioning onsite wastewater treatment system on the owner's property not later than the thirtieth day from which the owner receives notification from the Andrew County Health Department of the malfunctioning system or a final written order from the director, if a hearing or hearings were held pursuant to subsection 3 of this section. If weather conditions prevent the abatement of the nuisance or repair of the system within the thirty-day period or if the owner is unable, after reasonable effort, to obtain the services of a contractor or repair service within the thirty-day period, the abatement of the nuisance or repair of the system shall be made, weather permitting, no later than sixty days after notification. Such extension for abatement or repair shall be subject to approval by the Andrew County Health Department.

6.5 When it is determined by the Andrew County Health Department that an emergency exists, which requires immediate action to protect the health and welfare of the public, the Andrew County Health Department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director of the Andrew County Health Department by the Andrew County prosecuting attorney. When such conditions are corrected and the health of the people of Andrew County is no longer threatened, the Andrew County Health Department shall request that such temporary restraining order and injunction be dissolved. For the purposes of this subsection, an "emergency" means any set of circumstances that constitute an imminent health hazard or the threat of an imminent health hazard as defined in this ordinance.

SECTION 7. INTERPRETATION AND SEVERABILITY

The regulations enacted by this ordinance are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted there under. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provisions, and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and with other applicable provisions of the law. In the event these regulations irreconcilably conflict with another law, rule or regulations, the law, rule or regulations which affords the greater protection to the public health or safety shall prevail except in the case of conflict with any rules or regulations made by the Missouri Department of Health and Senior Services or the Missouri Department of Natural Resources, in which case the regulations of the State thereunder shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effect the broad remedial purposes for which they are intended.

SECTION 8. FEES

The Andrew County Commission and the Andrew County Health Department Board may establish reasonable fees to pay for any costs incurred in the performance of the duties described in these regulations; any such fees shall be established by a schedule submitted by the Andrew County Health Department, to the County Commission, and approved by the County Commission; provided however, that the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees. It shall be the responsibility of the party charged with such fees to make application to the Andrew County Health Department for a variance to reduce or eliminate such fees.

SECTION 9. IMMUNITY

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

Section 10. PENALTIES AND REMEDIES

The following are penalties and remedies of this ordinance:

10.1 A person commits the crime of constructing, modifying or repairing an onsite wastewater treatment system without a permit when, in violation of Section 4 of this ordinance, any person, firm, partnership, corporation, company or other business entity, constructs, modifies or repairs an onsite wastewater treatment system without having first obtained a valid onsite wastewater permit from the Andrew County Health Department.

Constructing, modifying or repairing an onsite wastewater treatment system without a valid permit is a [list penalties]

- A. Creating a nuisance or imminent health hazard
Infraction – Fine of \$200.00 for individual
\$500.00 for corporation
- B. Persistent violation of creating a nuisance or imminent health hazard. Construction or repair of an on-site sewage system without a permit.
Class C Misdemeanor-Fine of \$300.00 for individual +/- <30 days in jail
#1,000.00 for corporation
- C. Construction or repair w/o permit and previously found guilty of same.
Misrepresenting oneself as a registered contractor
Class A misdemeanor-Fine of \$1,000.00 for Individual +/- <30 days in jail
\$3,000.00 for corporation
- D. Person found guilty of installing or repairing without a permit shall provide a performance bond or letter of credit for \$5,000.00 before beginning another installation or repair.

10.2 A person commits the crime of constructing, modifying or repairing an onsite wastewater system in deviation from the permit when, in violation of Section 4.16 of this ordinance, any person, firm, partnership, corporation, company or other business entity, constructs, modifies or repairs an onsite wastewater treatment system in deviation from the terms and conditions set forth in the original approved application and permit to construct without first amending the application and securing the approval of the Andrew County Health Department prior to starting the work.

Constructing, modifying or repairing an onsite wastewater treatment system in deviation from the permit is a [list penalties].

- A. Creating a nuisance or imminent health hazard
Infraction – Fine of \$200.00 for individual
\$500.00 for corporation
- B. Persistent violation of creating a nuisance or imminent health hazard. Construction or repair of an on-site sewage system without a permit.
Class C Misdemeanor-Fine of \$300.00 for individual +/- <30 days in jail
#1,000.00 for corporation
- C. Construction or repair w/o permit and previously found guilty of same.
Misrepresenting oneself as a registered contractor
Class A misdemeanor-Fine of \$1,000.00 for Individual +/- <30 days in jail
\$3,000.00 for corporation
- D. Person found guilty of installing or repairing without a permit shall provide a performance bond or letter of credit for \$5,000.00 before beginning another installation or repair.

10.3 When a notice of violation is issued as prescribed in Section 7 of this ordinance, failure by a property owner to abate an imminent health hazard or repair a malfunctioning onsite wastewater treatment and dispersal system on the owner's property within the specified timeframe is a [list penalties].

- A. **Creating a nuisance or imminent health hazard**
Infraction – Fine of \$200.00 for individual
\$500.00 for corporation

- B. **Persistent violation of creating a nuisance or imminent health hazard. Construction or repair of an on-site sewage system without a permit.**
Class C Misdemeanor-Fine of \$300.00 for individual +/- <30 days in jail
#1,000.00 for corporation

- C. **Construction or repair w/o permit and previously found guilty of same.**
Misrepresenting oneself as a registered contractor
Class A misdemeanor-Fine of \$1,000.00 for Individual +/- <30 days in jail
\$3,000.00 for corporation

- D. **Person found guilty of installing or repairing without a permit shall provide a Performance bond or letter of credit for \$5,000.00 before beginning another installation or repair.**

10.4 The Andrew County prosecuting attorney shall, act on behalf of the Andrew County Health Department and shall, upon request of the Andrew County Health Department, institute appropriate proceedings for correction in cases of noncompliance with or violation of the provisions of this ordinance.

10.5 A separate offense is committed for each day a violation occurs.

10.6 The penalties provided in this section shall not be construed as exclusive, but are intended to be supplementary and in addition to any other remedies provided by law or equity.

SECTION 11. EFFECTIVE DATE

These regulations shall become effective on and after the 1day of August , 2009

BY ORDER OF THE ANDREW COUNTY COMMISSION:

Larry Atkins, Presiding Commissioner

Greg Wall, East District Commissioner

Darryl Howard, West District Commissioner

Effective Date: _____