

CAMDEN COUNTY ON-SITE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance governing the construction, modification, installation and operation of on-site sewage disposal systems within Camden County, requiring certain permits and qualifications and providing penalties for violation thereof.

It is hereby ordered by the Camden County Commission as follows:

SECTION 1. Authority and Scope of Coverage

This Ordinance is enacted pursuant to:

- 1.1 Section 701.025 et seq. of the Revised Statutes of Missouri which provides, in part, that political subdivisions may establish a system for the regulation and inspection of on-site sewage disposal contractors and a minimum code of standards for design, construction, materials, operation and maintenance of on-site sewage disposal systems, for the transportation and disposal of wastes there from and for on-site sewage disposal systems servicing equipment, provided such ordinances, rules and regulations establish a system at least equal to those laws, rules and regulations established pursuant to the laws of the State of Missouri; and
- 1.2 Section 192.300 of the Revised Statutes of Missouri which provides, in part, that 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 chapter 192 of the Revised Statutes of Missouri or by the department of social services under chapter 198 of the Revised Statutes of Missouri.

The provisions of this Ordinance apply to all property within Camden County except:

- 1.3 properties located within Camden County, and outside the jurisdictional boundaries of the Village of Four Season that are subject to the control and supervision of the Four Seasons Property Owners Association.
- 1.4 residential property consisting of 3 acres or more used for a single-family residence except that the provisions of this Ordinance shall apply to such property if:
 - 1.4.1 such property is adjacent to a lake operated by the Corps of Engineers or by a public utility; or
 - 1.4.2 effluent from a sewage disposal system on such property enters adjoining property, contaminates surface waters or groundwater or creates a nuisance; or
 - 1.4.3 any point of an on-site sewage disposal system is located within ten feet of *any* adjoining property line.
- 1.5 property within any city, town or village, whether organized under the general law or by constitutional or special charter, any sewer district organized under chapter 204 or chapter 249, any public water supply district organized under chapter 247, or any other municipality, political subdivision or district which owns or operates a sewer system that provides for the collection and treatment of sewage and sewage and waste from such property is disposed of by discharging into a sewer system.
- 1.6 property on which sewage and waste is disposed of by discharging into a sewer system regulated under Chapter 644 of the Revised Statutes of Missouri.

SECTION 2. Definitions

As used in this Ordinance, the following words and phrases shall have the following meaning:

- 2.1 "Advanced System", an alternative or engineered on-site sewage disposal system incorporating modifications or additions to the system that include but are not limited to a sand filter, media bio-filter, fixed film filter, advanced aerobic treatment unit, constructed wetland, sand mound, low pressure pipe, drip irrigation or modified shallow placed gravity lateral trenches or other system using fill material;

- 2.2** "Bedroom", any room within a residential dwelling used as a sleeping room;
- 2.3** "Department of Health", the Department of Health of the State of Missouri;
- 2.4** "Emergency Repair", an act or work verbally authorized by the Wastewater Department and performed to correct an on-site sewage disposal system causing or creating an immediate health hazard or the threat of an immediate health hazard;
- 2.5** "Existing System", an on-site sewage disposal system in operation prior to January 1, 1996;
- 2.6** "Human excreta", undigested food and by-products of metabolism which are passed out of the human body;
- 2.7** "Imminent health hazard", a condition which is likely to cause an immediate threat to life of a serious risk to the health, safety, and welfare of the public if immediate action is not taken;
- "Maintenance", an act or work undertaken to keep an on-site sewage disposal system properly functioning, including, but not limited to: adjusting flow, repairing baffles, replacing pumps, cleaning or replacing an effluent screen or pumping accumulated solids out of a tank;
- 2.8** "Major modification" or "major repair", the redesigning and alteration of an on-site 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;
- "Malfunctioning or failing on-site wastewater system", any on-site sewage disposal system in which sewage or effluent overflows from any of the component parts and ponds or surfaces; or in which sewage or effluent backs-up into any system component, the plumbing system or building; or with failed structural components; or an on-site sewage disposal system that contaminates surface waters or groundwater or presents a nuisance or imminent health hazard.
- "Manhole", a hole or structural component on an on-site sewage disposal system with a removable cover through which a person may enter or access an on-site sewage disposal system or tank.
- 2.9** "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.
- 2.10** "On-site sewage disposal system", any system handling or treatment facility receiving domestic sewage which discharges into a subsurface soil absorption system and discharges less than three thousand gallons per day;
- 2.11** "On-site sewage disposal system contractor", any person who constructs, alters, repairs, or extends an on-site sewage disposal system on behalf of, or under contract with, the property owner;
- 2.12** "Operating Permit", a permit issued by the Camden County Wastewater Department authorizing the operation and use of an advanced system and which sets forth the proper operation and maintenance functions for the advanced system;
- 2.13** "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, or any political subdivision of this state;
- 2.14** "Property owner", the person in whose name legal title to the real estate is recorded;
- 2.15** "Registered Service Tech", a repair or service technician trained, authorized and registered as an "advanced installer" with the Department of Health and the Camden County Wastewater Department.
- 2.16** "Repair", an act or work on an on-site wastewater system required to restore the proper functioning of the system that does not result in a change to or modification of the size or location of the system;
- 2.17** "Sewage" or "domestic sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment appurtenances. Sewage and domestic sewage waste are further categorized as:
- 2.18** "Blackwater", waste carried off by toilets, urinals and kitchen drains;

- 2.19 "Graywater", all domestic waste not covered in paragraph (a) of this subdivision, including bath, lavatory, laundry and sink waste;
- 2.20 "Site Visit or Site Inspection", a mandatory investigation of a proposed on-site wastewater system installation site performed by the Camden County Wastewater Department prior to approval of the issuance of a permit;
- 2.21 "Soil Morphology Test", a report of the suitability and soil characteristics for a proposed soil absorption type of on-site wastewater system 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;
- 2.22 "Stop Order", a written order issued by the Camden County Wastewater Department to stop all construction, installation, modification or operation of an on-site wastewater system.
- 2.23 "Subdivision", land divided or proposed to be divided for predominantly residential purposes into such parcels as required by local ordinances, or in the absence of local ordinances, "subdivision" means any land which is divided or proposed to be 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.
- 2.24 "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: sewage tank absorption systems, privies, chemical toilets, single-family lagoons and other similar systems; except that a subsurface sewage disposal system does not include a sewage system regulated pursuant to chapter 644, RSMo.
- 2.25 "Variance Board", a board consisting of five (5) full-time members, with one(1) alternate member being the Camden County presiding commissioner or an appointee by the Camden County Commission, with members serving two (2) year terms, a chairman to be elected by the board members.
- 2.26 "Waste", sewage, human excreta or domestic sewage.

SECTION 3. Disposal of domestic sewage - requirements

- 3.1 Property owners of all buildings where people live, work or assemble shall provide for the sanitary disposal of all domestic sewage. Sewage and waste from such buildings shall be disposed of by discharging into an on-site sewage disposal system unless disposed of by discharging in to a sewer system within any city, town or village, whether organized under the general law or by constitutional or special charter, any sewer district organized under chapter 204 or chapter 249 of the Revised Statutes of Missouri, any public water supply district organized under chapter 247 of the Revised Statutes of Missouri, or owned or operated by any other municipality, political subdivision or district, or regulated under chapter 644, of the Revised Statutes of Missouri.
- 3.2 Any construction, installation, modification, repair or operation of an on-site sewage disposal system shall be in accordance with rules promulgated under this ordinance, regardless of when the on-site sewage disposal system was originally constructed.

SECTION 4. Disposal of domestic sewage -prohibitions and restrictions

- 4.1 A person or property owner commits the Ordinance violation of improper disposal of sewage or waste if he or she knowingly permits sewage or waste to contaminate surface water or groundwater or to cause a nuisance or imminent health hazard to any other person or property owner. Improper disposal of sewage or waste is a class B misdemeanor. The range of punishment for a class B misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed six (6) months; by a fine not to exceed five hundred dollars (\$500); or by both imprisonment and a fine.
- 4.2 A person or property owner commits the Ordinance violation of constructing, installing, modifying, repairing or operating an on-site sewage disposal system without a permit if he or she constructs, installs, modifies, repairs or operates an on-site sewage disposal system without obtaining the required permit or permits for such construction, installation, modification, repair or operation or after such permit has expired or been suspended or revoked. Constructing, installing, modifying, repairing or operating an on-site sewage disposal system without a permit is a class C misdemeanor. The range of punishment for a class C misdemeanor is imprisonment in the county jail or other authorized

penal institution for a term not to exceed fifteen (15) days; by a fine not to exceed three hundred dollars (\$300); or by both imprisonment and a fine and shall further be subject to a penalty in an amount double the amount of the permit required but not obtained.

- 4.3 A person or property owner commits the Ordinance violation of improper construction, installation, modification, repair or operation of an on-site sewage disposal system in a manner that does not comply with the state standard established under sections 701.025 to 701.059 of the revised Statutes of Missouri as adopted in this Ordinance or in the rules, regulations and standards governing the construction, installation, modification, repair or operation of on-site sewage disposal systems as set forth in this Ordinance. Improper construction, installation, modification, repair or operation an on-site sewage disposal system is a class C misdemeanor. The range of punishment for a class C misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed fifteen (15) days; by a fine not to exceed three hundred dollars (\$300); or by both imprisonment and a fine.
- 4.4 A person commits the Ordinance violation of spraying, dumping or otherwise applying effluent or other waste if he or she sprays, dumps or otherwise applies effluent or other waste from any component of an on-site sewage disposal system to any land location within Camden County without specific approval granted by the Missouri Department of Natural Resources pursuant to a site specific land application permit. Spraying, dumping or otherwise applying effluent or other waste is a class B misdemeanor. The range of punishment for a class B misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed six (6) months; by a fine not to exceed five hundred dollars (\$500); or by both imprisonment and a fine.
- 4.5 A person or property owner commits the Ordinance violation of failure to comply with a Stop Order if he or she fails to obey or comply with the provisions of a stop order issued by the Camden County Wastewater Department. Failure to obey or comply with a stop order is a class B misdemeanor. The range of punishment for a class B misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed six (6) months; by a fine not to exceed five hundred dollars (\$500); or by both imprisonment and a fine.

SECTION 5. Creation and authority - Camden County Wastewater Department.

There is created a Wastewater Department which shall be under the direction and authority of the County Commission. The Camden County Wastewater Department shall have the power and duty to:

- 5.1 Receive and consider applications for permits and issue permits for the construction, installation, modification, repair and operation of on-site sewage disposal systems as set forth in this Ordinance.
- 5.2 Authorize emergency repairs as provided for in this Ordinance.
- 5.3 Cause investigations to be made when a violation of any provision of this Ordinance or of sections 701.025 to 701.059 of the Revised Statutes of Missouri or the on-site sewage disposal rules contained in the Code of State Regulations;
- 5.4 Enter private or public property at reasonable times, and in compliance with the provisions of the Constitutions of the United States and the State of Missouri and with the provisions of the Revised Statutes of Missouri based upon probable cause that a violation exists, for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance or of sections 701.025 to 701.059 of the Revised Statutes of Missouri or the on-site sewage disposal rules contained in the Code of State Regulations.
- 5.5 Authorize the trial or experimental use of innovative systems for on-site sewage disposal, after consultation with the staff of the Missouri clean water commission, and upon such conditions as the Missouri Department of Health may set.

SECTION 6. Construction, Installation and Modification and Inspection of On-Site Sewage Disposal Systems

- 6.1 All on-site sewage disposal systems subject to the provisions of the ordinances of Camden County shall be constructed, installed, modified, repaired and operated in accordance with the rules, regulations and provisions of this ordinance, the Missouri Code of State Regulations, and the Revised Statutes of Missouri, which are by this reference incorporated into this Ordinance.

- 6.2 Specifically, on-site sewage disposal systems installed, constructed or modified in Camden County shall
- 6.2.1 use only poly, fiberglass or concrete tanks. No metal tanks shall be used in any such construction, installation or repair;
 - 6.2.2 allow access to both the inlet & outlet devices of each tank and to each separate compartment of each tank by means of a manhole. Manhole risers shall be required when the top of the septic tank is more than six (6) inches below the final grade.
 - 6.2.3 provide for a watertight seal around any pipe, conduit, wiring or manhole entering or exiting a septic tank.
 - 6.2.4 be constructed, installed or repaired in such a manner that all septic tanks are embedded in sand or gravel not more than one inch (1") in size unless otherwise specifically recommended in a tank manufacturer's installation guidelines.
 - 6.2.5 not be constructed, installed, modified or repaired using composting toilets on property adjoining the Lake of the Ozarks.
- 6.3 All conventional and advanced on-site sewage disposal systems shall be constructed, installed modified or repaired by an on-site sewage disposal system contractor authorized by and registered with the State of Missouri and Camden County except that the installation or replacement of a septic tank may be performed by a property owner. The installation or replacement of any septic tank whether by a property owner or an on-site sewage disposal system contractor shall not be performed without a permit issued by the Camden County Wastewater Department approving such installation or replacement.
- 6.4 All on-site sewage disposal systems shall be inspected by a state registered inspector as a prerequisite for the issuance of building permits issued by Camden County Planning and Zoning related to the remodeling or rebuilding of, or additions to, all buildings where people live, work or assemble except where such on-site sewage disposal systems is being operated pursuant to valid operating permit.

SECTION 7. *Permit applications and permits for the construction, installation, modification or repair of on-site sewage disposal systems*

- 7.1 Any person desiring to construct, install modify, or repair an on-site sewage disposal system must first obtain a valid permit issued by the Camden County Wastewater Department.
- 7.2 Any person who proposes to construct, install, modify, or repair an on-site sewage disposal system shall submit to the Wastewater Department a written application certified by a State Registered Engineer or on a form supplied by the Wastewater Department
- 7.3 Proposed on-site sewage disposal systems shall be designed in accordance with this Camden County On-site Sewage Disposal Ordinance, the Missouri Code of State Regulations, and the Revised Statutes of Missouri governing on-site sewage disposal systems.
- 7.4 All applications for the construction, installation, modification or repair of on-site wastewater sewage disposal systems shall include a report detailing the results of a soil evaluation of the site of the proposed or existing system conducted by a professional soil scientist, engineer, sanitarian or registered geologist with special training in determining soil morphological characteristics in the field. A soil evaluation report shall not be based upon percolation tests.
- 7.5 Permits for the construction, installation, modification or repair of on-site wastewater sewage disposal systems issued by the Camden County Wastewater Department shall be posted on the property during the time of construction and shall include the name of the person or entity constructing, installing, modifying or repairing the wastewater treatment system.

SECTION 8. *Permit applications and permits for the repair of on-site sewage disposal systems*

- 8.1 Any person desiring to repair an on-site sewage disposal system must first obtain a valid repair permit. Repairs must meet or exceed the requirements of this ordinance and the current Missouri Department of Health regulations relating to on-site wastewater systems.

- 8.2 Emergency repairs of on-site sewage disposal systems made to relieve an imminent health hazard may be performed before the issuance of a repair permit provided the property owner or person or entity repairing the system obtains prior verbal consent from the Camden County Wastewater Department and submits the required permit application and fee within five (5) working days after beginning the emergency repair. No emergency repair shall be backfilled without the approval of the Camden County Wastewater Department. Emergency repairs shall meet or exceed the requirements of this ordinance and the current Missouri Department of Health regulations relating to on-site wastewater systems.

SECTION 9. Permit applications and permits for the operation of certain on-site sewage disposal systems

- 9.1 On-site sewage disposal systems installed after on or after January 1, 2011 incorporating an advanced system as defined in section 2.1 as a component of the on-site wastewater system shall not be operated without the issuance of a valid operating permit. Permits required for the operation of Advanced Systems shall be issued by the Wastewater department after granting final approval for the construction, installation, modification or repair of an Advanced System.
- 9.2 A valid operating permit shall also be required for any on-site sewage disposal system the use of which has been determined to have caused contamination of surface water or groundwater or a nuisance or imminent health hazard to any other person or property owner. Permits required for the operation of such on-site sewage disposal system shall be issued by the Wastewater department after the termination of proceedings initiated to address such contamination, nuisance or health hazard.
- 9.3 Application for renewal of Operation Permits shall be made upon a form approved by the Wastewater Department and shall include proof of a current maintenance agreement and any service reports along with the applicable operating permit fee.
- 9.4 A site visit may be required by the Wastewater Department before approving an application for renewal of an operating permit and issuing a new Operating Permit.

SECTION 10. Permit application processing procedures

- 10.1 The Camden County Wastewater Department shall review all permit applications for completeness including permit fees. Incomplete applications shall be returned to the applicant, but may be resubmitted to the Camden County Wastewater Department for reconsideration.
- 10.2 Pre-site visits by the Camden County Wastewater Department shall be conducted to evaluate and to determine the suitability of the property for the construction, installation, modification, or repair of the proposed on-site wastewater system prior to the issuance of a permit or prior to submission of the application to the Variance Board.
- 10.3 Applicants shall mark by field markings such as paint, flags or other identifying objects or materials the location of the on-site wastewater system components, the location of the proposed soil absorption system including the location and length of any lateral trenches and the location of property boundaries together with applicable setback restriction locations prior to the application submission to or the pre-site visit by the Camden County Wastewater Department.
- 10.4 Each application shall be approved or disapproved as soon as reasonably possible, but in no event to exceed thirty (30) business days from the date the application is received.
- 10.5 If the permit application is approved, the Wastewater Department will notify the applicant in writing, by mail or in person, of the approval of the application for the permit or permits and issue the permit or permits to the applicant.
- 10.6 The Camden County Wastewater Department may deny any permit application for reasons that include but are not limited to: inadequate design or construction methods or materials; incomplete application; inconsistencies or design or implementation defects discovered during site visits; location of the proposed site within 100 feet of a sewer system that provides for the collection and treatment of sewage and sewage and waste operated by any city, town or village, whether organized under the general law or by constitutional or special charter, any sewer district organized under chapter 204 or chapter 249, any public water supply district organized under chapter 247, or any other municipality, political subdivision or district which owns or operates such a system provided a connection is allowed or permitted by the authority for such system. If the Wastewater Department denies any permit

application, the applicant shall be notified in writing, by mail or in person, of all the reasons for said denial and of all changes required for the permit or permits to be issued.

- 10.7 Any applicant aggrieved by the requirements of the Wastewater Department, or who have been denied a permit by the Wastewater Department may request and shall receive a hearing in accordance with the provisions of Section 16.

SECTION 11. Compliance with issued permits

- 11.1 Any person constructing, installing, modifying or repairing an on-site sewage disposal system shall report any conditions not in accordance with the system permit to the Camden County Wastewater Department without delay and shall cease all construction, installation, modification or repair until approval to proceed is granted.
- 11.2 Any person constructing, installing, modifying or repairing an on-site sewage disposal system shall perform such construction, installation, modification or repair in accordance with the terms and conditions of the permit. A new application or amended application must be filed with the Wastewater Department if the permittee desires to modify a permit. No modification shall be implemented until a new or modified permit has been issued or a variance is approved.
- 11.3 Any person required to provide notice and apply to the Wastewater Department as provided herein shall not complete the construction, installation, modification or repair of an on-site sewage disposal system without first providing notice and an opportunity for inspection by the Wastewater Department as provided in this section. Such notification shall be made to the Wastewater Department prior to 9:00 a.m. on the day proceeding completion.
- 11.4 The on-site sewage disposal system shall be maintained in a condition which allows for a complete inspection until 3:00 p.m. on the day of completion, unless the Wastewater Department provides confirmation that the system has been inspected and, approved prior to that time.
- 11.5 The on-site sewage disposal system shall not be closed or completed if the city, county or department determines upon inspection that the system does not meet the standards set forth in this ordinance, and the Wastewater Department shall provide, at the time of inspection, a conspicuous marker or other form of notice indicating that the system does not meet the standards. The Wastewater Department shall provide written confirmation of the results of the inspection or confirmation that the department did not inspect the system to the property owner within three working days of the day of completion.

SECTION 12. Permit duration and extensions

- 12.1 All permits issued for the construction, installation or modification of an on-site sewage disposal system shall be valid for one year after the date of issuance, unless for good cause shown, the Wastewater Department determines that a permit duration of a shorter period of time is appropriate under the circumstance, but in no event shall the duration of such a permit be less than 60 days. If such construction, installation or modification is not completed within the time permitted, the permit will no longer be valid and a new permit must be applied for and obtained before commencing or continuing the construction, installation, modification or repair of the system.
- 12.2 All permits issued for the operation of an on-site sewage disposal system shall be valid for a period of two (2) years.
- 12.2 Permits will be issued only to the person who applied for the permit or such person's authorized representative, and such authorization must be in writing from the person who applied for the permit.
- 12.3 A permit may be extended by the Wastewater Department. Such extension request shall be in writing to the office of the Wastewater Department and shall be approved or disapproved within ten (10) business days after the request is received.

SECTION 13. Permit suspension or revocation

- 13.1 The Wastewater Department may suspend or revoke a permit for a wastewater treatment system for any of the following reasons:
- a. Substantial noncompliance with the terms of the permit;
 - b. Modifications in design or construction which are not authorized by the Wastewater Department;
 - c. Intentional falsification of information submitted; or

d. Substantial non-compliance with the terms of this Ordinance as determined by the Wastewater Department.

13.2 Before the suspension or revocation of a permit by the Wastewater Department, the permittee will be given a reasonable opportunity of not less than twenty (20) business days after receipt of written notice of non-compliance to perform the corrections in order to come into compliance with the permit.

SECTION 14. Stop Orders

14.1 A Stop Order may be issued by the Wastewater Department

- a. For new construction or installation, if the materials and/or manner of installation fails to meet the requirements contained in the permit.
- b. For existing systems which are being operated in violation of this Ordinance, if the property owner fails to submit a plan of compliance within thirty (30) days, or fails to fully comply within ninety (90) days after receipt of written notice of the violation. If the property owner or occupant refuses to permit an inspection as provided by section 12 herein, the Wastewater Department may assume the system is being operated in violation of this Ordinance.
- c. If there exists a condition of such extreme nature which presents an immediate danger in public health requiring immediate corrective action. Examples of such an immediate danger include direct contamination of a potable water source.

14.2 No stop order shall be enforced while an appeal is in process, unless there exists a condition of such extreme nature which presents an immediate danger to public health.

SECTION 15. Special provisions for prior violators

15.1 A person who has, within the preceding twenty-four months, been found guilty or pleaded guilty to a violation of section 701.046, 701.047, 701.048 or 701.050 of the Revised Statutes of Missouri, or a violation of Section 4 of this Ordinance, may not begin construction, installation, modification or repair of an on-site sewage disposal system that is owned by another person unless the person constructing, installing, modifying or repairing the system has provided to the Wastewater Department a performance bond or letter of credit as provided under this section.

15.2 Any such performance bond or letter of credit shall be conditioned upon faithful compliance with the standards for on-site sewage disposal systems as established in this ordinance.

15.3 Such performance bond, placed on file with the Wastewater Department, shall be in the form of a performance bond, payable to the department and issued by an institution authorized to issue such bonds in this state; or an irrevocable letter of credit issued in favor of and payable to the department from a commercial bank or savings and loan having an office in the state of Missouri.

15.4 Upon a determination by the Wastewater Department that a person has failed to construct, install, modify or repair an on-site sewage disposal system in compliance with the provisions of this ordinance, the department shall notify the person that the bond or letter of credit shall be forfeited and the moneys shall be used for remedial action, if that person does not bring the system up to the standards for on-site sewage disposal systems as established in this ordinance within thirty days after notice of such determination has been given.

15.5 If the system is not brought into compliance with the provisions of this ordinance within thirty days, the Wastewater Department shall, within thirty days of the expiration of the notice period, expend whatever portion of the bond or letter of credit is necessary to hire a registered on-site sewage disposal system contractor to bring the system into compliance.

15.6 The requirement for a person to provide a performance bond or a letter of credit under this section shall cease for that person after two consecutive years in which the person has not been found guilty or pleaded guilty to a violation of section 701.046, 701.047 701.048 or 701.050 of the Revised Statutes of Missouri or a violation of Section 4 of this Ordinance.

SECTION 16. Fees and Costs

16.1 The fee for a permit to construct, install or modify an on-site sewage disposal system is \$150.00 and is non-refundable.

16.2 The fee for a permit to repair an on-site sewage disposal system is \$150.00 and is non-refundable.

- 16.3 The fee for a permit to operate an on-site sewage disposal system is \$100 bi-annually and is non-refundable.
- 16.4 The cost of dye tracing liquids is \$5.00 per 8 ounces.
- 16.5 The registration fee for an Installer is \$100.00 bi-annually.
- 16.6 The registration fee for a Tank Cleaner is \$100.00 per truck, bi-annually.
- 16.7 The registration fee for a Registered Service/Repair Tech is \$100 bi-annually.

SECTION 17. Appeals process

- 17.1 Any person aggrieved by the Wastewater Department may appeal by filing a written application with the Camden County Wastewater Department.
- 17.2 All appeal applications shall be accompanied by a \$50.00 deposit. Such deposit shall be refunded to the applicant upon the completion of the appeal process provided the applicant attends all appeal meetings and performs all requirements for appeal applicants. Appeals may be withdrawn and the deposit refunded by the applicant delivering written notice to the Wastewater Department no less than three (3) business days prior to meeting scheduled to hear the appeal as provided herein.
- 17.3 Appeals from the Wastewater Department shall be heard by the Variance Board within fourteen (14) business days after the appeal is filed (unless a later date is requested by the applicant) and the applicant shall be given a reasonable opportunity to be heard. The Variance Board shall render a decision as soon as practical but in no event later than fourteen (14) business days after the meeting in which the appeal is heard.
- 17.4 Appeal Hearings to the Variance Board shall be conducted in accordance with rules and procedures adopted by the Variance Board.
- 17.5 Variance Board decisions can be appealed to circuit court of Camden County, Missouri, in accordance with Chapter 536 of the Revised Statutes of Missouri.

SECTION 18. Violations, notice of, contents, prosecuting attorney to institute proceedings, when

- 18.1 Whenever the Camden County Wastewater Department determines after an inspection, or after receipt of a complaint, that there are reasonable grounds to believe that there has been violation of any provision of this Ordinance, notice shall be given of such alleged violation to the person responsible, as herein provided. The notice shall:
- a. Be in writing;
 - b. Include a statement of the reasons for the issuance of the notice;
 - c. Allow reasonable time as determined by the Camden County Wastewater Department for the performance of any act it requires;
 - d. Be served upon the resident, 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;
 - e. Contain an outline of remedial action which is required to effect compliance with the provisions of this Ordinance and with the laws and regulations of the State of Missouri.
- 18.2 If an aggrieved person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within fourteen (14) days from the date of the receipt of the notice, before the Variance Board, to review the appropriateness of the remedial action. The Variance Board shall issue a written decision within thirty calendar days of the date of the hearing. Any final decision of the Variance Board may be appealed to the Circuit Court of Camden County wherein the offense is alleged to have occurred for a trial de novo on the merits.
- 18.3 The Camden County Wastewater Department, may require a property owner to abate a nuisance or repair a malfunctioning on-site sewage disposal system on the owner's property not later than the thirtieth day from which the owner receives notification from the department of the malfunctioning system or a final written order, if a hearing or hearings were held pursuant to 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 Camden County Wastewater Department.

18.4 The prosecuting attorney shall, at the request of Camden County Wastewater Department, institute appropriate proceedings for correction in cases of noncompliance with or violation of the provisions of this ordinance or of the provisions of sections 701.025 to 701.059 RSMo.

18.5 When it is determined by the Camden County Wastewater Department, after receipt of a complaint, where an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the Camden County Wastewater Department by the prosecuting attorney. When such conditions are corrected and the health of the people of Camden County is no longer threatened, the 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.

SECTION 19. Private rights of action not preempted.

Nothing contained in this Ordinance shall be interpreted so as to preempt any private right of action or prevent any person from pursuing remedies which might otherwise exist for matters involving the disposal of domestic sewage.

SECTION 20. Investigation by the Camden County Wastewater Department -right to inspect adjoining property.

The Camden County Wastewater Department or any of its agents 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 department or any of its agents may enter, except that, if an imminent health hazard exists, such notification shall be attempted but is not required.

SECTION 21. Notices

21.1 Any notice required herein or any Stop Order shall be provided to the property owner, of record, and the permittee and to all other appropriate parties and shall be as follows:

21.2 by personal delivery; or

21.3 by depositing said notice of Stop Order in first class mail, postage prepaid.

21.4 All Stop Orders shall be posted at the wastewater treatment system site in a conspicuous place.

SECTION 22. Severability

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

SECTION 23. Amendments

This Ordinance may be amended by a resolution passed by the Camden County Commission in accordance with 701.025 et seq. of the Revised Statutes of Missouri.

SECTION 24. Effective date and approval

This Ordinance shall be effective upon its approval by a properly passed resolution of the Camden County Commissioners.

SECTION 27. Registration of persons and businesses engaged in wastewater Treatment and/or on-site septic systems.

- 27.1 Every person engaged in the design, construction, installation, modification or repair of an on-site sewage disposal system and persons engaged in the business of cleaning on-site sewage disposal systems within Camden County must register with the Camden County Wastewater Department. Any person constructing, installing or modifying on-site sewage disposal systems shall also be required to register with the Missouri Department of Health and Senior Services as per amended section of 701.031 under House Bill 1433 (HB1433) before registering with the Camden County Wastewater Department. Proof of State registration must be on file with the County Wastewater Department.
- 27.2 The Camden County Wastewater Department may adopt rules and regulations, establishing qualifications and minimum standards for persons desiring to register under this Ordinance.
- 27.3 Any person whose application for registration under this section has been denied will be notified in writing as to the reasons for denial, and said person may appeal such denial pursuant to the appeal provisions in this Ordinance.
- 27.4 Whenever the Camden County Wastewater Department determines that a holder of a valid registration under this section, has violated any provisions of this Ordinance, or the rules and regulations adopted by the County, or the Missouri Department of Health. The Camden County Wastewater Department may suspend or revoke said registration and shall set the term of revocation and/or suspension within fourteen (14) days after a violation is determined. The said person under violation may appeal pursuant to Section 16 of this Ordinance within ten (10) days of notification from the Camden County Wastewater Department.

SECTION 28 Septic Tank Cleaning Standards

- 28.1 The Camden County Wastewater Department may inspect the equipment and land application/storage site of the Registered Tank Cleaner for the purpose of determining if his equipment and land application are in good operating condition, and are being operated and maintained in a healthful manner and are in compliance with this Ordinance and the rules and regulations of the Missouri Department of Natural Resources.
- 28.2 The Registered Tank Cleaner must use one of the following methods for disposal: a) Discharge in a municipal wastewater treatment plant; or b) Land application with approval from Missouri Department of Natural Resources
- 28.3 The Registered Tank Cleaner and the property owner of the land application/storage site must have an agreement on file with the Camden County Wastewater Department; said land application/storage site must be approved by the Missouri Department of Natural Resources and the Camden County Wastewater Department.
- 28.4 The Registered Tank Cleaner must keep on file for up to two (2) years, all records of said application times and amounts of sewage dumped or land applied. The Camden County Wastewater Department has the right to inspect said files periodically if deemed necessary.
- 28.5 No wastewater effluent or other waste component of any on-site sewage disposal system shall be sprayed, dumped or otherwise applied to any land location within Camden County unless otherwise specified and approved pursuant to a site specific land application permit issued through the Missouri Department of Natural Resources.

Enacted
Amended August 5, 2004
Amended December 22, 2010

Carolyn F. Loraine
Carolyn F. Loraine
Presiding Commissioner

Beverly Thomas
Beverly Thomas
1st District Commissioner

Thom Gumm
Thom Gumm
2nd District Commissioner

Rowland Todd
Rowland Todd, Clerk

Dec. 22, 2010
Signed

