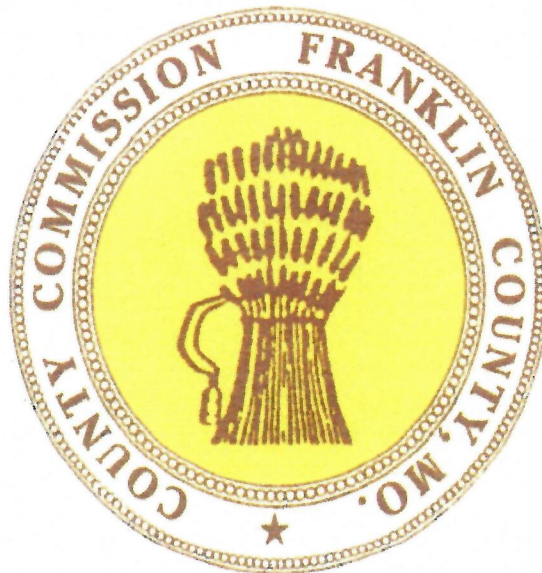


Franklin County

*The County of Franklin
On-Site Sewage Disposal Systems
Ordinance and Regulations*



Franklin County Building Department
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**FRANKLIN COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE
19 CSR 20-3.060 AND 19 CSR 20-080**

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19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems
REVISED MISSOURI LAW BY DEPARTMENT OF HEALTH AND SENIOR SERVICES

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FRANKLIN COUNTY, MISSOURI

On-Site Sewage Disposal Systems Ordinance

An ordinance establishing the requirement of permits to be issued to construct, install, modify or repair on-site sewage disposal systems, the certification of installers, the qualifications of persons performing percolation tests and soil morphology examinations, and the penalties regarding violations of said ordinance in Franklin County, Missouri.

Section 1. Authority.

Section 192.300, RSMo The county commissions and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but orders or ordinances and 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 Franklin County Building Department.

Section 2. Applicability.

These regulations shall apply to any on-site sewage disposal system located on any size lot or parcel in Unincorporated Franklin County as defined in Section 3.9 of this ordinance.

Section 3. Definitions.

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

3.1 “*Administrative Authority*”, Franklin County Building Department which administers these rules or regulations.

3.2 “*Agent*”, any person authorized, in a written and signed statement by the property owner, homeowner or developer, to execute the interests of the property owner, homeowner or developer in matters related to this ordinance.

3.3 “*Board*”, can be but not limited to: Health Boards, Building Commission, Commissioners Board, Building Department Hearing Board.

3.4 “*Department*”, means the Franklin

County Building Department.

3.5 “*Developer*”, that person, firm or corporation by whom a tract will be improved pursuant to the standards adopted by the Administrative Authority and this ordinance.

3.6 “*Existing system*”, an on-site sewage disposal system operation prior to the adoption of this ordinance.

3.7 “*Homeowner*”, the person(s) who own legal title to the real estate on which s/he currently occupies the existing principle residence; or will occupy a future residence, deemed as his/her principle residence, on a permanent basis (permanent basis being defined as a minimum of 6 months).

3.8 “*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.

3.9 “*Installer*”, see Section 3.12, On-site sewage disposal system installer.

3.10 “*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.

3.11 “*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.

3.12 “*On-site sewage disposal system in-*

staller” or *“installer”*, any person who performs construction, installation, modification, repair or extension of an on-site sewage disposal system on behalf of, or under contract with, the owner or agent of such system.

3.13 *“Permit”*, the written authorization from the Franklin County Building Department, allowing the homeowner, property owner, developer or the agent to construct, install, modify or repair an on-site sewage disposal system according to the standards adopted by the Administrative Authority and this ordinance.

3.14 *“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.

3.15 *“Pre-existing On-Site Sewage Disposal System”*, a sewage system, disposal system or treatment system, discharging a maximum of three thousand gallons per day into a subsurface soil absorption system or an evaporation-type system, that was permitted through the Franklin County Building Department, and installation of said system was inspected and approved by the Department, prior to January 1, 1998.

3.16 *“Property Owner”*, the person in whose name legal title to the real estate is recorded.

3.17 *“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.

3.18 *“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.

Section 4. Permits.

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

4.2 A permit must be obtained from the Administrative Authority prior to the construction, installation, modification or repairing of an on-site sewage disposal system on any size lot or parcel in Unincorporated Franklin County.

4.3 The issuance of a permit to construct, install, modify or repair an on-site sewage disposal system does not relieve the homeowner, property owner, developer or agent of the responsibility to properly plan, design, construct, operate and maintain the facility described in the application and permit conditions.

Section 5 Application Procedures

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

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

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

5.2.1 be accompanied by a detailed plot plan, sewer design data, percolation test and/or soil evaluation (when required), an affidavit (provided by the Department) signed by homeowner, property owner, developer or his agent, confirming the choice of an installer, and any other pertinent information covering the project or additional information as required by the Department.

Section 6. Application Processing Procedures.

The Franklin County Building Department shall process all permits in accordance with the following:

6.1 Each completed application shall be reviewed and a determination made within seven (7) working days from the date the application is received by the Franklin County Building Department. Incomplete applications shall not be processed.

6.2 Each application shall be submitted with all the supporting data necessary for review as outlined in Section 5 of this ordinance.

6.3 The homeowner, property owner, developer or agent shall be notified of the status of the application within seven (7) working days from the date the application is received. If the conditions of the permit are different from the proposed specifications submitted, the permit notification shall include reasons for the specification changes.

6.4 All plans and specifications must conform to the minimum design standards adopted by the Administrative Authority and this ordinance.

6.5 If, upon review of an application, the Administrative Authority determines that a permit is not required, the homeowner, developer, property owner or agent shall be notified of this determination. Such notification shall constitute final action on the application.

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

6.7 If the applicant is dissatisfied with the conditions or denial of a permit, the applicant may request a hearing pursuant to Section 21 of this ordinance.

Section 7. Prohibitions.

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

7.1 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

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

Section 8. 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:

8.1 The following amount of drainfield in **Table A - Minimum Absorption Area** below shall be used for new construction, modification or repair in lieu of the requirements in **Table 5 - Minimum Absorption Area (page 27)**. The amount of drainfield required for new construction, modification or repair shall be 165 linear feet per bedroom., with a minimum of 330 linear feet drainfield for a one (1) or two (2) bedroom residence.

Table A - Minimum Absorption Area

Percolation Rate	Absorption Loading Area
(min./inch)	(linear ft./Bedroom)
≤ 10	See Below: * #
11 - 60	165
61 - 120	See Below: # ~
≥ 120	See Below: * # + ~

- * Not suitable for absorption-type system.
- # Must be designed and sealed by a Missouri registered engineer.
- + Must be evaporation-type system.
- ~ Should use an approved Alternative System.

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

8.3 The Administrative Authority of Franklin County will allow wells to be (50) fifty-feet from septic tanks versus the (100) one-hundred feet previous requirement.

8.4 No discharge of effluent from any on-site sewage disposal system shall be allowed in Unincorporated Franklin County.

8.5 All lagoon systems, whether new construction or upgrades of existing lagoon systems, will require the placement of an aerator or septic tank prior to the lagoon system. Aerator/Septic tank shall be installed according to the minimum design standards adopted by the Administrative Authority and this ordinance.

8.5.1 New construction of all lagoon systems will require a *soil morphology evaluation* to determine proper design. Percolation tests may be accepted in lieu of a soil morphology evaluation with the following conditions:

- a. results must show depth of bedrock or restrictive layer;
- b. results must show type of soil; and
- c. a registered engineer must verify (seal) that this site is suitable for a lagoon.

8.6 Any residential structure, conventional or manufactured, upon increasing the number of bedrooms in said residence, shall be required to bring the existing on-site sewage disposal system up to current Franklin County Codes and this ordinance. If no on-site sewage disposal system exists, owner shall install a system according to the minimum design standards adopted by the Administrative Authority and this ordinance.

8.6.1 Any manufactured home being replaced by another manufactured home and has the same number of bedrooms, which has an existing on-site sewage disposal system that consists of a working aerator/septic tank with drainfield underground and no discharge to the surface, creek, ditch or road, shall not be required to bring their on-site sewage disposal system up to current Franklin County Codes and this ordinance. However, should a site inspection determine there is a surface discharge, owner will be required to bring the existing on-site sewage disposal system up to Franklin County Codes and this ordinance.

8.6.2 Any property, regardless of acreage size, which has an existing residence, conventional or manufactured, and said residence is not occupied at the time of the permit application, regardless of the presence of an existing on-site sewage disposal system, shall require a percolation test or soil evaluation and the system be brought up to current Franklin County Codes and this ordinance.

8.6.3 Any property, regardless of the size of the acreage, which has an existing on-site sewage disposal system and the system is being upgraded or modified; will be required to obtain a soil evaluation or a percolation test.

8.6.4 Any property *less than three (3) acres*, which has an existing on-site sewage disposal system that is currently in use, shall be required to obtain a percolation test or soil evaluation prior to performing an upgrade, modification or repair to the existing system. If the percolation test or soil evaluation passes, the system can be designed and installed according to the minimum standards adopted by the Administrative Authority and this ordinance. Should the percolation test or soil evaluation fail, the on-site sewage disposal system

shall be designed by an engineer.

8.7 Plans for the modification, repair or replacement of an existing on-site sewage disposal system shall include the aerator/septic tank to be pumped of septage and a riser to grade installed on the tank. It may be required to uncover the existing tank and/or drainfield for inspection purposes to determine what type of sewage disposal system actually is existing. Aerator tank motors must be in working order, or it must be replaced.

8.8 Plans for the installation of a new on-site sewage disposal system shall include a riser to grade on the tank. Aerator tank motors must be installed prior to approval of the on-site sewage disposal system.

8.9 The Franklin County Building Department shall have *Administrative Authority* to allow alternative sewer system designs, not covered in this Ordinance, to be approved and installed on a case-by-case basis, on lots over three (3) acres in size.

8.10 Any size lot or parcel will be required to have a percolation test and/or soil morphology evaluation for purposes of determining an individual on-site sewage system, for new construction.

8.11 *Soil Pits* shall be required on all soil morphology evaluation tests.

Exception - Borings may be used for upgrades and repairs on pre-existing on-site sewage disposal systems.

8.12 Shallow Drainfield. Please see Commission Order 2018-198 and attachments at end of this section regarding Shallow Drainfield installation and approval in Franklin County.

8.13 Percolation tests and/or soil morphology evaluations that were performed **prior** to January 1, 1996, are not valid.

8.14 Percolation tests dated as of January 1, 1996 to present, **must** use the "*worst test hole*" for determining the design for the on-site sewage disposal system.

8.15 The Franklin County Building Department has *Administrative Authority* to require a percolation test and/or soil morphology evaluation under **any** permit.

8.16 This ordinance shall remain in effect until such time as the Franklin County Building Department shall deem it necessary for any revisions.

8.17 The minimum size of gravel used in curtain drains shall be B-Gravel or 1 ½" - 3" clean limestone.

8.18 Dosing is recommended for all systems except serial distribution systems and shall be provided when the design sewage flow requires more than five hundred (500) lineal feet of distribution line on lots 3 acres or less. Fields with more than six-hundred sixty (660) lineal feet of field on lots greater than three acres are required to be split into equal fields.

Section 9. Responsibilities: Persons to Perform Percolation Tests and Soil Morphology Evaluations to be Certified; Suspension or Revocation of Certification.

9.1 All persons performing percolation tests and/or soil morphology evaluations, must be certified by the State of Missouri, for the purpose of designing an on-site sewage disposal system, whether for new construction or the modification or repair of an existing on-site sewage disposal system, in Unincorporated Franklin County.

9.2 All persons certified by the State of Missouri to perform percolation tests and/or soil morphology evaluations, shall be required to register with the Franklin County Building Department. The Franklin County Building Department shall validate the State Certification Card, thereby permitting him/her to perform percolation test and/or soil morphology evaluations in Unincorporated Franklin County.

9.2.1 The Franklin County Building Department shall maintain a roster of percolation test persons and soil morphology evaluation persons currently certified by the State of Missouri. The roster will be considered public information and available for review and publication.

9.3 Each person certified to perform percolation tests and soil morphology evaluations shall furnish proof of valid certification if requested by the Franklin County Building Department at any time.

9.4 The certificate may be revoked or suspended by the State of Missouri if the percolation test person or the soil morphology evaluation person 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. The Franklin County Building Department will uphold any decision made by the State of

Missouri.

Section 10. Responsibilities: Installers to be Certified; Suspension or Revocation of Certification.

10.1 All persons performing new construction, installation, modification or repair to an on-site sewage disposal system, must be certified by the State of Missouri. At least one certified on-site sewage disposal 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.

10.2 No contractor may install any on-site or community sewage systems that produce less than 3000 gallons of effluent discharge per day, or make modifications or repairs to those systems unless that person is certified by the State of Missouri. Systems that generate more than 3000 gallons per day are regulated under RSMo 644.

10.3 The Franklin County Building Department shall require a signed affidavit, at the time of application, verifying the use of a State of Missouri certified installer. (*Exception: See Section 11*)

10.4 All persons certified by the State of Missouri as on-site sewage disposal system installers, shall be required to register with the Franklin County Building Department. The Franklin County Building Department shall then validate the State Certification Card, thereby registering that person to perform on-site sewage disposal system installations in Unincorporated Franklin County.

10.4.1 The Franklin County Building Department shall maintain a roster of on-site sewage disposal system installers currently certified by the State of Missouri. The roster will be considered public information and available for review and publication.

10.5 Each certified installer shall furnish proof of valid certification if requested by the Franklin County Building Department at any time.

10.6 The certificate may be revoked or suspended by the State of Missouri if the installer 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. The Franklin County Building Department shall uphold any decision made by the State of Missouri.

Section 11. Home Owners as Installers.

11.1 Nothing in Section 10 or its sub-sections shall preclude homeowners from installing, modifying, or repairing their own on-site sewage

disposal system as long as they comply with all provisions of this ordinance. (*Exclusion: Developers, Renters and Leasers*)

11.1.1 Homeowner must sign an affidavit at the time of application verifying that he/she is the sewage installer.

11.1.2 The Franklin County Building Department will perform a site inspection prior to issuing a permit when the "Homeowner" is installing their own septic system. Property lines must be marked, well must be exposed, tank location marked and laterals need to be laid out in the field area. "Homeowner as the Installer" must be present at the time of the site inspection.

11.2 Nothing in Section 10 or its sub-sections shall be construed so as to require a homeowner to obtain certification in order to install, modify or repair their own on-site sewage disposal system. Proper permits must be obtained and inspections performed according to the provisions of this ordinance. (*Exclusion: Developers, Renters and Leasers*)

Section 12. Exceptions for Existing Systems and Lots.

12.1 Exceptions to the minimum setbacks of 19 CSR 20-3.060 may be allowed by the Franklin County Building 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 lot or parcels platted before January 1, 1996 may vary, except as to:

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

12.1.2 the protection of surface and ground waters;

12.1.3 the provisions of primary sewage treatment; and,

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

12.2 Any exception which may impact an adjoining property owner, homeowner or developer shall require a written, signed and notarized statement from the adjoining property owner,

homeowner or developer 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 13. 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 Franklin County Building Department the homeowner, property owner, developer or agent shall:

13.1 assure that the installer constructs, installs, modifies, or repairs the permitted on-site sewage disposal system in accordance with the terms and conditions of the permit issued by the Franklin County Building Department. Unauthorized changes, deviations or modifications are a violation of the permit conditions. A new or amended application must be filed with the Administrative Authority to obtain a review of the requested changes to the proposed system. No change of the original specifications shall be implemented by the homeowner, property owner, developer or agent until a new or revised permit is issued.

13.2 request authorization to utilize materials and/or procedures differing from the specifications of the issued permit. A variance 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 Franklin County Building Department may grant a variance upon receipt of a written request for such, provided that the content of the request is immediately incorporated in writing into the permit.

13.3 Variances - See Section (6)(L), Title 19 CSR 20-3.060 - Department of Health. (See Page 36 and 37).

13.4 Notify the Franklin County Building Department at least one (1) working day prior to the completion of construction, installation, modification or repair of an on-site sewage disposal system for inspection of the system. The system shall be maintained in a condition which allows for a complete inspection until the inspector arrives on the day of inspection, pursuant to this ordinance. The on-site sewage disposal system shall not be closed or completed if the Franklin County Building Department determines upon inspection that the

system does not meet the adopted standards. On-site sewage disposal systems closed prior to inspection, without the approval of the Franklin County Building Department will result in one or more of the following action being instituted by the Franklin County Building Department:

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

13.4.2 revocation and/or suspension of the permit;

13.4.3 the prescribed legal action described in Section 22.1 of this ordinance.

13.5 The approval of any on-site sewage disposal system does not guarantee the continued satisfactory operation of said system.

Section 14. Duration, Termination, Renewal, or Extension of Permits.

14.1 An on-site sewage disposal system shall be constructed, installed, modified or repaired within 6 months from the date of issuance of the permit.

14.2 Permits shall be issued only to the homeowner, property owner, developer of record, who must be the owner of the permitted facility, or their agent.

14.3 A permit may be renewed for an additional 6 months, at half the original permit fee, upon written request from the homeowner, property owner, developer or agent. The request shall state that the conditions of the original permit shall be met.

Section 15. Denial of a Permit.

15.1 The Franklin County Building Department may deny a permit for any of the following reasons:

15.1.2 The application is incomplete or does not meet applicable minimum design and construction standards as specified in the current revision of the design standards, 19 CSR 20-3.060;

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

15.1.4 The project does not comply with applicable state and local water quality management plans as specified in Section 18 of this ordinance.

15.1.5 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.

15.1.6 Any other justifiable reason which shall be provided in writing by the Administrative Authority.

15.1.7 Any person denied a permit may request a hearing within ten (10) calendar days of such denial pursuant to Section 21 of this ordinance.

Section 16. Change of a Permit.

16.1 Either before construction completion of a permitted on-site sewage disposal system, or during the review of a proposed facility application, the Franklin County Building Department may change the specifications of a permit due to one or more of the following reasons:

16.1.1 Unforeseen or changing site conditions which could prevent construction and resultant operation from complying with this current ordinance;

16.1.2 Receipt of additional information affecting the specifications of the proposed on-site sewage disposal system permit, whether during the review stage of the application or after permit has been issued;

16.1.3 Any other reason necessary to implement applicable state or local statutes or regulations.

16.2 The Franklin County Building Department shall notify the homeowner, property owner, developer or agent, in writing, of the intent to change the permit.

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

16.4 The change of the permit shall become final ten (10) calendar days from the date of the notice to the homeowner, property owner, developer or agent unless within a ten (10) day period the homeowner, property owner, developer or agent requests a hearing pursuant to Section 21 of this ordinance.

16.5 A copy of the changed permit shall be mailed to the homeowner 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 17. Suspension or Revocation of a Permit.

17.1 The Franklin County Building 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 17.2 and subsections of this ordinance:

17.2 The homeowner, property owner, developer 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 reasons:

17.2.1 the notification shall include the reasons for the suspension or revocation;

17.2.2 noncompliance with the terms of the permit;

17.2.3 unapproved alterations, by the homeowner, property owner, developer, agent or certified installer, in design or construction.

17.2.4 determination of false information submitted in the application;

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

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

17.2.7 any other reason necessary to implement applicable statutes, standards or regulations;

17.3 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 homeowner, property owner, developer or agent requests a hearing pursuant to Section 21 of this ordinance.

Section 18. Compliance with State and Local Water Quality Management Plans.

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

Section 19. Immunity.

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

Section 20. Violation Notices.

Violation notices shall be issued in accordance with the following:

20.1 Whenever the Franklin County Building Department has reasonable grounds for believing that there has been a violation of this ordinance, or any rule or regulation adopted pursuant thereto, the Franklin County Building Department shall give written notice to the person alleged to be in violation. 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.

20.2 Such notice shall be served in the manner required by law and may be accompanied by an order of the Franklin County Building Department requiring remedial action, which if taken within the time specified in such order, shall affect compliance with the requirements of this ordinance. Such order shall become final unless a request for a hearing is made pursuant to Section 21 of this ordinance. In lieu of such order, the Franklin County Building 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 21 of this ordinance.

20.3 Such notice shall be deemed to have been properly served upon the homeowner, property owner, developer, agent or certified installer when a copy thereof has been sent by registered or certified mail to the last known address furnished to the Franklin County Building Department.

Section 21. Hearings.

This ordinance includes the opportunity for any person affected by the decision(s) of the Franklin County Building Department to request an administrative hearing to review issues regarding the administration of this ordinance (See Sections 6.7, 15.1.7, 16.4, 17.3, 20.2). 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.

21.1 Request for hearing - A person may request a hearing if dissatisfied with the conditions of the permit (Section 6.7); after being denied a permit (Section 15.1.7), after being denied a change of permit (Section 16.4), after having a permit suspended or revoked (Section 17.3), and after being assessed a notice of violation (Section 20.2). The form to request a hearing can be obtained by contacting the Franklin County Building Department, 400 E. Locust St. Room 006, Union, Mo. 63084, (636) 583-6384. Such request for a hearing shall be in writing and be received by the Franklin County Building 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 Franklin 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 hearing is granted, an administrative hearing shall be held within thirty (30) calendar days from the receipt of the written request to the Franklin County Building Department.

21.2 Hearing Board - The Hearing Board shall consist of three (3) members. Members of the Hearing Board shall be residents of Franklin 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, (B) Environmental Health Sanitarian, (C) Engineer or Soil Scientist, (D) Building Code Inspector. A majority vote of the Commissioners 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 appointed by the Franklin County Commission until a final decision has been rendered.

21.3 Hearing Procedure - If a request for a hearing is received and meets the criteria in Section 21 and its subsections, the complainant will be notified by the Franklin County Building 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 Franklin County Building Department. The Hearing Board will hear the complainant's reasons for reversal then hear the rebuttal by the Franklin County Building 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 the Franklin County Building 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 Franklin County Building Department will be required to re-issue the appropriate permit and/or certificate.

Section 22. Penalties.

The following penalties shall be imposed:

22.1 Any person who fails to comply with any provisions of this ordinance 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 (1) year imprisonment. Each day or any part thereof in which such violation occurs shall constitute a separate offense.

22.2 Operation as an installer without valid certification/registration, is specifically a violation of this ordinance and subject to the aforementioned penalties.

22.3 The Franklin County Counselor of Franklin County shall act on behalf of the Franklin County Building Department and shall, upon request of the Franklin County Building Department, institute appropriate abatement proceedings.

Section 23. Schedule of Fees.

23.1 The Franklin County Building Department shall adopt a schedule of fees as outlined in the "Permit Fee Schedule", which was approved and adopted on June 1, 1996, by the Franklin County Commission.

23.2 An escrow amount of \$200.00 will be required when an on-site sewer permit is issued and it will be returned after the Final Inspection has been performed and passed providing the permit is still valid. Lagoons and Mound Systems must be seeded and strawed

Section 24. Inconsistent Codes Repealed.

Regulations for Permit to Construct, Install or Modify Small Wastewater Facilities, Minimum Standards for On-Site Individual Wastewater Treatment Facilities in Franklin County, and all other codes or portions of codes in conflict herewith are hereby repealed.

Section 25. 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 26. Severability

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

Section 27. Revisions and Amendments.

The Franklin County Building 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 28. Effective Date.

This Ordinance shall become effective on *January 1, 2008*, provided this Ordinance and Regulations are acted upon and ordered by the Franklin County Commission.

* _____
Presiding Commissioner

* _____
Commissioner 1st District

* _____
Commissioner 2nd District

*** FOR SIGNATURES, FIND SEALED COMMISSION ORDER IN THE FRONT OF THIS BOOKLET.**



COMMISSION ORDER

STATE OF MISSOURI }
County of Franklin } ss.

Tuesday, May, 22, 2018
Contract/Agreements

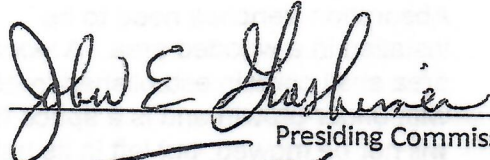
**IN THE MATTER OF APPROVING
AN AFFIDAVIT AND MEMORANDUM
OF UNDERSTANDING REGARDING
SHALLOW ABSORPTION FIELD**

WHEREAS, the Franklin County Commission approves "shallow absorption field" on site waste water systems by this Order duly approved and executed May 22, 2018; and

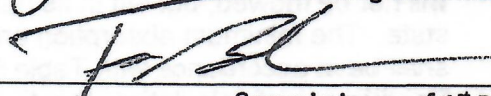
WHEREAS, the Franklin County Commission has determined it is in the best interest of the citizens of Franklin County to allow "shallow absorption field" on site waste water systems per the attached.

IT IS THEREFORE ORDERED that Exhibit A attached hereto be approved and provided to the Building Department for their use.

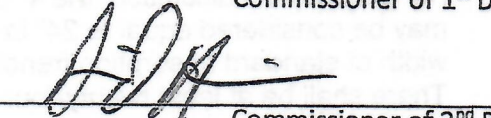
IT IS FURTHER ORDERED that a copy of this order be provided to Bill Placht, Building Department.



Presiding Commissioner



Commissioner of 1st District



Commissioner of 2nd District

SHALLOW ABSORPTION FIELD

1. The continuous flow absorption trench shall be located on the property to maximize the vertical separation distance from the bottom of the absorption trench to the seasonal high groundwater level, as determined by the presence of mottling, bedrock, or other limiting layer. The vertical separation between the bottom of the absorption trench and limiting layer or seasonal high water table shall be no less than one foot (1'). Greater vertical separation may be required where water-bearing formations are in danger of contamination.
2. Absorption trenches shall not be constructed in un-stabilized fill, or ground which has become severely compacted due to construction equipment. The natural slope of the absorption area shall not exceed thirty percent (30%).
3. Absorption trenches need to be installed in a wooded area. A wooded area shall contain established trees with under growth and is a space that will not be mowed, but left in its natural state. The minimum absorption area shall be in accordance with Table 5-A. For purpose of calculation, the 4" pipe may be considered equal to 24" in width of standard absorption trench.
4. There shall be at least twenty-four inches (24") of separation between the naturally occurring soil surface and bedrock, water-impeding formation, seasonally high water table or evidence of chroma 2 mottles. This twenty-four inch (24") depth shall consist of permeable soils with percolation rates less than or equal to one hundred twenty minutes per inch (120 min./in.) or be classified as SUITABLE OR PROVISIONALLY SUITABLE. The bottom of test holes must be dug or bored to the bottom of the proposed trenches. The bottom of the proposed trenches must be located a minimum of one foot (1')

above rock, water-impeding formation, seasonally high water table or where there is evidence of chroma 2 mottles. In areas where there are severe geological limitations and the soils have a high chert content, the bottom of the proposed trenches shall be at least four feet (4') above bedrock unless an evaluation by a registered geologist determines that the separation distance may be reduced. Evidence of seasonally high water table or evidence of chroma 2 mottles within 24"-30" of the naturally occurring soil surface may require installation of a curtain drain upslope from the soil absorption system to remove all excess water that might be moving laterally through the soil during wet periods. It shall be a minimum depth of 30 inches and a minimum width of 6-8 inches. The curtain drain shall be along the uphill side of the lateral field, and extend around the side of the field area to daylight. A perforated pipe wrapped in geotextile (knitted polyester) fabric shall be placed in the bottom of the trench to collect water. The minimum size of gravel used in the curtain drain shall be B-gravel or 1.5 inch to 3 inch clean limestone. The curtain drain shall be placed a minimum of 10 feet away from the lateral field.

MINIMUM ABSORPTION AREA

TABLE 5-A		
Percolation Rate	Absorption Loading Area	Loading Rate
(min./in.)	(sq.ft./bedroom)	(gal.sq.ft)*
<10**	330	1.0
11-30	330	0.8
31-45	330	0.45
46-60	330	0.4
46-60	400	0.3
61-120	600	0.2

*Gallons of sewage tank effluent per day per square foot of trench bottom.

**Soils with percolation rates of one to ten minutes per inch (1-10 min./in.) or less shall either be evaluated for severe geological limitations by a registered geologist or a soil morphology examination shall be required.

5. The pipe used between the sewage tank and the absorption system shall be four-inch (4") inside diameter equivalent to the pipe used for the building sewer as set forth in section (3) of this rule. The pipe shall have a minimum fall of not less than one-eighth inch (1/8") per foot. All joints shall be of water tight construction. The connection between the 4" pipe from the tank and the 4" corrugated drain pipe shall use a water tight fitting and be wrapped with PVC tile tape to seal gaps at connection. Coiled corrugated drain pipe shall be used. Minimum pipe specifications shall meet ASTM F667. Pipe shall be 4-inch (4") diameter, covered with knitted polyester fabric, have regular slotted perforation of minimum .0475 width and .0725" length, around circumference of pipe.
6. The absorption trench bottoms shall be constructed as flat as possible and slope a maximum of 1/4" per 10 feet. Trench depth of 12" minimum to 18" maximum. Lateral lengths 30' minimum to 100' maximum. Laterals are connected at ends to create a continuous drainfield section. Note: the pipe that connects the laterals together shall not be counted towards the amount of absorption trench needed. 4-inch diameter PVC inspection ports are required at beginning, middle, and end of absorption field. Inspection ports shall terminate a minimum of (6) six inches above finish grade, and be covered with a PVC cap, perforated with a minimum of (3) three, 1/2"-inch diameter holes. Drainfields longer than 600 lineal feet shall be split into two or more equal-length fields, each field a minimum of 300 lineal feet, and each equally supplied by a splitter box or a distribution box. Maintain a minimum of 6 feet of spacing between pipe centers.
7. Pre-treatment by an NSF-40 Class One aerator, that meets Chapter 3, Section 4 (E) of this rule, is required.
8. All shallow fields must be designed and approved by a Missouri Registered Engineer.
9. Location of the treatment tank and absorption field is subject to the same horizontal setbacks specified in subsection (1)(D) of this rule.

Franklin County Building Department

AFFIDAVIT AND MEMORANDUM OF UNDERSTANDING

COMES NOW the undersigned and hereby acknowledges full and complete disclosure of the following facts and circumstances involving "shallow absorption field" on-site waste water systems within Franklin County Missouri.

1. That the Franklin County Building Department approves "shallow absorption field" on-site waste water systems by Commission Order duly approved and executed by the Franklin County Commission on May 22, 2018.
2. That said "shallow absorption field" systems are not approved by the State of Missouri Department of Natural Resources, the Department of Health and Senior Services, the Environmental Protection Agency (EPA) or any other applicable regulating body other than Franklin County.
3. The undersigned further acknowledges that in the event that a complaint is filed under Chapter 701 RSMo. with the Franklin County Building Department, the sewer system may be required to be replaced with a State approved sewer system.
4. Said system may only be used for single family residential development on lots greater than three (3) acres in size as these are not regulated by Missouri Department of Health and Senior Services at the present time.
5. The undersigned acknowledges that certain lending institutions and/or funding programs may not consider "shallow absorption field" systems as an approved system for purpose of sale, purchase or refinancing.
6. The undersigned warrants that any "shallow absorption field" shall be constructed and maintained according to the specifications attached hereto and incorporated herein by reference as set forth here, and marked "Exhibit A."

I have fully read and understood the forgoing provision and hereby set my name freely below:

Signature

Date

Received by:

Printed name

Franklin County Building Department

Address

Franklin County Building Department

AFFIDAVIT AND MEMORANDUM OF UNDERSTANDING

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I have fully read and understood the forgoing provision and hereby set my name freely below:

Signature

Date

Received by:

Printed name

Franklin County Building Department

Address

Missouri Laws Accompanied by Department of Health and Senior Services Rules



Governing On-Site Sewage Systems

Missouri Department of Health and Senior Services



Bureau of Environmental Regulation and Licensure

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DEPARTMENT OF HEALTH AND SENIOR SERVICES RULES

19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems

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MISSOURI LAWS FOR ON-SITE DISPOSAL SYSTEMS

701.025. Definitions. -- As used in sections 701.025 to 701.059, unless the context otherwise requires, the following terms mean:

(1) "**Department**", the department of health and senior services of the state of Missouri;

(2) "**Director**", the director of the department of health and senior services or the designee of the director;

(3) "**Existing system**", an on-site sewage disposal system in operation prior to September 1, 1995;

(4) "**Human excreta**", undigested food and by-products of metabolism which are passed out of the human body;

(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;

(6) "**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;

(7) "**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;

(8) "**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;

(9) "**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;

(10) "**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;

(11) "**Property owner**", the person in whose name legal title to the real estate is recorded;

(12) "**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:

(a) "**Blackwater**", waste carried off by toilets, urinals and kitchen drains;

(b) "**Graywater**", all domestic waste not covered in paragraph (a) of this subdivision, including bath, lavatory, laundry and sink waste;

(13) "**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;

(14) "**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;

(15) "**Waste**", sewage, human excreta or domestic sewage.

(L. 1986 H.B. 1101 § 1, A.L. 1994 S.B. 446)

*Word "waters" does not appear in original rolls.

701.027. Scope of coverage. -- Sections 701.025 to 701.059 pertains to maximum daily flows of sewage of three thousand gallons or less and to sewage treatment facilities that have a designed maximum daily flow or an actual maximum daily flow of three thousand gallons or less.

(L. 1986 H.B. 1101 § 2, A.L. 1994 S.B. 446)

701.029. Operation of on-site sewage disposal system, restrictions. -- No person or property owner may operate an on-site sewage disposal system or transport and dispose of waste removed therefrom in such a manner that may result in the 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 sections 701.025 to 701.059 and the on-site sewage disposal rules promulgated under sections 701.025 to 701.059 by the department.

(L. 1986 H.B. 1101 § 3, A.L. 1994 S.B. 446)

701.031. Disposal of sewage, who, how, exception. -- Property owners of all buildings where people live, work or assemble shall provide for the sanitary disposal of all domestic sewage. Except as provided in this section, sewage and waste from such buildings shall be disposed

of by discharging into a sewer system regulated pursuant to chapter 644, RSMo, or shall be disposed of by discharging into an on-site sewage disposal system operated as defined by rules promulgated pursuant to sections 701.025 to 701.059. Any person installing on-site sewage disposal systems shall be registered to do so by the department of health and senior services. The owner of a single-family residence lot consisting of three acres or more, or the owner of a residential lot consisting of ten acres or more with no single-family residence on-site sewage disposal system located within three hundred sixty feet of any other on-site sewage disposal 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 sections 701.025 to 701.059 and the rules promulgated pursuant to sections 701.025 to 701.059, 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 disposal system shall be in accordance with rules promulgated pursuant to sections 701.025 to 701.059, regardless of when the system was originally constructed. The provisions of subdivision (2) of subsection 1 of section 701.043 shall not apply to lots located in subdivisions under the jurisdiction of the department of natural resources which are required by a consent decree, in effect on or before May 15, 1984, to have class 1, National Sanitation Federation (NSF) aerated sewage disposal systems.

(L. 1986 H.B. 1101 § 4, A.L. 1994 S.B. 446, A.L. 1999 H.B. 216, A.L. 2004 H.B. 1433, A.L. 2005 H.B. 617)

*This section was contained in H.B. 617, 2005, but no changes were made.

701.033. Department of health and senior services--powers and duties--rules, procedure. -- 1. The department shall have the power and duty to:

(1) Promulgate such rules and regulations as are necessary to carry out the provisions of sections 701.025 to 701.059;

(2) Cause investigations to be made when a violation of any provision of sections 701.025 to 701.059 or the on-site sewage disposal rules promulgated under sections 701.025 to 701.059 is reported to the department;

(3) Enter at reasonable times and determining probable cause that a violation exists, upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of sections 701.025 to 701.059 and the on-site sewage disposal rules promulgated under sections 701.025 to 701.059;

(4) 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, upon such conditions as the department may set.

2. No rule or portion of a rule promulgated under the authority of sections 701.025 to 701.059 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1986 H.B. 1101 § 5, A.L. 1993 S.B. 52, A.L. 1994 S.B. 446, A.L. 1995 S.B. 3, A.L. 2004 H.B. 1433)

701.035. Local regulations and standards, requirements--private right to action not preempted. -

- Sections 701.025 to 701.059 shall not prohibit the enforcement of ordinances of political subdivisions establishing a system for the regulation and inspection of on-site sewage disposal contractors and a minimum code of standards for design, construction, materials, operation and maintenance of on-site sewage disposal systems, for the transportation and disposal of wastes therefrom and for on-site sewage disposal systems servicing equipment, provided such ordinance establishes a system at least equal to state regulation and inspection. Nor shall sections 701.025 to 701.059 be interpreted so as to preempt any private right of action which might otherwise exist. Nothing in sections 701.025 to 701.059 shall be construed to prohibit a political subdivision from enacting and enforcing standards which are more stringent than the provisions of sections 701.025 to 701.059 and rules promulgated pursuant thereto.

(L. 1986 H.B. 1101 § 6, A.L. 1994 S.B. 446)

701.037. Violations, notice of, contents, prosecuting attorney to institute proceedings, when--emergency situation, when. -- 1. Whenever the director determines that there are reasonable grounds to believe that there has been violation of any provision of sections 701.025 to 701.059 or the rules promulgated under sections 701.025 to 701.059, the director shall give notice of such alleged violation to the person responsible, as herein provided. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the director for the performance of any act it requires;

(4) 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;

(5) Contain an outline of remedial action which is required to effect compliance with sections 701.025 to 701.059 and the rules promulgated under sections 701.025 to 701.059.

2. Existing systems, as defined in section 701.025, shall not be inspected, unless the director determines that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.025 to 701.059.

3. 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 twenty days from the date of the receipt of the notice, before the department director, to review the appropriateness of the remedial action. The director shall issue a written decision within thirty calendar days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission in the manner provided in chapter 621, RSMo, or may at the option of the aggrieved person be appealed to the circuit court of the county wherein the offense is alleged to have occurred for a trial de novo on the merits. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

4. Any city or county that has adopted the state standard, or the 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 city, county or department of the malfunctioning system or a final written order from the director, if a hearing or hearings were held pursuant to subsections 2 and 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 city, county or department. The department may assess an administrative penalty on the property owner of no more than fifty dollars per day for each day that the on-site sewage disposal system remains unrepaired beyond the last day permitted by this section for the abatement or repair. All administrative penalties collected by the department under the provisions of this section shall be deposited in the state treasury to the credit of the general revenue fund.

5. The prosecuting attorney of the county in which any noncompliance or violation of sections 701.025 to 701.059 or any rule promulgated under sections 701.025 to 701.059 is occurring shall, at the request of the city, county or department, institute appropriate proceedings for correction in cases of noncompliance with or violation of the provisions of sections 701.025 to 701.059 and any rules promulgated under sections 701.025 to 701.059.

6. When it is determined by the department that 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 director of the department by the prosecuting attorney of the county in which the violation occurred. When such conditions are corrected and the health of the people of the state of Missouri 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 as defined in section 701.025.

(L. 1986 H.B. 1101 § 7, A.L. 1994 S.B. 446, A.L. 2004 H.B. 1433)

701.038. Sewage complaints, investigation by department, when--right to inspect adjoining property, procedure requiring notice, exception. -- 1. The department of health and senior services or any of its agents may not investigate a sewage complaint except when necessary as part of a communicable disease investigation unless the complaint is received from an aggrieved party or an adjacent landowner. The department of health and senior services 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.

2. If the department or its agents make an investigation pursuant to a complaint as described in subsection 1 of this section and find that a nuisance does exist, the property owner shall comply with state and local standards when repairing or replacing the on-site sewage disposal system.

(L. 1994 S.B. 446, A.L. 2004 H.B. 1433, A.L. 2005 H.B. 58 merged with H.B. 617)

701.039. Clean water commission may take action, rules not to conflict. -- Nothing in sections 701.025 to 701.059 shall be construed as prohibiting the clean water commission from taking appropriate action under chapter 644, RSMo, on violations of that chapter or regulations promulgated under that chapter. The rules and regulations promulgated under sections 701.025 to 701.059 shall not conflict with rules and regulations promulgated under chapter 644, RSMo.

(L. 1986 H.B. 1101 § 8, A.L. 1994 S.B. 446)

701.040. Standards for sewage tanks, lateral lines and operation of on-site sewage disposal systems, duties of department--rules authorized. -- 1. The department of health and senior services shall:

(1) Develop by September 1, 1995, a state standard for the location, size of sewage tanks and length of lateral lines based on the percolation or permeability rate of the soil, construction, installation, and operation of on-site sewage disposal systems. Advice from the department of natural resources shall be considered. City or county governments may adopt, by order or ordinance, the state standard in accordance with the provisions of sections 701.025 to 701.059. In any jurisdiction where a city or county has not adopted the state standard, the department of health and senior services shall enforce the state standard until such time as the city or county adopts the standard;

(2) Define by rule a list of those persons who are qualified to perform the percolation tests or soils morphology tests required by the state standard. The list shall include the following:

(a) Persons trained and certified by either the department, which shall include on-site sewage disposal system contractors or a certified agent of the department;

(b) Licensed engineers as defined in section 327.011, RSMo;

(c) Sanitarians meeting standards defined by the department;

(d) Qualified geologists as defined in section 256.501, RSMo; and

(e) Soil scientists, defined as a person that has successfully completed at least fifteen semester credit hours of soils science course work, including at least three hours of course work in soil morphology and interpretations;

(3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration program for on-site sewage disposal system contractors. Approved county programs shall implement the contractor registration program. In any area where a county has not adopted, by order or ordinance, the contractor registration program, the department shall implement the program until such time as the county adopts the registration program;

(4) Establish an education training program specifically developed for contractors and city and county employees. Contractors may be taught and allowed to perform percolation tests. Reasonable fees may be charged of the participants to cover the cost of the training and shall be deposited in the public health services fund created in section 192.900, RSMo. The department shall provide, as a part of the education training program, an installation manual for on-site sewage disposal systems. The manual shall also be made available, at the cost of publication and distribution, to persons not participating in the education and training program;

* (5) Periodically review, but not more than annually, any county's or city's ordinance or order and enforcement record to assure that the state standard is being consistently and appropriately enforced. In its review the department shall assess the timeliness of the county's or city's inspections of on-site sewage systems, and county or city enforcement may be terminated if the department determines that the county or city is unable to provide prompt inspections. If the department determines that the standard is not being consistently or appropriately enforced in any city or county, the department shall notify the county or city of the department's intent to enforce the standard in that jurisdiction and after thirty days' notice hold a public hearing in such county or city to make a determination as to whether the state shall enforce the state standard. Any city or county aggrieved by a decision of the department may appeal a decision of the department to the state board of health established under section 191.400, RSMo. Any city or county aggrieved by a decision of the state board of health may appeal that decision to the administrative hearing commission in the manner provided in section 621.120, RSMo; and

(6) Promulgate such rules and regulations as are necessary to carry out the provisions of sections 701.025 to 701.059.

2. Subdivision (5) of this section shall be void and of no effect after January 1, 1998.

(L. 1994 S.B. 446)

*Subdivision (5) is void and of no effect after 1-1-98.

701.043. State standards, content. -- 1. The state standard shall consist of the following:

(1) Site selection requirements;

(2) Minimum design standards and specifications for construction, installation, and size of sewage tanks and length of lateral lines;

(3) Permit requirements;

(4) Inspections of installations;

(5) Repairs to failing systems;

(6) Requiring an engineering design for areas with a percolation rate in excess of sixty minutes per inch; and

(7) Criteria for variances.

2. If a city, county or the department determines that an on-site sewage disposal system meets the requirements of the state standards, the city, county or department may not impose any additional requirement before such on-site sewage disposal system is approved for operation.

3. A city, county or the department shall inspect, in the aggregate, up to sixty percent of on-site sewage disposal systems constructed, modified or repaired by contractors registered under sections 701.053 to 701.055 and at least seventy-five percent of on-site sewage disposal systems constructed, modified or repaired by persons not registered under sections 701.053 to 701.055 for which notice of construction, repair or modification is given under sections 701.046 to 701.048 and 701.050.

4. A city, county or the department may accept certification without on-site inspection under sections 701.046 to 701.048 and 701.050, from a registered contractor not required to provide a performance bond under section 701.052, that a system is properly designed and installed, modified or repaired pursuant to the state standard.

(L. 1994 S.B. 446)

701.046. Modification or major repair to on-site sewage disposal system, requirements--form--fee, how set--additional fee may be set for training contractors performing percolation tests. -- Except as otherwise provided in section 701.031, no person may, on or after

September 1, 1995, construct or make a major modification or major repair to an on-site sewage disposal system without first notifying the city, county or department and completing an application, upon a form provided by the department, and submitting a fee in the amount established by the city, county or department. The fee shall be set at an amount no greater than that necessary to cover the cost to implement the state standard for on-site sewage disposal systems and the registration of contractors. For areas of the state where the department is enforcing the state standard or registering contractors, the department shall establish the fee, by rule, at an amount not greater than ninety dollars. The department may charge an additional fee, as necessary, to cover the expenses of training those contractors electing to perform the percolation tests. The application form shall require such information necessary to show that the on-site sewage disposal system will comply with the state standard. Such fees, when collected by the department, shall be deposited in the state treasury to the credit of the Missouri public health services fund. The department shall provide technical assistance regarding the type and location of the system to be installed when processing applications received under sections 701.046 to 701.048 and 701.050. Fees collected by the department shall be deposited in the Missouri public health services fund created in section 192.900, RSMo, and shall be used to implement sections 701.025 to 701.059 and for no other purpose.

(L. 1994 S.B. 446 § 701.046 subsec. 1)

701.047. City or county may adopt more restrictive standards. -- Nothing in sections 701.025 to 701.059 shall be construed so as to prohibit any city or county from adopting minimum standards which are more restrictive than the standards adopted by the state pursuant to sections 701.025 to 701.059.

(L. 1994 S.B. 446 § 701.046 subsec. 2)

701.048. Modifying or repair of on-site sewage disposal system, noncompliance with standards prohibited. -- Except as otherwise provided in section 701.031, no person may construct, modify or repair an on-site sewage disposal system in a manner which does not comply with the state standard established under sections 701.025 to 701.059.

(L. 1994 S.B. 446 § 701.046 subsec. 3)

701.049. Fees collected by department to be deposited in public health service fund, purpose. -- 1. All moneys collected by the department pursuant to sections 701.025 to 701.059, except any administrative penalties,