

**Revised Newton County  
Wastewater Treatment Systems  
Ordinance NO. 95-6**

AN ORDINANCE GOVERNING THE CONSTRUCTION, MODIFICATION, INSTALLATION AND OPERATIN OF WASTEWATER TREATMENT SYSTEMS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS AND QUALIFICATIONS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

**SECTION 1. AUTHORITY.** This ordinance is enacted pursuant to Section 192.300, RSMo 1986, which provides, in part as follows: The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations respectively, and will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such a county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health in accordance with this chapter or by the department of social services under Chapter 198 RSMo.

**SECTION 2. APPLICABILITY.** These regulations apply to all wastewater treatment systems of three thousand (3,000) gallons per day or less, except for wastewater treatment systems connected to the sewage system operated on behalf of an incorporated municipality or incorporated public sewer district within the county.

Any city ordinance pertaining to on-site wastewater treatment systems shall meet or exceed all requirements as set forth in this ordinance.

Any city without an on-site wastewater treatment system ordinance shall meet all the requirements of this ordinance.

**SECTION 3. DEFINITIONS.** The following words and phrases shall have the following meanings:

- 3.01 Board of Trustees: The Newton County Health Department Board of Trustees.
- 3.02 Health Department: The Newton County Health Department.
- 3.03 Detailed Design: The sketch drawing of a wastewater treatment system with all calculations, alterations, lengths, depths and other information as needed.
- 3.04 Health Officer: The Administrator of the Newton County Health Department or authorized representative.
- 3.05 Emergency Condition: A condition of such extreme nature which presents an immediate danger to public health, requiring immediate correction without the necessary time to apply for the required permit as set forth herein.

- 3.06 Health Hazards: Any condition which is known to cause disease or harm to a person, community or the environment now or in the future.
- 3.07 Permit: A two (2) part written authorization issued by the Health Department. Part One of the permit is the Permit to Install which authorizes the permittee to construct, install or modify a wastewater treatment system. Part Two of the permit is the Permit to Use which allows the owner to operate/use the wastewater treatment system. A permit will not be issued unless Part One and Part Two have been signed by the Health Officer.
- 3.08 Site Evaluation. An evaluation to determine soil conditions (properties and permeability), slope, existence of lowlands, surface depressions, rock outcrops and sinkholes, set back distances, depth of water table, locations of easements and underground utilities, amount of available area for installation and/or replacement of wastewater treatment system, location of dwellings, runoff water potential, and any potential for significant groundwater contamination.
- 3.09 Approved Tanks: Any tank approved by the Health Department. Metal tanks are not allowed.
- 3.10 Person: An individual, corporation, or other legal entity.
- 3.11 Stop Order: A written order issued by the Health Officer to stop all construction, installation, modification or operation of a wastewater treatment system.
- 3.12 Board of Appeals: Board of Appeals as defined in SECTION 11.
- 3.13 Addressing System: The address shall consist of the information needed by the health department as stated in the rules and regulations for this county. A verifiable 911 address must be provided.
- 3.14 Homeowner: Any person(s) who owns and occupies the house for the purpose of residence there. A person may obtain a homeowner permit(s) for one (1) home within a two (2) year period.
- 3.15 Contactor: Any person building a house or a building for the purpose of selling, renting, or leasing.
- 3.16 Installer: Any person excavating the land for the purpose of or with the intent of installing, modifying, repairing, or replacing a wastewater treatment system.
- 3.17 Wastewater Treatment System: A wastewater treatment system, or part of a system, serving a dwelling(s) or other establishment(s), which utilizes subsurface soil treatment and disposal.

- 3.18 **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, and/or a condition resulting when a wastewater treatment system has failed and may be contaminating the surface water or groundwater or causing a nuisance and is likely to cause a threat to life due to prolonged exposure. For purposes of this definition, prolonged exposure is defined as the amount of time given for correction of the violation.
- 3.19 **Nuisance:** Sewage, human excreta or other human organic waste discharged or exposed to the owner's land or any other land from a wastewater treatment system in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease to or between a person or persons, or which contaminates surface water or groundwater.
- 3.20 **Aggrieved Party:** A person who has a legitimate cause for concern of their health caused by a nuisance, an imminent health hazard or environmental hazard such as surfacing sewage effluent, sewage effluent not contained on the property, environmental contamination of surface or groundwater, direct contamination of well, or other conditions deemed as a potential health hazard by the Health Department.
- 3.21 **Easements:** The wastewater treatment system shall be on the property owned by the person owning the system. However, easements may be necessary at times and shall be obtained permitting the use and unlimited access for inspection and maintenance of all portions of the system. Easements shall remain valid as long as the system is repaired and shall be recorded with the County Recorder of Deeds. Wastewater treatment systems installed under easements shall comply with the requirements of this ordinance.
- 3.22 **Notice of Non-Compliance:** A written notice issued by the Health Officer if a wastewater treatment system has not been installed according to the minimum standards of this ordinance.
- 3.23 **As-Installed Drawing:** A drawing showing how the wastewater treatment system was installed with the installer's signature and date drawing was received.
- 3.24 **As-Repaired Drawing:** A drawing showing the repairs made to the wastewater treatment system with the installer's signature and date drawing was received.
- 3.25 **Variances:** An allowance to install or repair a wastewater treatment system when the requirements for setback distances, minimum areas for infiltrative surface, or the minimum distance between the infiltrative surface and restrictive feature or bedrock cannot be complied with. A variance may be granted by the variance committee on a case-by-case basis.

- 3.26 Special Use Permit: An allowance to install or repair a wastewater treatment system for a specified limit of time for conditions other than those granted under a variance.
- 3.27 Existing Systems in conjunction with rebuilding or replacing structures: A wastewater treatment system that had been in use at the time the home or structure was destroyed.

**SECTION 4. PROHIBITIONS.** No person shall:

- 4.01 Construct, install, or modify, any wastewater treatment system without the permit required herein.
- 4.02 Construct, install, or modify, any wastewater treatment system when the permit has expired or has been suspended or revoked.
- 4.03 Fail to comply with a STOP ORDER/OR NOTICE OF NON-COMPLIANCE issued pursuant to this ordinance.
- 4.04 Construct, install, modify or operate any wastewater treatment system in violation of this ordinance or in violation of any construction, modification or operation permit issued by the Missouri Department of Natural Resources (DNR) or any other Federal or State agency.
- 4.05 Live, work or assemble in any building or assemble at any public gathering of six (6) or more hours in duration where sanitary disposal of all human wastes and domestic sewage is not provided by methods or devices approved by the health department. It shall be the responsibility of the property owner to comply with this section.
- 4.06 Operate a wastewater treatment system or transport and dispose of septage removed therefrom in such a manner that may result in the contamination of surface water or groundwater or present a nuisance or imminent health hazard to any person or property owner and that does not comply with the rules and regulations promulgated under this ordinance.
- 4.07 Knowingly allow an existing or newly constructed wastewater treatment system to violate any portion of this ordinance, or the rules and regulations, or present a nuisance, or health hazard as defined in this ordinance.
- 4.08 Remove, deface, destroy, damage, or alter any sign, notice or order posted by the Health Officer.

**SECTION 5. PERMIT TO INSTALL.**

- 5.01 Any person engaged in construction, installation or renovation of any wastewater treatment system or tank shall obtain a permit from the Newton County Health Department.
- 5.02 The applicant shall provide the information needed as stated in the rules and regulations for this county.
- 5.03 Individual wastewater treatment systems shall be approved as to the type, design, and capacity of system with the health department prior to issuance of the Permit to Install in accordance with the current MODOH 19 CSR 20-3.060, Missouri Clean Water Act, and the rules and regulations of Newton County.
- 5.04 The wastewater treatment system shall be constructed by an installer registered by the Health Department, except as specified in Section 7.03.
- 5.05 The permit application shall be signed by the owner/representative and the installer.
- 5.06 Any applicant knowingly providing false information on the application shall be in violation.
- 5.07 The wastewater treatment system shall be constructed according to the Permit to Install.
- 5.08 An 'as-installed' or 'as-repaired' drawing is required prior to issuing Part Two (Permit to Use) of the permit.
- 5.09 A written request for a variance must be submitted by the homeowner.
- 5.10 A Special Use Permit may be granted by the Board of Trustees.

**SECTION 6. STOP ORDER, NOTICE OF NON-COMPLIANCE.**

- 6.01 A STOP ORDER may be issued by the Health Officer when the system is causing an imminent health hazard as declared by the Health Officer.
- 6.02 A NOTICE OF NON-COMPLIANCE may be issued by the Health Officer for non-compliance with this ordinance. This notice may be attached to the property deed at the County Recorder of Deeds office.

**SECTION 7. REGISTRY OF PERSONS AND BUSINESSES ENGAGED IN WASTEWATER TREATMENT SYSTEMS PROJECTS.**

7.01 Every person engaged in the design, construction, installation, or modification of wastewater treatment systems; sale or manufacturing of tanks; or tank cleaning, within this county shall apply for registration with the Health Officer.

7.01 (1) Lists of registered personnel shall be provided. The lists will show the category under which the person is registered: a) Conventional Systems Installer; b) Advanced Systems Installer; c) Suspended or revoked personnel; d) Soil Scientist; e) Engineer; or f) Tank Cleaner.

7.01 (2) Any person(s) wanting to register with the county as an installer, general or advanced, or soil scientist must provide proof of current registration with the State of Missouri and the Missouri Department of Health.

7.02 The Board of Trustees may adopt rules and regulations, establishing qualifications and minimum standards of experience and knowledge for persons desiring to register under this ordinance.

7.03 A homeowner may install the wastewater treatment system serving as their residence once the homeowner demonstrates proper knowledge of installing a wastewater treatment system.

7.04 An applicant for registration shall demonstrate thorough knowledge of the Health Department's minimum standards for construction of wastewater treatment systems.

7.05 An applicant shall be registered specifically for construction of advanced systems.

7.06 An applicant shall be able to guarantee the workmanship and material on all installations for one (1) year.

7.07 An applicant providing false information or failing to comply with any and or all regulations, rules, orders, and decisions of the Health Department relative to the type of systems installed, constructed, or maintained shall be subject to termination or suspension.

7.08 An applicant installing any wastewater treatment system without the proper permit shall be subject to termination or suspension.

7.09 An applicant shall provide any and or all installation or construction data requested by the Health Department and shall maintain complete and accurate records of each installation or repair for a period of not less than one (1) year.

- 7.10 An applicant shall report promptly to the Health Officer any conditions not in accordance with the permit.
- 7.11 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 pursuant to Section 11 of this ordinance.
- 7.12 Whenever the Health Officer determines that a person with a valid registration has violated any provision of this ordinance, or any of the rules and regulations adopted by the Board of Trustees, the Health Officer may recommend to the Board of Trustees, that said registration be suspended or revoked. If the Board of Trustees finds that the Health Officer's recommendation has merit, then the Board of Trustees shall schedule a hearing on the proposed suspension or revocation after giving the said person not less than ten (10) days notice of said hearing. Any person aggrieved by the decision of the Board of Trustees may appeal to the Board of Appeals as stated in Section 11.02.

**SECTION 8. TANK CLEANING STANDARDS.**

- 8.01 Inspection of equipment and disposal location – The Health Officer shall inspect or cause to be inspected the equipment of the Registered Tank Cleaner for the purpose of determining if the tank cleaner's equipment is in good operating condition and if the same is being operated and maintained in a sanitary and healthful manner, and in compliance with this ordinance. The disposal of wastewater or sewage from the tank truck shall be emptied by using hoses and connections that are approved by the Health Department.
- 8.02 The Registered Tank Cleaner shall have an agreement, on file with the Health Department, from the municipality where the wastewater will be disposed of and said disposal site must be approved by the Department of Natural Resources (DNR) and the Newton County Health Department for proper wastewater disposal. The Registered Tank Cleaner must use one the following methods for disposal:
  - 8.02 (1) Land application permitted by the Department of Natural Resources (DNR).
  - 8.02 (2) Lagoon permitted by the Department of Natural Resources (DNR).
  - 8.02 (3) Discharge in municipal treatment plant permitted by the Department of Natural Resources (DNR).

**SECTION 9. POWER AND AUTHORITY OF INSPECTORS.**

- 9.01 The Health Officer, bearing proper credentials or identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. This shall include facilities permitted by another government entity.
- 9.02 The Health Department shall have the power and duty to:
- 9.02 (1) Promulgate such rules and regulations as are necessary to carry out the provisions of this ordinance.
  - 9.02 (2) Cause investigations to be made when a violation of any provision of this ordinance or the rules and regulations promulgated under this ordinance is reported to the health department.
  - 9.02 (3) Enter at reasonable times, after receiving a complaint 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 this ordinance and the rules and regulations promulgated under this ordinance.
  - 9.02 (4) Authorize the trial and experimental use of innovative systems for wastewater treatment systems with such conditions as the department may set.
  - 9.02 (5) Issue a "Notice of Imminent Health Hazard" when any of the conditions defined in Section 3.18 exist.

**SECTION 10. PENALTIES.**

- 10.01 Any person found to be violating any provision of this ordinance shall be served by the Health Department with a written notice, via certified mail, or in person, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction hereof. The offender shall, within the period of time stated in such notice, permanently cease all violation of this ordinance.
- 10.02 Any homeowner who does not have the proper permit(s) issued by the Health Department for a wastewater treatment system in this county is in violation of this ordinance.
- 10.03 Any person violating any of the provisions of this ordinance shall become liable to the Health Department for any expenses, loss or damage incurred by the Health Department by reason of such violation.



- 10.04 The statute of limitations commences when a person has installed a system without a proper permit.

**SECTION 11. APPEALS.**

- 11.01 The Board of Appeals shall consist of five (5) members. The Board of Trustees and the County Commission shall appoint one (1) representative each. The remaining three (3) members shall be jointly appointed by the Board of Trustees and the County Commission.
- 11.02 Any person aggrieved by the decision of the Board of Trustees may appeal to the Board of Appeals by filing a written application with the Health Officer within ten (10) days after being notified of the decision.
- 11.03 The Board of Appeals shall schedule a hearing for the appeal and shall notify the aggrieved person at least ten (10) days prior to the hearing.
- 11.04 The appeal hearing to the Board of Appeals shall be conducted in accordance with the Board of Appeals adopted rules and regulations.

**SECTION 12. WASTEWATER TREATMENT SYSTEM PERMIT FEES.** Wastewater treatment system permit fees are non-refundable. All fees are based on the Newton County Fee Ordinance #95-7 (see attached) and are subject to annual revision. Fees are required for the following:

- 12.01 Single family dwelling permit for one (1) single family dwelling per wastewater Treatment system. (see Attachment A)
- 12.02 Non-single family dwelling permit for systems other than single family dwellings. (see Attachment A)
- 12.03 Repair permit for replacing damaged parts only. (see Attachment A)
- 12.04 Registered Engineers, Registered Soil Scientists, Registered Contractors, Registered Tank Cleaners, and Registered Wastewater Treatment Installers (Conventional and Advanced Systems). Registration fees are due annually. (see Attachment A)
- 12.05 The fees for any single family dwelling wastewater treatment system may be waived by the Health Officer if the fees would cause undue hardship on the permit applicant. The applicant shall provide the proof this this will cause an undue hardship.

**SECTION 13. SEVERABILITY.**

- 13.01 If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation.
- 13.02 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Department.

**SECTION 14. LOAN EVALUATIONS.** The loan evaluation program and the registration of loan evaluators and inspectors is overseen by the Missouri Department of Health at the state level.

**SECTION 15. FACILITIES PERMITTED BY ANOTHER GOVERNMENT ENTITY AND NOT INSPECTED BY THE HEALTH DEPARTMENT.**

- 15.01 A copy of approval for the construction issued by the Missouri Department of Natural Resources and a copy of the engineering plans as approved by the Missouri Department of Natural Resources (DNR) shall be provided to the Health Department for a commercial wastewater treatment system(s) with a maximum daily flow of three thousand (3,000) gallons per day or greater.

Attachment A  
 Newton County Health Department  
 Environmental Fee Schedule  
 (Revised 2021)

Service	Fee Schedule
Single Family Dwelling Septic Permit	\$150.00
Non-Single Family Dwelling Septic Permit	\$225.00
Repair Septic	\$30.00
Official Bacteria Water Sample (Health Dept. Collecting)	\$30.00
Nitrate	\$15.00
Unofficial Bacteria Water Sample (Individual Collecting)	\$25.00
Nitrate	\$10.00
Lead/Cadmium/Zinc (Health Dept. Collecting)	\$30.00
Tattoo Permit (Annual Fee)	\$100.00
High risk food establishment (Annual Fee)	\$250.00
Medium risk food establishment (Annual Fee)	\$175.00
Low risk food establishment (Annual Fee)	\$100.00
Mobile food unit (Annual Fee)	\$100.00
Temporary event food stand (Fee per event)	\$25.00/Event
Septic System General Installer Registration (Annual Fee)	\$30.00
Septic System Advanced Installer Registration (Annual Fee)	\$40.00
Septic Tank Cleaner Registration (Annual Fee)	\$30.00
Soil Scientist Registration (Annual Fee)	\$30.00