

Cape Girardeau County On-Site Sewage Ordinance

Ordinance 03-02

"AN ORDINANCE REGULATING THE CONSTRUCTION, MODIFICATION, REPAIR, AND LOCATION OF ON-SITE SEWAGE SYSTEMS IN CAPE GIRARDEAU COUNTY, MISSOURI"

Section 1 -- AUTHORITY AND SCOPE OF REGULATIONS

1.1 These regulations are enacted under authority vested in the County Commission of Cape Girardeau County, Missouri, by Section 192.300 RSMO.

1.2 The permit system established through these regulations governs only the installation and repair of sewage treatment systems. The permit is not to be construed as being a building permit, zoning compliance permit, or any other permit that may be required by other agencies or offices to erect a structure in Cape Girardeau County.

1.3 These rules establish the minimum sizes and distances adopted in Cape Girardeau County. The County does not design the system nor does the permit bind or obligate the County to guarantee the successful or proper function of any system.

1.4 Any property where people live, work or assemble shall be equipped with indoor and/or approved toilet facilities and shall provide for sanitary disposal of all waste.

1.5 It shall be a violation of these regulations to own, operate or make available for use a malfunctioning or failing sewage treatment system. (See Section 4.9)

1.6 It shall be a violation of these regulations to construct, repair or modify an on-site sewage system without a permit.

1.7 It shall be a violation of these regulations to construct, modify, or repair an individual sewage treatment system unless the repair person holds a valid Cape Girardeau County Onsite Sewage Treatment System Installer's License, unless otherwise stated in these regulations. (See section 5.1)

Section 2-DEFINITIONS

2. 1 As used in this chapter, the words and terms listed below shall have the following meanings. (See the publication "Missouri Laws Accompanied by Department of Health Rules Governing On-Site Sewage Systems", often referred to as the "Green Book", for additional definitions that may apply.)

A. CGCoPHC - The Cape Girardeau County Public Health Center (hereafter known as CGCoPHC) or its authorized representative. All references to "department" or "department of health" in the referenced rules shall mean the Cape Girardeau County Public Health Center or its authorized agents.

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

C. Approved - The official consent given in writing by the Cape Girardeau County Public Health Center and/or the Health Officer or his or her representative.

D. Board of Review - A committee of three persons as further described in these regulations charged with determining requests and appeals authorized by these regulations.

E. Community or Public Treatment System- Sewage systems owned or operated by city, town, municipal corporation, county, or state, or other ownership approved by the Missouri Department of Natural Resources, consisting of a collection system and necessary trunk lines, pumping facilities, and means of final treatment and disposal, and under permit from the State Department of Natural Resources.

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

G. Emergency Repair- An act or work done to correct a system due to failure which has created an immediate health hazard or the threat of an immediate health hazard, and when the health officer has given prior verbal consent to start repair. In this instance, a permit application must be submitted to CGCoPHC within five (5) working days after the emergency repair has been made. (See section 6.23)

H. Health Officer- The legally established authority as designated by the Cape Girardeau County Commissioners of the Public Health Center or its authorized representative.

I. Licensed Installer- An individual, firm, partnership, company, corporation, or other business entity that holds a current license, issued by the CGCoPHC, to install, modify or repair individual sewage treatment systems under the terms of these regulations. May also be referred to as "contractor" or "installer."

J. Maintenance- Actions taken to keep the system properly functioning. It shall include, but not be limited to, adjusting the flow from the distribution box, baffle repairs, new pumps, or pumping the tank.

K. Malfunctioning or Failing Sewage Treatment System- Any sewage treatment system not properly performing and shall include but, not be limited to:

1. Systems that have sewage or effluent overflow from any of their component parts that ponds or flows on the ground surface.

2. Systems which cause sewage or effluent to backflow into any portion of the building or plumbing system.

3. Sewage treatment systems with failed structural components.

L. Modification - Any act or work done to an existing on-site sewage system which changes the size, design, or function of the system other than routine maintenance. It may also mean changing the flow into a system by changing or adding dwelling units, or by building structures over the system.

M. On-site Sewage System - Any subsurface sewage treatment system, lagoon disposal system or other domestic waste disposal method employing basic hydrologic or engineering principles which receives three thousand (3000) gallons or less of waterborne waste per day.

N. Permit or On-site Sewage Permit - Written authorization issued, under the provisions of this ordinance/regulation, by the Cape Girardeau County Public Health Center or its representative allowing construction, installation, modification, or repair of an on-site sewage treatment

system. This permit does not regulate the operation of an on-site sewage system.

O.Premises- A definite portion of real-estate or land together with its appurtenances, and including any building or part of a building. This shall include but, not be limited to residential dwellings, commercial or industrial structures, apartments, condominiums, and townhouses.

P.Private water well - A potable water supply used for human consumption, which has at least one (1), but no more than fourteen (14) service connections, or which serves less than twenty-five (25) people.

Q.Property Owner- the person in whose name legal title to the real estate is recorded.

R.Public Water System- A piped water system, provided to the public to for human consumption, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

S.Repair - Work on the sewage system which is necessary to the proper functioning of the system, but does not change its size or location.

T.Site Visit/Evaluation - An investigation required prior to approval for a permit, and performed by the CGCoPHC at a proposed soil absorption/septic system installation site. The investigation "site visit/evaluation" is usually done in cooperation with the property owner or their representative i.e., the installer.

U.Soil Morphology - A report of soil characteristics for the proposed soil absorption/septic installation site which includes texture, structure, porosity, consistency, color and other physical, mineral and biological properties of various horizons, and the thickness and arrangement of the horizons in the soil profile.

V.Soil Profile- A vertical section of the soil through its horizons as read by a registered soil professional wherein at least one of the required readings must be taken from a soil pit at least five (5) feet deep or until a non-penetrating layer is met. Additional pits or borings may be made. The main pit must be in the proposed location of the system. Additional profiles may be required.

W.Written Notice of Violation - Having verified a citizen's complaint, the CGCoPHC shall notify the owner in writing of a malfunctioning on-site sewage system and advise the owner that the system is in violation of

this ordinance. An installer may also be cited for improper or an unapproved installation, modification or repair.

Section 3-ADOPTION

The Cape Girardeau County Board of Health Trustees and the Cape Girardeau County Commissioners adopt by reference the State Standards as defined in Sections 701.025 - 701.059 of the Missouri Laws Accompanied by Missouri Department of Health and Senior Services Rules Governing On-Site Sewage Disposal Systems, including amendments. Also adopted by reference are the following: (1) Environmental Health Operational Guidelines (2) Minimum Construction Standards for On-Site Sewage Disposal Systems 19 CSR 20-3.060, (3) Description of Persons Qualified to Perform Percolation Tests or Soils Morphology Examinations in Determining Soil Properties for On-site Sewage Disposal Systems 19 CSR 20-3.080, effective September 1, 1995 and as implemented January 2, 1996, (4) . The Department of Natural Resources requirements provided in 10 CSR 20-6.030, Disposal of Sewage in Residential Housing Developments. The same being incorporated by reference as if fully set out in this regulation verbatim, except to the extent the same is modified by these regulations. The full copy of the regulation is on file with the Cape Girardeau County Public Health Center.

Section 4-EXCEPTIONS

4.1 This ordinance shall apply to all properties needing on-site wastewater systems generating 3000 gallons or less of wastewater each day, except where the Missouri Department of Natural Resources may have precedence.

4.2 Loan Evaluations will not be performed. Section CSR 20-3.070 of the Missouri Laws Accompanied by Department of Health Rules Governing On-site Sewage Systems is omitted from this ordinance. CGCoPHC will not inspect or evaluate an existing on-site sewage disposal system upon the request from a lending institution for the purpose of providing a loan.

4.3 Metal Sewage Tanks shall NOT be used in the construction, modification, or repair of any on-site sewage disposal system.

4.4 Tanks (septic tanks and pumping tanks) other than concrete such as polyurethane, plastic, fiberglass, etc. must be approved on a case-by-case basis.

4.5 Fees to administer these inspection programs can be set at a level determined by the Health Department and will be based on cost. Fees shall go to the Cape Girardeau County Public Health Center to assist in administering the program.

4.6 All references to "department" or "department of health" in the referenced rules shall mean the Cape Girardeau County Public Health Center or its authorized agents.

4.7 All installers shall hold a current license with the Cape Girardeau County Public Health Center unless approval is granted during the application process.

4.8 Inspections will be performed at the discretion of the CGCoPHC. (See Sections 5.16 and 6.12)

4.9 Lot sizes of one acre or more are recommended by the CGCoPHC for sites requiring an on-site sewage disposal system. Lot sizes smaller than one acre will be considered only if the applicant or his/her representative provides information indicating that the site is capable of handling water and sewage. Each lot will be considered separately. Minimum set back distances must be met for such sites and adjoining properties.

4.10 For new home construction approved after the date of this ordinance, an alternate site shall be shown on the plans to indicate a replacement system.

4.11 Centralized sewer systems may be required for subdivisions if problems arise from lot size or layout, or system layout, or subdivision layout.

4.12 New technical advances may be developed that could extend the life of a system and improve quality of effluent. Technical innovations may be required on a case-by-case basis.

Section 5 - INSTALLER'S LICENSE

5.1 It shall be unlawful for any person, firm, partnership, corporation, company, or other business entity, except as delineated in this section, to knowingly construct, modify, or repair an on-site sewage disposal system within Cape Girardeau County unless that person holds a valid Cape Girardeau County On-Site Sewage Installer's License. A licensed installer or a representative of the firm, partnership, corporation, company, or other business entity must be present during the installation unless the Property owner is the sole installer. A Property owner constructing, modifying, or repairing an individual sewage treatment system for his or her own residence upon his or her own property shall not be required to have an installer's license. The term "Property owner" does not apply to builders who may own several parcels of land; who build structures on these parcels for sale, rent or lease, and is not for the purpose of their residing in said structures.

5.2 The Installer's License shall be renewed annually at no costs.

5.3 A "Temporary" license may be issued for an installer who is not the property owner at the discretion of CGCoPHC.

5.4 The CGCoPHC shall provide an official roster of licensed installers upon request.

5.5 Installer's Licenses will be granted by the CGCoPHC when the following requirements are met:

A. A completed Cape Girardeau County application has been submitted.

B. Applicant has attended training required and provided by CGCoPHC.

Training will consist of but not necessarily be limited to orientation to Cape Girardeau County's On Site Sewage Systems Ordinance and Missouri Department of Health and Senior Service's On Site Waste Water Installers Certification Course.

C. Applicant is a licensed installer in good standing with CGCoPHC. Any

installer who is not in good standing with CGCoPHC must reapply for license and repeat training before license is granted.

5.6 Installer's Licenses shall be valid from January 1 through December 31 of each year.

5.7 Installer's License renewal will be granted upon receipt of the application for renewal on or before January 31 of each consecutive year.

5.8 Installers' Licenses are not transferable.

5.9 An Installer's License issued to a firm, partnership, company, corporation, or other business entity covers it and its employees. However, actions of the employees may cause the probation, suspension, and revocation of the installer's license resulting in the loss of installer privileges for the entire firm, partnership, company, corporation, or other business entity.

5.10 Installers who are a part of a crew working for a licensed installer, but offer services separate from the licensed installer are required to have their own installer's license.

5.11 A " Temporary" license may be issued with expiration date determined upon discretion of CGCoPHC.

5.12 A licensed installer may be placed on probation upon receiving a written notice of violation from the CGCoPHC for one of but not limited to the following:

- A. Having installed, repaired, or modified an on-site sewage disposal system without a valid permit.
- B. Installing an on-site sewage disposal system in violation of these regulations.
- C. Deviating from the permit application plans approved by the CGCoPHC without prior approval.
- D. Suspension, revocation, or other loss of licensed installer's status with the Cape Girardeau County Public Health Center.
- E. The CGCoPHC was not called for inspection as stated in Section 5.16.

F.The installer offered false information concerning a system installation or location.

G.The installer submitted a permit application for review containing insufficient information for review.

H.Information proposing installation was in violation of these regulations.

I.The probation period may last up to 90 days. The installer may continue to install while on probation only with approval and direct supervision of CGCoPHC.

5.13 The installer's license shall be suspended by the CGCoPHC for a period not to exceed six (6) months upon receiving his/her/it's second (2nd) notice of violation within one (1) year. On-site sewage system construction, modification, and repair by all persons covered by the installer's license must cease in Cape Girardeau County. A hearing before the Board may be requested by the licensee. This request must be in writing and made within ten (10) days of receipt of his/her/it's 2nd notice of violation. After the suspension period is over, the licensee may return to work in the county.

5.14 An installer's license may be revoked by the CGCoPHC for repeated violations or for violating any provision of these regulations regardless of whether or not such person, firm, partnership, corporation, company or other business entity intended any violation. The licensee shall be notified in writing as to the intention to and basis for license revocation. A hearing before the Board of Review will be held to determine if the license should be revoked. A license may be suspended for cause prior to being revoked. On-site sewage system construction, modification, and repair by all persons covered by the installer's permit must cease in Cape Girardeau County. The decision of Board of Review shall be final except as any appeal thereafter as prescribed by Chapter 536 RSMO. The revocation shall be effective for 12 months.

5.15 The permits for all projects under a suspended or revoked installer are considered to be in noncompliance. All construction, modification, or repairs that an installer is working on when the license is suspended or revoked must stop. The property owner and/or his representative can

reverse the permit suspension when a new licensed installer is found who agrees to comply with all of the conditions of the permit or when license is returned to the installer. The Property owner may choose to wait with the project until the license suspension or revocation is over. The permits for the installer's other projects may expire in some cases.

5.16 A license to install on-site sewage disposal systems in Cape Girardeau County shall be DENIED for any of the following reasons:

A. The requirements of Section 5.5 are not met.

B. License application is made within twelve (12) months after the applicant has had a license revoked.

C. Failure to comply with Cape Girardeau County On Site Sewage Ordinance.

D. The licensee has had a license revoked twice.

Section 6 - PERMITS

6.1 It shall be unlawful for any person, partnership, company, corporation, or other business entity to knowingly construct, modify or repair an on-site sewage system within Cape Girardeau County unless that person holds a valid on-site sewage permit issued by the CGCoPHC.

6.2 The permit shall be in the name of the person for which the specific construction, repair or modification is proposed.

6.3 The permit requirement may be waived by the CGCoPHC when procedures are deemed to be minor repairs or modifications.

6.4 Prior to beginning any construction activity (including soil disturbance) in anticipation of the construction of buildings where people will live, work or assemble, the property owner or his/her agent **MUST OBTAIN an ON-SITE SEWAGE PERMIT** from the office of Cape Girardeau County Public Health Center.

6.5 A permit fee must be submitted to the Cape Girardeau County Public Health Center.

6.6 All permit applications shall include plans and specifications to demonstrate in writing and graphically that the proposed on-site sewage system to be constructed, repaired or modified shall conform or be in compliance with the design standards and requirements included in these regulations.

6.7 A soil morphology evaluation from a certified soil scientist or, a percolation test performed by a licensed percolation tester must be obtained for the specific area of the proposed soil absorption area or lagoon.

6.8 The CGCoPHC shall review all permit applications for completeness. Incomplete applications shall be returned to the applicant, but may be resubmitted to the CGCoHPC after completion.

6.9 Site visit(s) by the CGCoPHC are required to evaluate or determine the suitability of the property for the installation of the proposed on-site sewage disposal treatment system prior to approving issuance of the Construction Permit.

6.10 The applicant shall grant the CGCoPHC rights of ingress and egress to the property for the purposes of conducting an evaluation and determining site suitability. The installer and/or property owner should be present during the site visit.

6.11 The location of the on-site sewage disposal system components and other necessary features as listed in the setback requirements shall be marked by field markings, such as paint, flags, etc. with proposed soil absorption trenches indicated or located at ten (10) foot intervals along the length of the trench.

6.12 The CGCoPHC shall take final action on all completed permit applications following the required site visit by either (1) approving the proposed plan and site by issuing the permit to construct, or (2) by denying the permit.

6.13 Any permit denied by the CGCoPHC shall be accompanied by written reasons for the denial and may include recommendations for corrective action or request to provide additional information.

6.14. When the application is adequately completed and reviewed by CGCoPHC, and when the site evaluation conducted by CGCOPHC is satisfactory, then CGCoPHC will issue the permit for construction of the on-site sewage system.

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

6.16 It is required that Notification of installation be given to CGCoPHC PRIOR to beginning the installation of an on site sewage disposal system. Final inspections may or may not be required and will be at the discretion of CGCoPHC.

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

6.18 The CGCoPHC may or may not verbally approve the completed on-site sewage system installation prior to allowing the system to be placed in operation. Verbal approval shall be at the discretion of the Environmental Public Health Specialist.

6.19 No on-site sewage system shall knowingly be constructed, modified or repaired in deviation from the terms and conditions set forth in the original approved application and permit to construct without amending the application original documents. The CGCoPHC must approve the amendment prior to starting the modification work.

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

6.21 The following general conditions shall be applicable to all on-site sewage system construction permits:

A. All on-site sewage system permits shall be valid for one year after

date of issuance. If the septic system is not constructed, modified, or repaired within one year, the permit is void and a new permit must be issued.

B.If a sewage treatment system is installed, modified, or repaired after the initial permit has been officially voided, this shall constitute a violation.

C.The CGCoPHC is not obligated in any way to issue a second permit, should the initial permit be allowed to expire. If reapplication for another permit is made, additional information may be required to be in full compliance with the regulations that exist at that time.

D. Any changes in plans, details or specifications of construction, modification or repair of the on-site sewage disposal system not approved by the CGCoPHC representative after the permit has been issued, will invalidate the permit.

E.There will be no reimbursement of fees received for the issuance of any permit to any applicant.

6.22 On-site sewage construction permits may be transferred only to successor property owners prior to completion of construction, modification, or repair for which the permit is issued. Requests to transfer ownership must be made by completion of ownership transfer documents issued and then approved by the CGCoPHC. All terms and conditions of issued permits for construction repair, or modification shall be automatically applicable to any successor property owner upon transfer of ownership of said property.

6.23 Emergency repairs shall meet or exceed the adopted minimum design standards as described in Department of Health and Senior Services Rules Governing On-Site Sewage Systems, Section 701.025, including Minimum Construction Standards for On-Site Sewage Disposal Systems 19 CSR 20-3.060. The property owner or agent shall obtain prior verbal consent from the health officer to start repair, and submit a permit application within five (5) working days after beginning emergency repairs. If possible, no part of the emergency repairs shall be backfilled without the approval of the CGCoPHC.

6.24 The CGCoPHC may deny any on-site sewage construction permit. In the event the CGCoPHC denies issuance of a permit the applicant shall be notified in writing of the reason(s) for denial. Reasons for denial may include, but not be limited to:

- A. Violation of Design and/or Construction Standards.
- B. Incomplete Application.
- C. Problems and Inconsistencies Found During Site Visit.
- D. Violation of Applicable Building, Subdivision or Zoning Regulations.
- E. Location within 200 Feet of Sanitary Sewer.\
- F. Non-Compliance from another Jurisdiction.

6.25 Construction, modification, or repair of an on-site sewage disposal system must cease when a permit is SUSPENDED OR REVOKED.

6.26 The CGCoPHC may suspend or revoke a permit before construction, repair, or modification of an on-site sewage system is completed due to noncompliance with the terms of the permit or current regulations.

Reasons for suspension and revocation shall include but not be limited to the following:

- A. Unapproved modifications in design or construction.
- B. Incorrect information submitted in the application for permit.
- C. Changing site conditions.
- D. Incorrect soil morphology/landscape data.
- E. Misrepresentation concerning compliance with these regulations or any other reasons necessary for protection of the public health or safety.
- F. For installation of lines too deep, trenches not level, system placed in a part of the land that did not have the soils information of a system that was not approved or evaluated.

6.27 GCoPHC may revoke or suspend the permit or stop construction, modification, or repair of an on-site sewage disposal system at any time and will give written notice.

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

6.29 When a permit is revoked, the applicant may apply for a new permit by submitting an application adequately completed and reviewed by CGCoPHC, and paying the required permit fee. Thereafter a site evaluation will be conducted by CGCOPHC, and if the site evaluation is satisfactory, then CGCoPHC will issue the permit for construction of the on-site sewage system.

Section 7 -- BOARD OF REVIEW

7.1 The Cape Girardeau County Commission may appoint a Board of Review consisting of three members to be known as the On-site Sewage Board of Review which shall review upon request of the aggrieved party, who has received a notice of violation concerning the construction or operation of an on-site sewage system based on a complaint received from a citizen as authorized by these regulations, and hear and determine appeals from CGCoPHC decisions as are authorized and prescribed by these regulations. 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. The Board of Review 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 appointment period. Professional backgrounds of Board of Review members shall include: (a) On-Site sewage disposal system installer and/or hauler, (b) Environmental Public Health Specialist (may be from another county) (c) Real Estate Inspector/Evaluator/Appraiser/Broker (d) Design Engineer or Soil Scientist, (e) Building Code Inspector, (f) Lending Agents. Members on the Board of Review shall be initially appointed for staggered terms to cover one, two and three years and thereafter each successive term shall be for a period of three years. With the exception of the Environmental Public Health Specialist, members of the Board of Review shall be residents of Cape Girardeau County or work extensively in the county. The Board of Review shall be entitled to establish rules of procedure and bylaws for the conduct of its business consistent with

statutes of the State of Missouri to establish and maintain such, and subject to review, modification and approval by the Cape Girardeau County Commission. A hearing shall be in writing and received by the Director of the Cape Girardeau County Public Health Center within ten calendar days of the administrative decision in question. If the request for the hearing is granted, an administrative hearing shall be held within thirty (30) calendar days from the receipt of the written request to the Cape Girardeau County Public Health Center Director. If the request for the hearing is received and meets the criteria, the complainant will be notified 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 CGCoPHC.

Section 8 -- EXISTING ON-SITE SEWAGE SYSTEMS

8.1 All on-site sewage systems existing as of the effective date of this chapter shall be presumed to be in compliance with these regulations unless any such system is found to be a nuisance, or is in violation of CGCoPHC pertaining to on-site sewage systems. Upon verification of violation, the owner of the property shall then be subject to the provisions of these regulations and shall be required to apply for an on-site sewage permit in order to modify or repair the existing system within such time as prescribed by the CGCoPHC.

Section 9 -- INTERPRETATION AND SEVERABILITY

9.1 The regulations enacted by this chapter are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted there under. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provisions, and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and with other applicable provisions of the law. In the event these regulations irreconcilably conflict with another law, rule or regulations, the law, rule or regulations which affords the greater protection to the public health or safety shall prevail except in the case of conflict with any rules or regulations made by the Missouri Department of Health or the Missouri

Department of Natural Resources pursuant to Chapter 198 RSMO, in which case the regulations of the State thereunder shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

Section 10 - FEES

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

Section 11 -- PENALTIES AND REMEDIES

11.1. A person commits the crime of constructing, modifying or repairing an on-site sewage disposal system without a license when, in violation of Section 5.1 of this ordinance, any person, firm, partnership, corporation, company or other business entity, knowingly constructs, modifies or repairs an on-site sewage disposal system without having first obtained a valid Cape Girardeau County On-Site Sewage Installer's License.

11.2. Constructing, modifying or repairing an on-site sewage disposal system without a valid installer's license is a class A misdemeanor, punishable by confinement in the county jail for not more than one year or by a fine of not more than one thousand dollars or by both such confinement and fine.

11.3. A person commits the crime of constructing, modifying or repairing an on-site sewage system without a permit when, in violation of Section 6.1 of this ordinance, any person, firm, partnership, corporation, company or other business entity, knowingly constructs, modifies or

repairs an on-site sewage system without having first obtained a valid on-site sewage permit from the Cape Girardeau County Public Health Center.

11.4. Constructing, modifying or repairing an on-site sewage system without a valid permit is a class A misdemeanor, punishable by confinement in the county jail for not more than one year or by a fine of not more than one thousand dollars or by both such confinement and fine.

11.5. A person commits the crime of beginning construction activity without an on-site sewage permit when, in violation of Section 6.4 of this ordinance, any property owner or his agent knowingly begins construction activity in anticipation of the construction of buildings where people will live, work or assemble, without first having obtained a valid on-site sewage permit from the Cape Girardeau County Public Health Center.

11.6. Beginning construction without an on-site sewage permit is a class A misdemeanor, punishable by confinement in the county jail for not more than one year or by a fine of not more than one thousand dollars or by both such confinement and fine.

11.7. A person commits the crime of constructing, modifying or repairing an on-site sewage system in deviation from the permit when, in violation of Section 6.19 of this ordinance, any person, firm, partnership, corporation, company or other business entity, knowingly constructs, modifies or repairs an on-site sewage system in deviation from the terms and conditions set forth in the original approved application and permit to construct without first amending the application and securing the approval of the Cape Girardeau County Public Health Center prior to starting the work.

11.8. Constructing, modifying or repairing an on-site sewage system in deviation from the permit is a class A misdemeanor, punishable by confinement in the county jail for not more than one year or by a fine of not more than one thousand dollars or by both such confinement and fine.

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

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

Section 12-- EFFECTIVE DATE

12.1 These regulations shall become effective on and after the 30th day of November, 2003.

PASSED AND APPROVED THIS 30th DAY OF October, 2003.

Signed by: Gerald Jones, Presiding Commissioner
Cape Girardeau County, Missouri

Rodney Miller, County Clerk
Cape Girardeau County, Missouri