

**TOWNER COUNTY PUBLIC HEALTH DISTRICT RULES
REGULATING THE CONSTRUCTION, RENOVATION,
REPAIR AND MAINTENANCE OF
ON-SITE SEWAGE TREATMENT SYSTEMS**

Pursuant to the powers granted to the Towner County Public Health District pursuant to North Dakota Century Code § 23-35-08, the following rules are hereby promulgated and adopted.

Section 1. Purpose. The purpose of these rules is to protect the public health, safety and general welfare by regulating the design, location, installation, use and maintenance of on-site sewage treatment systems. These rules establish minimum standards and criteria for the design, location, installation, use and maintenance of on-site sewage treatment systems and the licensing and permitting thereof.

Section 2. Definitions. The following words and phrases shall have the meanings described to them herein. If not specifically defined in these rules, the terms used herein shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined in these rules or in the standards adopted by reference shall have common usage meaning.

- a. "Bedroom" - Any room within a dwelling that might reasonably be used as a sleeping room. Fire escape windows and closets may help to categorize rooms in question.
- b. "District" - The Towner County Public Health District (TCPHD)
- c. "Failing/failed System" - A system which no longer can absorb the sewage load from the source it is connected to; or which is discharging to the surface, or may be adversely influencing the quality of the surrounding ground water. Such term shall also include sewage or sewage gas backup into houses, buildings or structures.
- d. "NDSPB" - The North Dakota State Plumbing Board.
- e. "Non-conforming system" - A system which when installed conformed to the code then in force, but which now does not meet the minimum standard of this code; but is still properly functioning at the time of discovery. Such systems, when found to not properly function shall be brought up to present code requirements.
- f. "On-site Sewage Treatment System (OSTS)" - A sewage treatment system, or part thereof, serving a dwelling or other small living or business unit, or group thereof, which uses subsurface soil treatment for disposal; and which has an average daily flow of less than 2,500 gallons per day, or a monthly average flow of less than 75,000 gallons.
- g. "Permit" - Drawing from either the installer or the District which graphically describes the system to serve the structure which will be assigned a number by the District. It shall

include soil texture of the site, depth the system will be installed at, and all dimensions as well as the tank size required and setbacks as required.

- h. "Working capacity" - The liquid volume of a sewage/septic tank using the inside dimensions as measured from the bottom of the outlet.

Section 3. Licenses Required.

- a. No person shall engage in the installation, construction, alteration, extension, repair, and maintenance of on-site sewage treatment systems without first obtaining a license to perform such tasks from the Lake Region District Health Unit (LRDHU). Such licenses shall expire on December 31 annually.
- b. Applications for licenses shall be made in writing and upon such forms as provided by the LRDHU or Towner County Public Health District.
- c. All new onsite sewer installations or modifications to existing onsite sewers shall be done by a licensed onsite sewer contractor or the property owner. **Exception:** A Mound system shall be installed by a licensed onsite sewer contractor only. A permit is required for construction or modification of all onsite sewer treatment systems whether constructed by a contractor or a homeowner.

Section 4. Qualifications for License. No license shall be issued to any person unless the applicant shall file an application, accompanied by the required fee, showing the following qualifications:

- a. Applicant, if an individual, must be a legal resident of the United States and be a person of good moral character and be at least 18 years of age.
- b. If the applicant is a corporation, LLC, LLP or other recognized entity, it must be qualified to do business in the State of North Dakota and be properly registered with the North Dakota Secretary of State.
- c. The applicant must have completed the necessary education and training requirements established by the LRDHU.
- d. The applicant must not have been convicted of any crime involving fraud, misrepresentation, false statements, theft or dishonesty.
- e. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application form shall, upon discovery of such falsehood, work an automatic refusal of license or if already issued, shall render any license or permit issued void and of no effect.
- f. The LRDHU may require such information from all applicants as is reasonably necessary

to determine the applicant's fitness to act in the capacity of an on-site sewage treatment system contractor within the District's jurisdiction.

Section 5. Permits Required.

- a. All persons who install, construct, alter, extend, or repair an individual on-site sewage treatment system shall first obtain a permit for each location served by an individual sewage treatment system. Such permit shall be obtained following written application to the LRDHU. Such permits are not transferrable as to persons or place. Such permit shall expire twelve (12) months after date of issue.
- b. If after considering the permit application and all accompanying information or data, the Health District determines that the work will not comply with the provisions of these rules, Health District shall not issue a permit until suitable revisions and corrections are proposed.
- c. Neither the construction nor operation of an on-site sewage treatment system under an issued construction permit shall be altered or modified in any of the essential details without the written approval of the LRDHU.
- d. Any on-site sewage treatment system constructed or operated in violation of the provisions of these rules shall be prima facie evidence of a common nuisance without other proof thereof than the proof of its unlawful construction or operation. In addition to any other remedies available at law, the Health District or their designee may order the removal of such on-site sewage treatment system or may abate and remove such on-site sewage treatment system.
- e. Application for permits shall be made in writing and upon such forms as provided by the LRDHU or Towner County Public Health District.
- f. The permit application form must be completed, signed, dated by the applicant and include all required fees and all required information including, but not limited to:
 - (i) Plans or drawings indicating lot size with dimensions showing the location of the on-site sewage treatment system; the type of the on-site sewage treatment system to be constructed; the dimension of the sewage system being proposed; the distances to any body of water including rivers, streams, lakes, wetlands, wells, and buildings; the site elevation sufficient to determine the elevation of all system components and the slope of the ground surface and location of any proposed system.
 - (ii) The number of bedrooms or design volumes of all structures to be served by such system.
 - (iii) Percolation test results or soil investigation results.

- (iv) The owner's name, present address and the address where the system is to be installed.
- (v) The type, size and location of any existing on-site sewage treatment system.
- (vi) Such other information as determined by the health officer or his designee to be necessary for the consideration and issuance of such permit to include but not be limited to flood plain and zoning requirements.

Section 6. License or Permit Suspension or Revocation.

- a. All licenses or permits issued hereunder shall be subject to suspension or revocation by the LRDHU for any willful violation or neglect to comply with any statute, ordinance, rule, order or requirement of the LRDHU, including compliance with all applicable building, health and/or environmental codes.
- b. All licenses or permits issued hereunder shall be subject to suspension or revocation by the LRDHU upon its determination to be in the best interests of the preservation of public health, safety, welfare, morals or the protection of private or public property.
- c. Within ten (10) business days after receiving notification that any license or permit issued hereunder has been suspended or revoked, such holder may file a written request for a hearing before the LRDHU and Towner County Public Health District. At the hearing, the person may present evidence in support of the license or permit. The Board of Health shall either affirm or reverse the suspension or revocation. The decision of the Board of Health shall be final. If no request for hearing is received within ten (10) business days of the date of mailing of the notice of suspension or revocation, the suspension or revocation shall be final.

Section 7. Inspections.

- a. It shall be the duty of the installer to notify the Health District or their designee that the on-site sewage treatment system is available for inspection. It shall be the duty of the installer and property owner to make sure that the work meets the prescribed standards and limitations.
- b. A representative of the LRDHU may collect samples for laboratory examination as deemed necessary for inspection of the facility or the enforcement of these rules. No person shall refuse to permit the representative of the LRDHU to inspect any premises.
- c. If any portion of the on-site sewage treatment system is covered before inspection and/or approval, it shall be uncovered upon the direction of the Health District or their designee and at the cost of the installer.
- d. The LRDHU is hereby authorized and directed to make such inspections as are necessary

to determine satisfactory compliance with these rules.

Section 8. Enforcement/Penalties. Any person violating the provisions of these rules shall, upon conviction, be guilty of a Class B misdemeanor as provided by N.D.C.C. § 23-35-13.

Section 9. Severability. If any section, clause, provision or portion of these rules is adjudged unconstitutional or invalid by a court of law, the remainder of these rules shall not be affected and must remain in full force.

Section 10. Authority to Adopt Rules, Regulations and Policies. The Towner County Public Health District is further authorized to adopt such rules, regulations and policies as may be necessary or convenient for the administration and enforcement of these rules.

Section 11. Fees. The Towner County Public Health District shall establish all fees for permits, inspections and other activities undertaken or required by these rules as may be necessary or convenient.

Section 12. Standards Adopted by Reference. The provisions of Chapter 62-03.1-03 of the North Dakota Administrative Code relating to private sewage disposal systems is hereby adopted by reference and included herein.

Section 13. Effective Date. These rules shall be in full force and effect on and after the ___19th___ day of ___August___, ___2015_____.

ATTEST:
