

Public Health Regulation
Of
Three Rivers District Health Department Board of Health
Commonwealth of Kentucky
Regulation No.: 317-01

AN ADMINISTRATIVE REGULATION RELATING TO THE REGULATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS; INCORPORATING BY REFERENCE THE PROVISIONS OF KENTUCKY ADMINISTRATIVE REGULATIONS; IMPOSING ADDITIONAL REGULATIONS AND CONDITIONS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF SAME.

WHEREAS, the Three Rivers District Health Department Board of Health has authority under KRS 212.230, KRS 211.355, and KRS 211.370 to regulate on-site sewage disposal systems; to set fees for operation and maintenance of on-site disposal systems; and to protect the public health; and

WHEREAS, the Board of Health believes that it is appropriate to impose additional regulations beyond those presently in force,

NOW THEREFORE BE IT ORDAINED by the Three Rivers District Health Department Board of Health of Carroll, Gallatin, Owen, and Pendleton Counties of the Commonwealth of Kentucky:

SECTION ONE

The term "on-site sewage disposal system" shall be given the ordinary and common meaning attributed to said term in the building trades and public health sectors and as defined and referred to in 902 KAR 10.081 and 902 KAR 10.085, which definition is incorporated herein by reference as if set forth verbatim.

The term "lagoon" shall have the ordinary and normal meanings attributed to such words in the building trade and public health sector and such additional meaning as may be attributable to such words as set forth in 902 KAR 10.085. The term "person" or "persons" shall mean any individual, firm, association, organization, partnership, business trust, corporation, company, limited liability company, or governmental unit; acting as a singular person or unit or in combination or association with any other person or persons.

SECTION TWO

The entire regulation known as 902 KAR 10.085 is hereby incorporated by reference into this regulation the same as if fully copied herein.

SECTION THREE

In addition to those regulations set out in this Regulation by way of reference to the aforesaid Kentucky Administrative Regulations; no person shall construct, install, or cause to be constructed or installed a lagoon on any real property anywhere in Carroll, Gallatin, Owen, or Pendleton Counties unless the owner of the premises upon which the same is constructed or installed complies in strict accordance with the regulations and guidelines set out herein,

including Kentucky Administrative Regulation 902 KAR 10.085 and other Kentucky Administrative Regulations applicable thereto.

SECTION FOUR

All lagoons shall be operated and maintained in such fashion as to fully comply with this Regulation and 902 KAR 10.085, incorporated herein by reference. It shall be the responsibility of the owner or occupant of any property within the boundaries of the aforementioned counties containing a lagoon system constructed since July 15, 1986 to notify the Three Rivers District Health Department within 72 hours of any deterioration in the operational condition of the system and to take immediate steps to correct the deficiency. The duty imposed herein shall include the duty and responsibility to maintain in secure and appropriate fashion the fence and locking devices so as to secure the lagoon from children and animals as specified and defined under Section 9 of 902 KAR 10.085.

SECTION FIVE

The owner of any lagoon constructed since July 15, 1986 and/or the owner of the real estate upon which the same exists shall have a duty to have said lagoon inspected not less frequently than biennially (every two years) by a Certified Inspector of the Three Rivers District Health Department.

Each inspection report completed by the Certified Inspector shall include:

- A. Name of owner, address, and location of the lagoon system;
- B. Completed checklist documenting assessment of each component of the system, operational condition of each component of the system, and whether the component appears to be functioning properly; and
- C. Description of any malfunctions observed, and corrective actions required and/or corrections made.

The original inspection report(s) shall be hand delivered or mailed to the owner(s) and a copy maintained on file at the Three Rivers District Health Department office in the county of location.

The fee for the biennial inspections shall be fifty and 00/100 dollars (\$50.00) payable to Three Rivers District Health Department.

SECTION SIX

The owner of the lagoon and/or the real estate upon which such installation shall exist shall cooperate with and make the premises available to the Certified Inspector at all reasonable times and places, including such times as may be occasioned by virtue of complaints registered with the Certified Inspector and pursuant to which ad hoc unscheduled visits and/or inspections may be conducted.

SECTION SEVEN

Upon being advised by the Certified Inspector that deficiencies need to be addressed, the owner of the lagoon shall have ten (10) days during which to conduct and complete repairs and to demonstrate the completion of same to the Certified Inspector.

SECTION EIGHT

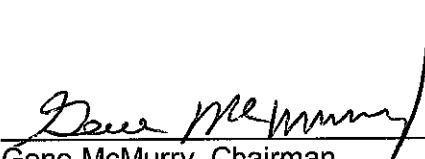
Upon failure of any person to comply with any portion or portions of this Regulation, including the regulations incorporated herein by reference, and being notified of same by certified mail at the address shown on the last permit or inspection report, within seven days of said notification, said person shall be guilty of a violation as defined and/or used in KRS 500.080 and KRS 534.040, and shall be subject to a fine of up to two hundred fifty dollars (\$250.00). Each day of such violation or non compliance shall constitute a separate offense. In the event any person subject to this regulation should fail or refuse to sign a receipt of the certified mail giving notice of any alleged violation, in such event, written notice may be hand delivered and posted at the address shown on the last permit or inspection report in lieu of notice by certified mail as previously described herein.

SECTION NINE

Should any section or provision of this Regulation be declared invalid by a court of competent jurisdiction for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Regulation.

SECTION TEN

This Regulation shall be in full force and effect from and after its passage, publication and recording, according to law.



Gene McMurry, Chairman
Three Rivers District Health Department
Board of Health

6/19/01

ATTEST:

