

10815

AMENDED PLANNING AND ZONING ORDER OF RALLS COUNTY, MISSOURI

NOVEMBER 7, 1994

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SECTION 100 TITLE, AUTHORITY AND COMPREHENSIVE PLAN

101 Title

This Ralls County Commission Order shall hereafter be known as the Planning and Zoning Order of Ralls County, Missouri.

102 Authority

This Planning and Zoning Order of Ralls County, Missouri is authorized and is in compliance with Chapter 64 of the Revised Statutes of the State of Missouri

103 Comprehensive Plan

This Planning and Zoning Order is adopted pursuant to the establishment of County Planning and Zoning by the voters of Ralls County, Missouri. The intent of the Planning and Zoning is to bring about coordinated physical development in accordance with the present and future needs of Ralls County. The intent behind the Planning and Zoning is to conserve the natural resources of Ralls County, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants and visitors of Ralls County. The intent behind the Zoning Regulations is to establish reasonable standards to which building and structures shall conform, to regulate sewage disposal for inhabited properties, to regulate and restrict lot coverage and to conserve the value of land and building in all of the unincorporated areas of the County. Furthermore, the intent of the Zoning Regulations is to define the powers and duties of the administrative bodies necessary to administer these regulations and to prescribe penalties for the violation of the provisions of this Order or any subsequent amendments. The Comprehensive Plan of Ralls County, developed so as to insure a high quality of life while at the same time maintaining the rural integrity of the County, is as follows:

1. To preserve, foster growth and improve the agricultural use of land in Ralls County. It is intended that conflicting concentrations of residential, commercial and industrial uses of land not occur in districts that have been zoned as agricultural. Unless an overriding public need can be shown for conversion to alternate uses, these lands falling within the agricultural district and especially lands rated as class I, II and III soils by the U.S. Department of Agriculture are intended to be retained in the agricultural district.

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2. To improve the recreational use of land around the Mark Twain Lake and to provide a mechanism to allow for residential growth, recreational growth and commercial growth around the Mark Twain Lake area, while attempting to preserve the natural beauty and natural resources found around the Mark Twain Lake.

3. To encourage and allow for the development of Highways 19, 154 and Interstate 61 and 36 into a four (4) lane route thus reducing accidents and improving the economy both around the Mark Twain Lake area and around the industrial area south of Hannibal.

4. To maintain and improve the road and bridge systems and to encourage any business and industry to locate in Ralls County that would promote jobs and improve the economy without damaging the land, environment or inhabitants of the County.

5. To improve, preserve and wisely use the natural resources of Ralls County.

6. To insure efficient expenditure of public funds.

7. To promote the health, safety, prosperity and general welfare of the inhabitants and visitors of Ralls County.

8. To protect and preserve land values in Ralls County.

9. To safeguard the environment for this generation and generations to come.

10. To maintain and improve rural fire and police protection.

11. To promote and encourage adequate financial support to County Government, schools, health and child care.

The Zoning District map reflects existing or probable development of lands in the County and does not, in all cases, reflect the present use of land.

This Planning and Zoning Order is not intended to assess, nor to influence, the assessment of the value of properties in the County.

104 Other Land Restrictions

This Planning and Zoning Order is not intended to repeal, impair or abrogate private covenants or restrictions contained in Deeds or Easements, except that where this Order imposes greater restrictions, the provisions of this Planning and Zoning Order shall prevail.

The provisions of the Planning and Zoning Order shall be held to be the minimum requirements, shall be construed in favor of the Order, and shall not be deemed a limitation or repeal of any other power. All other regulations or parts of regulations of Ralls County inconsistent with this planning and Zoning Order, to the extent of the inconsistency only, are hereby repealed.

Whenever any other Statute, Order, Ordinance or Regulation imposes a higher standard or superior mandate than are required by this Order, the provisions of the Statute, Order, Ordinance or Regulation shall prevail.

105 Severability

Should any section, clause, provision or part of this Order be adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Order shall not be invalidated thereby. Similarly, should any portion of the Zoning District map be held invalid, the remainder of said map shall not be invalidated thereby.

106 Jurisdiction

The regulations contained in this Order shall apply to all unincorporated lands located within Ralls County, Missouri.

107 Force and Effect

Upon passage by the County Commission of Ralls County, this Order shall be in full force and effect upon adoption or at such other time as the County Commission shall direct.

SECTION 200 GENERAL PROVISIONS

201 Compliance

Unless provided for otherwise in this Order or by statute or governmental regulation, no structure or land shall hereafter be used without fully complying with all of the provisions of this Planning and Zoning Order and with all applicable local, county, and State regulations including, without limitation, those imposed by the Department of Natural Resources and the Ralls County Health Department. The use of buildings and land in Ralls County, except for certain agricultural activities and other activities explicitly exempted by this Order or by statute, are subject to the provisions of this Planning and Zoning Order.

202 Accessory Use Provisions

Accessory buildings, structures and uses shall be compatible with the principal use of the land and structure.

203 Utility Provisions and Other Requirements

All buildings and uses subject to these regulations contained in this Order are also subject to all regulations, statutes, or administrative orders pertaining to sanitary sewerage, water supply, drainage and storm water management, erosion and utility, services and land development regulations separately enacted by the County Commission or by any other agency having jurisdiction to do so, such as, but without limitation, the Health Department, Department of Natural Resources or Environmental Protection Agency.

204 Unclassified Uses

In the event of question as to the classification of an use of a particular piece of land, the question shall be submitted to the Board of Adjustment for determination.

205 Definitions

Accessory Building: A subordinate building, the use of which is incidental and customary to the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use: A subordinate use which is incidental and customary to the principal building or use and which is located on the same lot with such principal building or use.

Administrative Officer: The Officer designated by the County Commission to administer and enforce these regulations, in the manner hereinafter provided.

Agricultural Activity: The planting, cultivating, and harvesting of grains, hay, forest products, or plants commonly grown in Ralls County.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

Conditional Use: A use allowed in a zoning district only after a special permit is granted by the County Commission according to provisions established therefore; distinguished from a permitted or accessory use.

District: A part of the county wherein regulations of this order are uniform.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Garage, Private: A detached accessory building or portion of a main building housing automobiles, boats or trailers of occupants of the premises, but not commercial vehicles, boats or trailers.

Home Occupation: Any occupation or profession carried on in a dwelling or part of a dwelling by a resident of the premises, in accord with specific standards and limitations established for such uses by this order.

Kennel: An establishment where small animals are boarded for compensation or where dogs are bred or raised as a commercial business.

Livestock Feed Lot: Any tract or parcel of ground devoted to feeding of livestock where there are 100 or more cattle per acre, 1,000 or more hogs per acre, 1,000 or more sheep per acre or 1,000 or more poultry per acre.

Mobile Home: A family dwelling unit of vehicular portable design built on a chassis and designed to be moved from one site to another upon public streets or highways by either self-propelled or not self-propelled means. A family dwelling unit of vehicular portable design built on a chassis which contains a minimum of 1,200 square feet of floor space and which is attached to a permanent foundation situated on real estate owned by the owner of the dwelling unit with the transporting apparatus, including the wheels, axles and hitches, removed or modified so as to render it impractical to reconvert the dwelling unit to a portable unit, shall not be classified as a mobile home.

Mobile Home Park: A parcel of land which is developed for the placement of two or more mobile homes.

Nonconforming Use: The lawful use of land or a building or structure or a portion thereof, which use does not conform with the use regulations of the district in which it is located.

Residential Duplex: A building designed for or occupied exclusively by two families.

Salvage or Junk Yard: A "junk yard or salvage yard" is a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk, upon which occurs one or more acts of buying, keeping, dismantling, processing, moving, selling, or offering for sale any junk or part of the personal property, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds for such act or acts are to be used for charity.

Service Station: Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts, motors and accessories, but not including the open storage of vehicles, boats or trailers.

Single-Family Dwelling: A building designed for or occupied exclusively by one family.

Structure: Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and freestanding advertising signs.

Travel Trailer: (1) A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational or vacation use, and when factory equipped for road use, being of any weight, provided its overall length does not exceed 32 feet; (2) A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation; (3) A portable, temporary dwelling to be used for travel, recreational and vacation purposes, constructed as an integral part of a self-propelled vehicle; (4) A folding or telescoping structure, mounted on wheels and designed for travel, recreation and vacation use.

Travel Trailer Park: A parcel of land which has been improved for the placement of travel trailers for transient use.

Yard: An open space on a lot, other than a courtyard enclosed or partially enclosed by a building, unoccupied and unobstructed from the ground upward, except as otherwise proved in these regulations.

Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, or to the designated street line in cases where the present property line extends into the abutting street. Front yard includes the area resulting from required building setbacks from State or Federal highways and County roads, established herein.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

Yard, Rear: A yard extending the full width of the lot between a principal building and the rear lot line.

SECTION 300

PROCEDURES TO FOLLOW AND REQUIREMENTS FOR PERMIT AND CERTIFICATES OF OCCUPANCY

301

Procedure to Follow and Requirements for Permit

The procedure to follow for residents, prospective developers, contractors and other interested parties in matters pertaining to construction new buildings, additions to existing buildings or changing land uses within the unincorporated areas of Ralls County, Missouri, shall be as follows:

1. Personally contact the Administrative Officer to obtain an application for a waste water permit.
2. The application shall be filled out by the owner, lessee, agent of either, the architect, engineer or contractor employed in connection with the work. The application shall contain the full names and addresses of the applicant and the owner and shall contain a complete legal description of the property. The application shall also describe the proposed use of the land and shall contain a sketch of the property showing how the proposed use will be situated on the property. The application shall also describe, in detail, the proposed sewage system for the structure.
3. The Administrative Officer shall check the official land use district map to see if the proposed use is in compliance with the map.
4. If, after examination, the Administrative Officer finds no objection to the application, and if it appears that the proposed work will be in compliance with the laws and Orders applicable thereto, the Administrative Officer shall approve such application and issue a waste water permit after collecting the required fee. (The fee is established by the County Commission). The Administrative Officer shall issue the waste water permit within thirty (30) days after all requirements have been complied with by the applicant.

5. Upon issuance of the waste water permit, the Administrative Officer shall notify the appropriate agencies of the issuance of the waste water permit. Thereafter in conjunction with the Administrative Officer and his agents, if any, it shall be the responsibility of the agencies to see that all laws and regulations, specifically those dealing with sewage, are carried out.

6. If, after examination, the Administrative Officer determines that the application does not conform to permitted uses, the Administrative Officer will reject the application, noting his findings in a report to be attached to the application, with a copy delivered to the applicant. Thereafter, the applicant may make a request to the Ralls County Commission for a land use district change.

7. If, after examination, the Administrative Officer finds that the application does not conform to minimum lot or yard standards or other regulations, or those requirements contained in the subdivision regulations, the Administrative Officer will reject the application, with a copy delivered to the applicant. Thereafter, the applicant may make an application for modification of the requirements to the Board of Adjustment.

8. If the applicant receives a change in land use district or a modification of the requirements from the Board of Adjustment, the applicant must go through steps one (1) through nine (9).

9. If agreeable with the Ralls County Electric Cooperative, no electric service will be hooked up to a residence or structure requiring a waste water permit until a waste water permit is obtained.

302

Waste Water Permit Not Required for the Following

A waste water permit shall not be required for the following:

1. The erection, maintenance, repair, alteration or extension of farm buildings or farm structures which do not contain plumbing for the removal of sewage, which are used for such purposes.
2. Land used for the raising of crops, pasture, raising of livestock, orchards or forestry.
3. The extension of a residential home if said extension does not contain plumbing for the disposal of sewage.
4. The construction of a garage, if said garage does not contain plumbing for the disposal of sewage.
5. Any residence or structure in which the sewage disposal system for the residence or structure directly ties into a central sewer system that is regulated by the Missouri Department of Natural Resources.

303

Posting and Revocation of Waste Water Permits

1. A copy of the waste water permit shall be kept on the premises open to public inspection until the completion of the work.

2. A waste water permit under which no work is commenced within one (1) year after issuance shall expire by limitation.
3. The Administrative Officer may revoke a waste water permit or approval issued under the provisions of this Order if it is apparent that there has been any false statement or misrepresentation as to a material fact in the application or plans on which the waste water permit is or approval is based, or if the sewage system is not being constructed pursuant to required rules and regulations imposed by the Health Department, Department of Natural Resources or Environmental Protection Agency.

304

Certificates of Occupancy

1. No building requiring a waste water permit shall be occupied before a certificate of occupancy has been issued by the Administrative Officer. A certificate of occupancy shall be applied for at the same time the application for a waste water permit is submitted.
2. Prior to the issuance of a certificate of occupancy, the permitted structure shall be inspected by the Administrative Officer or appointed agents to make sure said structure is in compliance with all of the regulations contained in this Order. If the requirements and regulations of this Order have been complied with, the administrative officer shall issue a certificate of occupancy which states that the building or proposed use of the building or land complies with all the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrative Officer. No fee shall be charged for a certificate of occupancy.

SECTION 400

ESTABLISHMENT OF ZONING DISTRICTS

401

Established Districts

The unincorporated area of Ralls County is hereby divided and classified into the following districts:

1. Agricultural District (A-1)
2. Single-Family Residential District (R-1)
3. Recreational and Residential District (R-2)
4. Rural Community District (R-C)
5. Commercial District (C-1)
6. Industrial District (I-1)
7. Flood Plain District (F-P)

402 Additional Districts

Additional districts in the unincorporated area of Ralls County may be added from time to time upon the recommendation of the Ralls County Planning and Zoning Commission to the Ralls County Commission. This may be initiated by either the Planning Zoning Commission, the Ralls County Commission or interested parties.

403 District Boundaries

The boundaries of the districts referred to above are shown upon the map attached hereto and made a part of this order, which map is designated as the Ralls County Zoning District Map. The district map and all notations, references and other information shown upon the map are part of this Order and have the same force and effect as if the Ralls County Zoning District Map and all the notations, references and other information shown upon the map were fully set forth or described within this Order. The original of the district map is properly attested and is on file with the County Clerk of Ralls County, Missouri.

Whenever any street or other public way is vacated by official action of the County Commission of Ralls County, the Zoning District adjoining each side of such street or public way shall automatically be extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Whenever uncertainty exists with respect to the boundaries of the respective districts as shown on the Ralls County Zoning District Map, the following rules of interpretation shall apply:

1. When width or length of boundaries are not clear, the scale of the map, if drawn to scale, shall determine the approximate dimensions.
2. District zone boundaries are normally property lines, lot lines, section and quarter section lines, center lines of streets, highways, railroads or water courses.
3. Such special maps as may be devised and thereafter adopted by the Ralls County Commission, intended to show with particularity, the extent of flood-prone lands, shall thereafter govern the location of the flood plain district.
4. The Board of Adjustment, in accordance with the provisions of this Order, shall hear and decide the precise location of a zone boundary line when such line cannot otherwise be determined.

404 Agricultural District (A-1)

This District is intended to provide an area primarily for agricultural uses and other uses related to agriculture. As a matter of policy, it is intended that conflicting concentrations of residential, commercial and industrial uses not occur in this district. Unless an overriding public need can be demonstrated for conversion to alternate uses, these lands are intended to be retained in this district, and in predominately agricultural use.

405

Permitted Uses in Agricultural District (A-1)

Within the A-1, Agricultural District, the following uses are permitted, subject to the following lot size and yard setback requirements:

Permitted Use	Minimum Lot Size	Minimum Yard Setbacks (see (a) below)
Agricultural activities Including, beekeeping, dairying, raising livestock, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming or similar agricultural activity	None	None
Cemeteries	1 acre	None
Church	1 acre	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Country Clubs	1 acre	None
Country Club Buildings	1 acre	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Forestry products	None	None
Grain storage	None	See (b) below
Home occupations and professional home offices as provided in Section 434	3 acres	Lot frontage 300' Front yard setback 80' Side yard setback 50' Rear yard setback 80'
Livestock sewage lagoon (see (c) below)	800' from any residence	None
Livestock Feed Lot	800' from any residence	None
Non-commercial park and recreation areas	none	Front yard setback 80' Side yard setback 10' Rear yard setback 20'

Nurseries and greenhouses	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Public or Private Educational institutions	To meet state recommendations	To meet state recommendations
Public and Semipublic Uses as provided for in Section 435	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Single-Family residence (see (e) below)	3 acre (see (d) below)	Lot frontage 300' Front yard setback 80' Side yard setback 50' Rear yard setback 80'
Wildlife Husbandry (lease Or fee for hunting and Fishing)	None	None

a) The front, side and rear yard distances are measured from the edge of properties or the right-of-way lines. All accessory buildings, excluding the principal dwelling, shall have a rear yard and side yard minimum of not less than fifteen (15) feet.

b) Any commercial grain storage shall not be nearer than 300 ft. to any residence, other than that of the owner or lessor of the commercial grain storage facility. Commercial grain is defined as the storage or drying of grain for a fee.

c) All livestock sewage lagoons are also subject to all rules and regulations of the Ralls County Health Department, the Missouri Department of Natural Resources and Environmental Protection Agency.

d) The minimum lot size requirement shall not apply to the transfer of land to an immediate member of the family of the owner of agricultural land, provided that only one transfer of a piece of land shall be made to each immediate family member. Immediate family member shall mean a son, daughter, sister, brother, father, mother or grandchild. Each piece of land transferred shall be retained by the recipient for a period of one year before the parcel of land may again change hands. Transfers of land in contravention of the paragraph are not to be construed as creating title defects so as to affect marketability of title.

e) A waste water permit must first be obtained prior to commencing construction of any residence upon land in the A-1 District. See Section 301 for the specifics concerning waste water permits. All plans for sewage systems must be inspected by the administrative officer or his agent prior to building a residence and the system must be inspected before covering the sewage system over. No open sewage or runoff shall be allowed.

406 Conditional Uses in Agricultural District (A-1)

The following conditional land uses may be permitted in the A-1 Agricultural District upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to, the possible adverse effects on traffic, utility services, environment, existing residences or residential districts, and/or other factors that may influence the public safety, health, comfort, prosperity, and general welfare of the people. In cases not specifically noted, the desires evident in the planning for Ralls County, Section 103 shall be used as a basis for decision making. The conditional uses are as follows:

Airports or landing strips

Billboards

Boarding house or lodging house operated in a dwelling

Boarding kennels or breeding kennels

Coal mining operations

Commercial uses permitted in C-1 Commercial District

Daycare, nursery school, pre-school or child care center

Golf course or club house

Junkyard or salvage yard (subject to provisions contained in Section 426)

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type wastewater treatment plant sludge or biosolids

Microwave, radio, television or similar transmission, broadcast, relay or receiving tower (see (a) below)

Mobile home park

Non-hazardous waste landfills and hazard waste sites (subject to provisions contained in Sections 427 and 428)

Nursing home, care home or extended care facility

Quarry operations

Residential duplex (two family dwelling)

Single family mobile home

a) A tower may not be closer than one and one-half (1 ½) times the height of the tower from any residence or business.

407 Single Family Residential District (R-1)

This District provides for the use of land for residential use while also providing for continuation of existing general agricultural uses which are compatible with residential use. It is the purpose and intent of this district to prohibit commercial and industrial use or any other use which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use in this District which would generate traffic or create congestion on neighborhood streets other than the normal traffic which serves the residents in the area. This District further encourages only those uses which, because of character or size, would not create additional requirements in costs for public services in excess of requirements and costs for single-family dwellings.

408 Permitted Uses in Single-Family Residential District (R-1)

Within the R-1 Single-Family Residential District, the following uses are permitted, subject to the following lot size and yard setback requirements:

<u>PERMITTED USE</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM YARD SETBACKS</u> <u>(see (a) below)</u>
Agricultural activities Including, Beekeeping, dairying, Raising livestock, Floriculture, forage Crop production, forestry, General farming, grain Production, grazing, truck Farming or similar agricultural Activity, excluding livestock Sewage lagoon and livestock Feed lot.	None (except a 1 acre minimum is required for raising livestock)	None
Single-Family Dwelling	3 acre (see (c) below)	Lot frontage, 150' (see (c) below) Front yard setback 40' Side yard setback 30' Rear yard setback 80'
Public or private Educational institutions	To meet State recommendations	To meet State recommendations
Churches and related Religious buildings	1 acre	Front yard setback 80' Side yard setback 10' Back yard setback 20'

Neighborhood park or Playground	None	None
Accessory buildings for Above uses (see (b) below)	Must be on the same lot as principle Building	Front yard setback 40' Side yard setback 15' Rear yard setback 15'
Home occupations and Professional home offices As provided in Section 434	1 acre	Lot frontage 150' Front yard setback 40' Side yard setback 30' Rear yard setback 80'

a) The front, side and rear yard distances are measured from the edge of properties or the right-of-way lines.

b) Accessory buildings cannot be used as a residence, either temporarily or permanently. No accessory building shall be constructed in the absence of a main or principle building and no accessory building shall be used unless the main building on the lot is also being used.

c) If the sewage disposal system for a single-family dwelling directly ties into an existing central sewer system that is regulated and has been approved by the Missouri Department of Natural Resources, then the lot frontage for the single-family dwelling may be 100 feet and the minimum lot size for the single-family dwelling may be reduced to 15,000 square feet.

409 Conditional Uses in Single-Family Residential District (R-1)

The following conditional land uses may be permitted in the R-1 Single-family Residential Districts upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon the approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to, the possible adverse effects on traffic, utility services, environment, existing residences or residential districts, and/or other factors that may influence the public safety, health, comfort, prosperity, and general welfare of the people. In cases not specifically noted, the desires evident in the planning for Ralls County, Section 103 shall be used as a basis for decision making. The conditional uses are as follows:

Daycare, nursery school, pre-school, play school or child care center

Mobile home park

Nursing home, care home, extended care facility

Residential duplex (two-family dwelling)

Service stations

Single-family mobile home

Private or public recreational club or facility, swimming pool, tennis club, tennis courts, or similar recreational facilities

Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, and other activities of similar character

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

410 Additional Miscellaneous Regulations for Single-Family Residential R-1 Districts

1. The R-1 District establishes minimum land uses. Typically, real estate located in the R-1 District, in order to be used for residential purposes will have to be divided into lots and will be subject to the Ralls County Subdivision Regulations. The definition of subdivision is contained in Section 3001 of the Subdivision Regulations for Ralls County. See also Section 405 (Agricultural District dwelling of 3 acres)
2. No billboards larger than 4 feet by 8 feet shall be permitted in the R-1 District except for a sign advertising for lease or sale the piece of property upon which the billboard or sign is erected.
3. No lot shall be used or maintained as a dumping ground for garbage, trash, worn out machinery, disabled vehicles, disabled recreational vehicles, disabled or uninhabited mobile homes or as a junkyard.
4. All construction and use of property shall comply with all County, State and Federal regulations, especially those dealing with sanitary waste.
5. A building permit must first be obtained prior to commencing construction of any residence upon a lot in the R-1 District. See Section 301 for the specifics concerning building permits.
6. All sewage systems must be inspected by the Administrative Officer or his agent prior to building a residence upon a lot and again before covering the sewage system over. No open sewage or runoff shall be allowed in the R-1 District.
7. Specific covenants and restrictions already imposed upon certain pieces of land located in the R-1 District shall not be impaired or altered by these rules and regulations. These rules and regulations establish a minimum standard, and any additional covenants or restrictions imposed upon land which impose a higher duty or additional standards upon the land shall continue to run with the land.

411 Recreational and Residential District (R-2)

This District is intended to provide an area primarily for recreational activity and both permanent and seasonal residential uses, primarily around the Mark Twain Lake area. The area is also intended to be used for agricultural uses and other uses related to agriculture. It is the purpose and intent of this District to promote the development of and continued use of the Mark Twain Lake area, while at the same time preserving its natural beauty and recreational use. Accordingly, industrial use is prohibited in this area as is any other use which would substantially interfere with the recreational use of the lake area. This District further encourages only those uses which, because of character or size, would not create any additional requirements and costs for public services.

412 Permitted Uses in Recreational and Residential District (R-2)

Within the R-2 Recreational and Residential District, the following uses are permitted subject to the following lot size and yard setback requirements:

<u>PERMITTED USE</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM YARD SETBACKS</u> (see (a) below)
Accessory buildings (see (b) below)	Must be on the same lot As principle Building	Front yard setback 40' Side yard setback 15' Rear yard setback 15'
Agricultural activities Including, Beekeeping, dairying, raising livestock, floriculture, forage crop production, forestry general farming, grain production, grazing, truck farming or similar agricultural activity, excluding livestock sewage lagoon and livestock feed lot	None (except a 1 acre minimum as required for raising livestock)	None
Campground, motor home or travel trailer park where a daily fee is charged (see (c) below)	1 acre	Front yard setback 40' Side yard setback 20' Rear yard setback 20' (see (d) below)
Country club buildings and other private club buildings	1 acre	Front yard setback 20' Side yard setback 20' Rear yard setback 20'

Home occupations and professional home offices as provided in Section 434	1 acre	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Lodging, including motels, Hotels and bed and breakfast establishments	None	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Public and semi-public uses as provided for in Section 435	None	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Public park or playground	None	None
Recreational facilities, including swimming, boating, shuffle board, horseback trails and riding stables, golf courses, tennis courts, go-cart tracks, recreational water parks, marinas, boat and trailer storage facilities and similar recreational facilities consistent with the use of Mark Twain Lake	None	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Residential duplex (two-family dwelling)	3 acre (see (e) below)	Lot frontage, 150' (see (e) below) Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Restaurants	None	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Seasonal residences for agricultural, recreational or seasonal services	None	Front yard setback 40' Side yard setback 20' Rear yard setback 20'
Single-family dwelling	3 acre (see (e) below)	Lot frontage, 150' see (e) below Front yard setback 40' Side yard setback 20' Rear yard setback 20'

a) The front, side and rear yard distances are measured from the edge of properties or the right-of-way lines.

- b) Accessory buildings cannot be used as a residence, either temporarily or permanently. No accessory building shall be constructed in the absence of a main or principle building and no accessory building shall be used unless the main building on the lot is also being used.
- c) All campground, motor home or travel trailer parks must first obtain a waste water permit prior to commencement of business (see Section 301 for specifics concerning permits) and must provide adequate sewage disposal sites which comply with all state and governmental agency requirements.
- d) For campground, motor home parks, or travel trailer parks charging a daily fee and for condominiums, the front, side and rear yard setback distances are measured from the property lines of the campground, motor home or travel trailer park and from the property lines of the tract of ground platted for condominiums.
- e) If the sewage disposal system for a residential duplex or single-family dwelling directly ties into an existing central sewer system that is regulated and has been approved by the Missouri Department of Natural Resources, then the lot frontage for the residential duplex or single-family dwelling may be 100 feet and the minimum lot size for the residential duplex or single-family dwelling may be reduced to 15,000 square feet.

413 Conditional Uses in Recreational and Residential District (R-2)

The following conditional land uses may be permitted in the Recreational Residential District (R-2) upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to, the possible adverse effects on traffic, utility services, environment, existing residences or residential districts, future development of the Mark Twain Lake area and/or other factors that may influence the public safety, health, comfort, prosperity and general welfare of the people. In cases not specifically noted, the desire which is evident in the planning for Ralls County, Section 103 shall be used as the basis for decision making. The conditional uses are as follows:

Boarding kennels or breeding kennels

Boat sales and service

Daycare, nursery school, pre-school, pay school, or child care center

Mobile home

Mobile home parks

Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, household appliance repair, laundry mat and other activities which provide personal services

Professional offices, including dental clinics and laboratories, financial institutions, funeral homes, medical clinics and laboratories, offices, studios, pharmacies, optical businesses, real estate offices, engineering offices, attorney or other professional practitioner

Retail store for convenience goods and services only; package goods, beverages, gifts, crafts and similar like commercial sales

Service stations

Trailer and camper sales

Wildlife husbandry (lease or fee for hunting and fishing)

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

414 Rural Community District (R-C)

This District is intended to serve those communities in rural areas which have served Ralls County for many years, typically, by providing light commercial and repair services for surrounding agricultural areas and nearby homes. Uses are often mixed, with residences and businesses frequently existing on the same location. This District will allow for continuance of such communities and services, without impairment of the general objectives and purposes of the zoning order elsewhere in Ralls County.

415 Permitted Uses in Rural Community District (R-C)

Within the R-C, Rural Community District, the following uses are permitted, subject to the following lot size and yard setback requirements:

<u>PERMITTED USE</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM (A) YARD SETBACKS (see (a) below)</u>
Agricultural activities Including, beekeeping, dairying, raising livestock, floriculture, forage crop production, forestry general farming, grain production, grazing, orchard, stable, truck farming or similar agricultural activity	None (except a 1 acre minimum is required for raising livestock)	None

Church	None	Front yard setback 40' Side yard setback 10' Rear yard setback 20'
Dwelling for proprietor within a structure housing a permitted business activity	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Home occupations and professional home offices as provided by Section 434 of these regulations	None	Lot frontage 150' Front yard setback 40' Side yard setback 30' Rear yard setback 80'
Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, household, appliance repair, laundry mat, and other activities which provide personal services	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Professional offices, including dental clinics and laboratories, financial institutions, funeral homes, medical clinics and laboratories, offices, studios, pharmacies, optical businesses, real estate offices, engineering offices, attorney or other professional practitioner	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Public and semi-public uses as provided by Section 435 of these regulations	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Public or private Educational institutions	To meet state recommendations	To meet state recommendations
Restaurant, cafeteria, prepared food sales, bar or tavern	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'

Retail store for convenience goods and services only; groceries, drugs and sundries; packaged goods, beverages, newspapers, magazines, gifts and crafts and similar light commercial sales	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Seasonal residences for agricultural, recreational, or seasonal services occupancies	None	Front yard setback 40' Side yard setback 30' Rear yard setback 25'
Single-Family dwelling	3 acre (see (b) below)	Lot frontage, 150' (see (b) below) Front yard setback 40' Side yard setback 30' Rear yard setback 80'
Residential Duplex	3 acre (see (b) below)	Lot frontage, 150' (see (b) below) Front yard setback 40' Side yard setback 30' Rear yard setback 80'

a) The front, side and rear yard distances are measured from the edge of properties or the right-of-way lines. All accessory buildings, excluding the principal dwelling, shall have a rear yard and side yard minimum of not less than fifteen (15) feet.

b) If the sewage disposal system for a residential duplex or single-family dwelling directly ties into an existing central sewer system that is regulated and has been approved by the Missouri Department of Natural Resources, then the lot frontage for the residential duplex or single-family dwelling may be 100 feet and the minimum lot size for the residential duplex or single-family dwelling may be reduced to 15,000 square feet.

416 Conditional Uses in Rural Community District (R-C)

The following conditional land uses may be permitted in the R-C Rural Community District upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon the approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to the possible adverse effects on traffic, utility services, environment, existing residences or residential districts, and/or other factors that may influence the public safety, health, comfort, prosperity, and general welfare of the people. In cases not specifically noted, the desire which is evident in the planning for Ralls County, Section 103 shall be used for the basis for decision making. The conditional uses are as follows:

Automobile service station

Daycare, nursery school, pre-school, play school or child care center

Microwave, radio, television or similar transmission, broadcast, relay or receiving tower (see (b) below)

Mobile home park

Nursing home, care home or extended care facility

Residential duplex (two-family dwelling)

Single family mobile home

Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronics services and similar establishments conducted within and from enclosed buildings.

b) A tower may not be closer than one and one-half (1 ½) times the height of the tower from any residence or business.

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

417 Commercial District (C-1)

This District is intended to provide a suitable area for the orderly concentration, at convenient locations, of retail stores, shops, offices and establishments serving the daily business needs of the residents of Ralls County and all persons in transit through the County. This is not a residential district, except as may be incidentally related to a specific business function.

418 Permitted Uses in Commercial District (C-1)

Within the C-1 Commercial district, the following uses are permitted, subject to the following lot size and yard area requirements:

<u>PERMITTED USE</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM YARD SETBACKS</u> <u>(see (a) below)</u>
Agricultural activities Including, beekeeping, dairying, raising livestock,	None (except 1	None

floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming or similar agricultural activity	acre minimum is required for raising livestock)	
Amusement center, including Go-cart tracks, bakery shop	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Animal hospitals	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Boat sales and service, retail stores (enclosed building) automobile repair shops and garages	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Bowling alley, billiard parlor, amusement or coin-operated games facility arcade or similar use	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Commercial plant or tree nursery, greenhouse or landscape business	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Commercial storage, blending and sale of feed, seed, grain, crops, fertilizers and custom application spraying and milling	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'

Daycare, nursery school, preschool, playschool, or child care center	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Dwelling, for a proprietor, within a structure housing a permitted business activity	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Funeral homes	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Home occupations and professional home offices and provided by Section 434	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Hospitals	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Hotel, Motel and/or recreational resort	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Outdoor commercial recreation and entertainment facilities	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Personal services, including barber shop, beauty parlor, photographic or art studio, music lessons, household appliance repair, Laundromat and other activities which provide personal services	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Professional offices including dental clinics and laboratories, financial institutions, funeral homes, medical clinics and laboratories, offices, studios, pharmacies, optical businesses, real estate office, engineer, attorney or other professional practitioner	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'

Public and semi-public uses as provided by Section 435	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Restaurants	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Retail lumber yards	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Retail store for convenience goods and services only; groceries, package goods, beverages, gifts, crafts and similar like commercial sales	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Services stations, automobile, truck, machinery and equipment sales and service	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Sports arenas, stadiums or playing fields	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Tavern	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Theater	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Trade shops, including plumbing, carpentry and cabinetry, heating and air conditioning, painting, upholstery, electrical and electronic services and similar establishments conducted within and from enclosed buildings	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'

Trailer and camper sales	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'
Wholesale and retail distribution centers	None	Front yard setback 80' Side yard setback 10' Rear yard setback 20'

a) The front, side and rear yard distances are measured from the edge of properties or the right-of-way lines. All accessory buildings, excluding the principal dwelling, shall have a rear yard and side yard minimum of not less than fifteen (15) feet.

419 Conditional Uses in Commercial District (C-1)

The following conditional land uses may be permitted in the C-1 Commercial District upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to, the possible adverse effects on traffic, utility services, environment and/or other factors that may influence the public safety, health, comfort, prosperity and the desires evident in the planning for Ralls County, Section 103 shall be used as a basis for decision making. The conditional uses are as follows:

Campground, motor home or travel trailer park

Cemetery

Commercial feed lot, livestock sales, barn or stock yard. Feed lot, sales barn or stockyard shall not be less than one-half (1/2) mile from any residential or recreational district, and shall not be less than one-half (1/2) mile from any lake or year-round water course; truck stop and truck services.

Correctional facility

Microwave, radio, television or similar transmission, broadcast, relay or receiving tower (see (b) below)

Mobile home park

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

b) A tower may not be closer than one and one-half (1-1/2) times the height of the tower from any residence or business

420 Additional regulations for Commercial District (C-1)

1. All servicing of vehicles carried on as an incidental part of the sales operation of a business shall be conducted within a completely enclosed building.
2. Outdoor lighting, when provided, shall not interfere with adjacent land uses, the use of adjacent streets and shall not be of a flashing type.
3. All business signs or similar display items in the general commercial district shall be erected upon private property and shall not encroach upon any public street or sidewalk. Furthermore, all such business signs or displays shall be illuminated only by contrast light. All business signs or displays shall be hung so as to be at a height of at least eight (8) feet from the ground and shall be so displayed and constructed so as to not prevent a safety hazard to the public.

421 Industrial District (I-1)

The purpose of the Industrial District is to provide a location for industries which may or may not by their nature create nuisances. The intent is to preserve this land for industry and to provide locations with access to major streets and highways, as well as locations accessible to railroad transportation and river transportation. Some farming will continue on land zoned for industry but not yet placed in active industrial use. Dwellings are limited to those directly incidental to the primary use of the industry and certain standards and controls are imposed on noise, dust, odor, chemical or other hazards which may be a by-product of the industry, all being controlled by public health and safety.

422 Permitted Uses in Industrial District (I-1)

Within the I-1 Industrial District, the following uses are permitted, subject to the following regulations and requirements:

<u>PERMITTED USE</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM YARD SIZE</u>
Agricultural activities including, beekeeping, dairying, raising livestock, floriculture, forage, crop production, forestry, general farming, grain production, grazing, truck farming or similar agricultural activity	None	None

Asphalt plants	None	None
Automobile service station or automobile repair garage	None	None
Bottling works	None	None
Canning and packing	None	None
Cement plants	None	None
Clothing factories	None	None
Foundries	None	None
Light manufacturing, assembly, fabrication or processing of equipment, instruments, apparatus, hardware, appliances, machinery, ceramics, food products, textiles, wood or metal products	None	None
Public and semipublic uses, as provided by Section 435	None	None
Quarry, mine or other resource-extractive activity involving on site processing of mineral products, or the sale or delivery of such products to a party other than the producer	None	None
Retail store for convenience goods and services	None	None
Slaughter houses	None	None
Stockyards	None	None
Trade shops, including plumbing, carpentry, heating and air conditioning, painting, upholstery, electrical and electronic services and similar establishments conducted within and from enclosed buildings	None	None

Wholesale business

None

None

423 Conditional Uses in Industrial District (I-1)

The following conditional land uses may be permitted in the Industrial District upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon the approval of the County Commission. Criteria for consideration include the effect the proposed use will have upon the character of the area, the effect upon the environment, traffic and upon the public health, safety, comfort and general welfare of the people. In cases not specifically noted, the desires evident in the plan for Ralls County, Section 103, shall be used as a basis for decision making. The conditional uses are as follows:

Helicopter landing pad

Junk yard or salvage yard, including the storage or dismantling of disabled, wrecked or junked vehicles or equipment, or mobile homes; including recycling centers of all kinds and repossessing or material salvage use of any kind. The regulations and standards set forth in Section 426 shall apply to this conditional use and shall be used as additional criteria for consideration.

Microwave, radio, television and similar transmission, broadcast, relay or receiving towers (in no event may a tower be closer than one and one-half times its height from any residence.)

Sanitary landfill; hazardous waste storage sites; hazardous waste incinerators; non-hazardous waste landfills; non-hazardous waste incinerators; transfer or storage facilities for hazardous or non-hazardous waste or by products. The regulations and standards set forth in Sections 427 and 428 shall apply to this conditional use and shall be used as additional criteria for consideration.

Storage, sale, delivery, handling, reshipment, processing, refining or blending of bulk petroleum products, solvents, gases or industrial chemicals or similar or related operations. The regulations and standards contained in Section 425 shall apply to this conditional use and shall be used as additional criteria for consideration.

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

2. Provided, however, that any industry located within Ralls County whose primary business and function is a permitted use as set forth in Section 422 of this Order shall be allowed to engage in conditional uses that are incidental to and complementary with the permitted use, and shall not be subject to the regulations as set forth in Sections 425, 426, 427 and 428 of this Order if (a) said industry is in compliance with all applicable State and Federal rules and regulations concerning such conditional use and (b) makes available to the Administrative Officer upon request, at reasonable intervals, proof of said compliance with State and Federal rules and regulations.

424 Additional Regulations in Industrial District (I-1)

All established land uses which exist within the Industrial District on the effective date of this Ordinance shall be considered a permitted use within the Industrial District. An established land use shall include, but shall not be limited to a use which has at the effective date of this Ordinance, been planned and approved by the applicable Federal and State regulatory agencies. Any use constructed, established, altered or enlarged in the Industrial District, after the effective date of this Ordinance, which had not been planned and approved as required above, shall be so operated so as to comply with the following regulations and standards. No use established or planned and approved on the effective date of this Ordinance shall be so altered or modified so as to conflict with, or further conflict with, the applicable rules and standards hereinafter contained for the Industrial District. Furthermore, the rules and standards continued in Sections 425, 426, 427 and 428 shall also be complied with where applicable.

1. No building shall be used for residential purposes, except that a watchman may reside on the premises.

2. The emissions of all vibrations, noise, smoke, dust, particulate matter, toxic or noxious matter, fire, heat, glare or odors shall comply with the statutes, rules, standards and regulations of the appropriate state, federal, governmental unit, bureau, department or agency having jurisdiction over the activities of the specific industry or industry activity.

3. All activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall comply with the statutes, rules, standards and regulations of the appropriate state and federal governmental unit, bureau, department or agency having jurisdiction over the activities of the specific industry or industry activity.

425 Bulk Petroleum Products and Industrial Chemicals

1. The Ralls County Commission, may permit the conditional use of storage, sale, delivery, handling, reshipment, processing, refining or blending of bulk petroleum products, solvents, gases or industrial chemicals or similar or other related operations if the operation is in accordance with and does not in any way conflict with the plan of Ralls County. Furthermore, the business operation must adequately demonstrate to the Commission that it has complied with all rules, standards and regulations promulgated

by both the Ralls County Health Department, if applicable, the Missouri Department of Natural Resources and the Environmental Protection Agency and any other agencies which may impose regulations upon the business.

2. Any business dealing with industrial chemicals or fertilizers must exhibit an air sock which enables workers and the public at large to ascertain the direction of the wind.

426 Junk Yards or Salvage Yards

1. The Ralls County Commission shall permit the establishment and the operation of junk yards and salvage yards if the operation of the junk yard or salvage yard is in accordance with and does not in any way conflict with the plan of Ralls County.

2. "Junk" shall mean old iron, steel, brass, copper, tin, lead, or other base metals old cordage, ropes, rags, fibers, or plastics; old rubber; other bottles or other glass; bones, waste paper and other waste or discarded material which might be prepared to be used again in some form and or all of the foregoing; motor vehicles, machinery or equipment no longer used as such; motor vehicles, machinery or equipment to be used as scrap metal or for stripping of parts; mobile homes no longer used as such; mobile homes to be used as scrap metal or for stripping of parts; any other personal property which is or may be salvaged for re-use, re-sale or reduction or similar disposition. However, junk shall not include materials which are the by product from the operation of one's own business.

3. A "junk yard or salvage yard" is a yard, lot or place, covered or uncovered, outdoors on in an enclosed building, containing junk, upon which occurs one or more acts of buying, keeping, dismantling, processing, moving, selling, or offering for sale any junk or part of the personal property, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds for such act or acts are to be used for charity.

4. The Ralls County Commission may permit the establishment and operation of a junk yard or salvage yard in Ralls County according to the special conditions set forth below:

a. The junk yard or salvage yard may not be less than 2 acres nor more than 20 contiguous acres.

b. Junk yards or salvage yards will be so screened with vegetation, natural terrain or solid fencing so as not to be visible from any federal, state, or county road at any season of the year.

c. No engine, transmission or radiator may be kept on the side without the removal and proper disposal of all antifreeze components.

d. Engines, transmissions and rear ends stored with contained oils and other lubricants shall be stored in such a manner so as to prevent the contained oils and lubricants from escaping and contaminating the soil and water of Ralls County.

e. The Ralls County Commission shall collect a bond of Twenty-five hundred dollars (\$2,500.00) per acre of site permitted. This bond is to be used by the Ralls County Commission for closure and clean-up purposes. Unused portions of the bond are refundable. The bond is transferrable.

f. Failure to follow the above provisions shall be ground for revocation of the permit.

g. Existing junk yards at the time of adoption of this regulation are exempt from its provisions except in the event of expansion. Acreage added to existing junk yards after the adoption of this regulation shall follow all of the provisions contained herein.

427 Hazardous Waste Storage Sites and/or Hazardous Waste Incinerators

1. A hazardous waste site is defined as a place designated for storage of materials defined by the United States Environmental Protection Agency as hazardous waste.

2. The Ralls County Commission may permit the establishment and operation of a hazardous waste facility if the operation of the site is in accordance with and does not in any way conflict with the Plan of Ralls County and the requirements of this section.

3. The Ralls County Commission may establish and operate or allow private persons to establish and operate a hazardous waste facility in Ralls County upon a showing by the applicant that the operation conforms to the special conditions set below:

a. The hazardous waste facility may not be less than 40 acres nor more than 80 acres in size.

b. No hazardous waste storage facility may be located within two (2) miles of a residential district, farm dwelling or residential dwelling.

c. The operator of a hazardous waste storage facility may charge a "land use fee" which will be paid by the hazardous waste generator.

d. The operator of the hazardous waste storage facility shall not allow incompatible wastes to be stored within 200 yards of each other.

e. The operator of the hazardous waste site shall keep on site adequate fire fighting and waste cleanup equipment.

f. Because of difficulty and expense involved in cleanup in case of an accident, no hazardous waste may be buried or in any way stored below ground level at the facility.

g. All hazardous waste (both liquid and solid) will be stored above ground level in stainless steel containers lined with a substance that is resistant to corrosive attack by the waste stored therein, incased in a six (6) inch concrete wall.

h. The maximum volume of any stainless steel storage tank is to be no more than 500 gallons. The tank is to be surrounded by a dike and corrosion resistant liner adequate to contain the entire contents of the tank in case of tank failure.

i. The company or person that first generated the hazardous waste stored in the tanks at the facility and/or operator retain(s) full ownership, responsibility, and liability for said wastes. The generator of this hazardous waste must agree to employ a person full time as an inspector/caretaker of the storage containers at the facility. Inspections will be made on a daily basis and a log kept of inspections. This log will be available to the County Commission or their designated representative within twelve (12) hours notice. The company or person that first generated the hazardous waste stored in the tanks at the facility, as well as the operator, shall have full joint ownership, responsibility and liability for said wastes.

j. The company or person that first generated the hazardous waste stored at the facility and/or operator agrees to keep a second stainless steel container of equal quality and volume in close proximity (100 yards or less) to the container holding the hazardous waste. The second identical container remains empty except in the event that the original first container begins to leak or shows signs of deterioration in the near future. The contents of the original container will be placed in the standby container in that event by the inspector/caretaker indicated in the above paragraph. The company or person that first generated the hazardous waste, as well as the operator, shall have full joint ownership, responsibility and liability for said wastes.

k. The company or person that first generated the hazardous waste stored at the facility and/or operator further agrees to keep all facilities needed to make the storage transfer indicated in the above paragraphs. In addition, the inspector/caretaker will be specially trained to make all transfers indicated above. The company or person that first generated the hazardous wastes stored at the facility, as well as the operator, shall have full joint ownership, responsibility, and liability for said wastes.

l. In the event of a leaking container or one that is near leaking, the County Inspector will first notify the inspector/caretaker employed by the company who will immediately take action to transfer the contents to the standby container. The County Inspector will notify the County Commissioners, and the hazardous waste generator who owns the container and contents via telephone within 1 hour of the event and follow up by a letter via registered mail within 5 days.

m. The County Commission shall employ their own representative as an inspector in addition to the one employed by the hazardous waste generator to make daily on-site inspections of all hazardous waste containers at the facility. This County Inspector will keep a log of all inspections and will also note the accuracy of the log kept by the inspector/caretaker employed by the hazardous waste generator. The County Inspector will report to the Commission on a weekly basis regarding the condition of the hazardous waste containers and on the hazardous waste facility in general. The County Inspector will report more frequently in case of a leaking container or any other dangerous situations arising at the hazardous waste facility.

n. The County Commission may assess a "storage fee" from the hazardous waste generator and/or operator, which will be paid to the County Commission.

o. A cash or surety bond in the amount of one million dollars (\$1,000,000.00) shall be furnished to the County Commission from each hazardous waste generator for each container of hazardous waste stored at the facility. The bond plus interest earned (if any) will be returned to the hazardous waste generator when he removes this hazardous waste from the storage site. In the event of bankruptcy of the hazardous waste generator, the bond will be used to cover the costs of storage and inspection until the judicial system decides ownership of the hazardous wastes. At that time, the remaining bond monies will be returned to the new owner upon removal of the hazardous wastes from the facility. If the new owner wishes to continue storage at the facility a new bond must be established.

p. In the event that the hazardous waste generator company is sold to a new company or person, and the old hazardous waste generator, and/or operator, have not removed their hazardous waste, the new company or person and/or facility operator shall have full joint ownership, responsibility, and liability for said wastes.

q. Failure to notify the County Commission and/or Zoning Commission of a change in use or operation within 15 days will be grounds for revoking a permit.

r. The County Commission will make any additional regulations for hazardous waste facilities that are necessary for their safe operation both before closure and their safe maintenance following closure.

428 Non-Hazardous Waste Landfills and/or Waste Incinerators

1. Non-hazardous waste facilities in Ralls County are subject to the following conditions:

2. A non-hazardous waste facility is defined as a place designated for the disposal of materials defined by the Missouri Department of Natural resources as non-hazardous waste. In the event the Missouri DNR does not have specific definitions, the United States Environmental Protection Agency definitions will be used.

3. The County Commission may permit the establishment and operation of non-hazardous waste landfills and/or incinerators if the operation of the facility is in accordance with and does not in any way conflict with the Plan of Ralls County and the requirements of this Section.

4. The County Commission may establish and operate or allow private persons to establish and operate a non-hazardous waste facility in Ralls County after the applicant first obtains a permit. No permit shall be issued unless the applicant shall satisfy the County Commission that the following conditions set forth below will be met:

a. There is a need for the waste facility.

b. A six (6) foot, chain link fence, that contains a secure gate, will completely surround the waste facility.

c. No recyclable wastes may be disposed of in the facility. If the recyclable materials have not been removed prior to shipment to the facility, the facility operator will set up a building for the sorting of recyclable waste and separate the following recyclable wastes into the classes set forth below.

- 1) Aluminum cans and other aluminum
- 2) All other cans
- 3) Clear glass (colorless glass)
- 4) Brown glass
- 5) Green glass
- 6) Iron
- 7) Copper
- 8) Cardboard
- 9) Newsprint and other paper
- 10) High density polyethylene plastic
- 11) Low density polyethylene plastic
- 12) Rags and cloth
- 13) Tires
- 14) Batteries
- 15) Stainless steel
- 16) Any other items the County Commission determines to be recyclable.

- d. If the County Commission determines that any of the items referred to above are no longer recyclable (i.e. there is no organization or company that will buy or accept free of charge those particular wastes) they may remove them from the list of recyclable wastes and allow their disposal in the landfill/incinerator.
- e. Recyclable wastes may be sold or given to a recycling center so that they will enter the recycling stream. Any monies derived from the sale of recyclable wastes will be paid directly to the operator of the facility. In the case that the County Commission is the facility operator, monies derived in excess of operating costs may go into the County general fund for the operation of Ralls County.
- f. Non-hazardous wastes from all sources must have all materials that are accepted by recycling collection centers where the waste was generated removed before shipment to Ralls County for disposal. In the event the shipper fails to remove recyclable material these materials shall be removed by the facility operator in accordance with the above paragraphs.
- g. Non-hazardous waste disposal sites shall be at least 10 and no more than 80 contiguous acres. No nonhazardous waste facility may be established within one (1) mile of another nonhazardous waste facility that is currently operating or closed. No nonhazardous waste facility site may be located within one (1) mile of a residential district, farm dwelling, residential dwelling, school, church or cemetery.

- h. The County Commission shall set and collect tipping fees for the disposal of nonhazardous waste in a county owned disposal facility.
- i. A cash or surety bond in the amount of five hundred thousand dollars (\$500,000.00) per acre shall be furnished by the operator to the County Commission. If the bond is a surety bond, the surety must be approved by the County Commission and found to be of reputable character and financially sound with respect to the obligation incurred. For the purpose of calculating the total bond, the number of acres shall be deemed to be the same as the acreage permitted under the applicable Missouri Department of Natural Resources permit. The bond will be furnished during the operating period and for thirty (30) years following closure of the facility. The bond shall be conditioned upon the operator's compliance with all federal, state and local law in the operation of the facility and upon the prompt clean up and proper disposal of any waste improperly handled or disposed of at the facility and restoration of the premises upon which the facility is operated. At the end of the thirty (30) year period following closure and upon compliance with all of the conditions of the bond, the principal and surety shall be fully released. If a cash bond be posted, all interest earned thereon shall become a part of the bond subject to its terms and conditions, including the condition of release.
- j. The owners and operators of non-hazardous waste facilities shall agree to assume the total and complete joint responsibility and liability for the operation of the facility. In addition, this liability extends beyond the closure date of the facility for a period of not less than thirty (30) years. The owners and operators will further agree to pay all expenses incurred in cleaning up any waste for which disposal has been improperly executed.
- k. Inspectors shall be hired by the County Commission with salaries to be paid from county funds. These employees of the Commission shall be allowed at the facility site to make inspections of the waste to be disposed of on a load by load basis. Any loads not passing inspection (i.e. contains materials not to be buried or burned) will be returned to the source at the expense of the source. Inspectors shall keep a log of all inspections. If the operator is found in violation of any provisions of this section, written notice will be given to the operator or his designated representative at the site citing said violation (s) and allowing the operator thirty (30) days to correct said violations.

- l. In the event of a privately operated non-hazardous waste facility, the County Commission shall set an inspection fee, the proceeds of which shall be placed into the general operating fund of Ralls County. The fee shall be set in such an amount as shall be necessary to cover all of the actual and anticipate costs incurred by the County by reason of the operation of the facility. These costs shall include, but not be limited to, the cost of inspection and the cost of maintaining any public access to and from the facility. In the event it is determined that voter approval is necessary in the setting or collection of the inspection fee, the same shall be submitted to the voters of Ralls County, Missouri for approval at a general or specific election called for such purpose.
- m. Unloading waste will be permitted only during the hours when the county inspector (s) is/are present. Those hours will be from 7 a.m. to 5 p.m. Monday through Friday, and 7 a.m. to 12 noon on Saturday.
- n. The County Commission will make any additional regulations for non-hazardous waste disposal facilities that are necessary for their safe operation before closure and their safe maintenance following closure.

5. A permit, if issued, shall be valid for a period of one (1) year. At the end of the one (1) year period, the waste facility owner or operator may apply for a renewal of its permit for another one (1) year period. Permits cannot be assigned or transferred.

6. A permit, if issued, shall be revoked and the waste facility closed for any of the following reasons:

- a. Failure to establish the landfill in accordance with the provisions of this Order.
- b. Failure to maintain the fence and gate as required by paragraph 4B of this section.
- c. Failure to obtain or maintain the bond in the amounts as required by paragraph 4i of this section.
- d. Accepting recyclable materials in violation of paragraph 4c, 4d, 4e or 4f of this section.
- e. Refusing to permit inspection as required by paragraph 4k of this section.
- f. Operating the waste facility in such a manner as to create a public or private nuisance.

- g. Operating the waste facility in violation of any applicable Federal or Missouri law, rule or regulation.
- h. Attempting to assign or transfer the permit in contravention of the prohibition against such transfer as provided in paragraph 5 of the section.
- i. Failure to notify the County Commission or Zoning Commission of a change in use or operation within 15 days.
- j. Failure to comply with any other rules or regulations contained in this Order.

429 Flood Plain District (F-P)

This District, superimposed on the underlying zoning district regulations, is established in order to promote public health and safety, and to minimize property losses, by limiting uses of land which carry a high probability of placing persons or property in serious jeopardy during times of flooding.

430 Permitted Uses in Flood Plain District (F-P)

Within the F-P Flood District, the following uses are permitted, subject to the following lot size and yard setback requirements.

PERMITTED USE	MINIMUM LOT SIZE	MINIMUM YARD SETBACKS
Agricultural activities including, beekeeping, dairying, raising livestock, floriculture, forage crop production, forestry, general farming, grain production, grazing, orchard, stable, truck farming or similar agricultural activity	None	None
Commercial plant or tree Nursery	None	None
Public and private recreational uses of open land such as public parks, camping areas, golf courses, race tracks, etc. All structures located in this area shall be firmly anchored from flotation	None	None

Public and semi-public uses
as provided in Section
435

None

None

431 Conditional Uses in Flood Plain District (F-P)

The following conditional land uses may be permitted in the F-P flood Plain District, upon the favorable recommendation of the Ralls County Planning and Zoning Commission and upon approval by the Ralls County Commission. Criteria for consideration will include, but not be limited to, the possible adverse effects on traffic, utility services, environment, minimization of property loss and/or other factors that may influence the public safety, health, comfort, prosperity, and general welfare of the people. In cases not specifically noted, the desires evident in the planning for Ralls County, Section 103 shall be used as a basis for decision making. The conditional uses are as follows:

Marina, bait, tackle and other water recreation equipment and supplies; railroad yard, siding, team track, or industrial service spur

Microwave, radio, television or similar transmission, broadcast, relay or receiving tower (see (a) below)

Quarry, mine or other resource-extractive activity, involving on-site processing of mineral products or the sale or delivery of such products to a party other than a producer

Storage of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

Application of either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids

a) A tower may not be closer than one and one-half (1 ½) times the height of the tower from any residence or business.

432 Additional Regulations for Flood Plain District (F-P)

1. There shall be no additional dwellings constructed in this District after the effective date of this zoning order.

2. Because of the hazards involved in allowing occupied structures in the Flood Plain District, all other occupied structures located in this District shall be placed upon stable fill or otherwise elevated above the level of flooding anticipated to occur within a one percent (1%) probability in any year, or such structure shall be flood-proof up to that level.

3. All mobile homes not on wheels and all framed structures, including prefabricated homes, which are located in this District, shall be securely anchored to foundations in order to prevent flotation or lateral movement.

4. If reconstruction of occupied structures located within this District occurs, then the following shall apply:

(a) Structures shall be designed to prevent flotation and collapse and to prevent damage to non-structural elements.

(b) Thermal insulation used below the first (1st) floor level shall be of a type that does not absorb water.

(c) Water heaters, furnaces, electrical distribution panels, and other critical mechanical or electrical installations, shall be prohibited in basements.

(d) Separate electrical circuits shall serve lower levels which are prone to flooding.

5. The precise boundaries for the Flood Plain District are those established by the Federal government.

6. All Federal, State and County Floodplain Rules, regulations and ordinances, specifically, without limitation, Ralls County Floodplain Ordinance adopted January 28, 1988 and Ralls County Administrative Procedures for Floodplain regulations are incorporated by reference as if set forth fully herein as a part of these Ordinances.

434 Permitted Home Occupations and Professional Offices

1. Home occupations and professional offices shall be permitted in any district wherein dwellings are permitted, provided that certain minimum standards of operation and appearance are met, as provided below. Examples of permitted home occupations include, but are not limited to, artist, photographers, writers, composers, lawyers, engineers, architects, realtors, business agents, accountants, members of the clergy, medical practitioners, seamstresses, tailors, tutors and teachers.

2. Such use shall be conducted as a use incidental to the primary residential use of the premises.

3. No more than two (2) persons, not residents of the premises, shall be employed in the conduct of such home occupation, nor shall any commodity or product be sold which is not produced or prepared on the premises.

4. Home occupations and professional offices shall not include such operation of mechanical equipment, nor vehicle parking or outside storage of materials, nor significant alteration of the appearance of the dwelling, as would adversely affect the character of a residential neighborhood, or visibly indicate a change in the principal residential use of the premises. Identification signage or display for such use shall be limited to a single, non-illuminated sign not more than nine (9) square feet in area.

435 Public and Semi-Public Uses

1. The term public use or the term semipublic use, listed as permitted uses in the various districts, are taken to mean those uses, structures, buildings and functions normally associated with the conduct of government or the provision of utility or other services by a public agency or by a regulated public utility.

2. Uses of this category include, but are not limited to, police and fire stations, administrative buildings, libraries, museums, primary and secondary schools, community buildings, treatment plants, water, sewer, gas or electric collection or distribution systems, communication facilities, generating stations, blocks, roads, highways and bridges.

3. This category of uses does not include private, for profit or not for profit institutions, private community pools, tennis or recreation associations, private institutions of higher learning, seminary associations, fraternal organizations, private hospitals or clinics, storage sites or storage buildings for either domestic, industrial or any other type of wastewater treatment plant sludge or biosolids or the application or distribution of either domestic, industrial or any other type of wastewater treatment plant sludge.

SECTION 500

NON-CONFORMING USES

501 Definition of Non-conforming Use

A non-conforming use is any lawful use of land or use of a building or structure existing on the date these regulations contained in this Order become law, which use does not conform to the permitted use, minimum lot area or minimum yard area of the district in which it is located or which does not conform to any other rules or regulations contained in this Order.

502 Continuation of Non-conforming Uses

1. The non-conforming use of a building or structure can be continued it:

(a) The building or structure is not left vacant for over one (1) year, or the building or structure is not destroyed by fire, flood, wind or other natural disaster to such extent as to damage the building or structure by more than seventy-five percent (75%) of the actual value of the building or structure immediately prior to damage.

2. If a building or structure is damaged by less than seventy-five percent (75%) of the actual value, it may be repaired or reconstructed and used as before the time of damage, even if such use is a non-conforming use, provided that such repairs or reconstruction are substantially completed within twelve (12) months of the date of damage.

3. In any district where open land is being used as a non-conforming use, such non-conforming use may continue providing that the use of the land is the principal use and not accessory to the main use which is conducted in a building or structure. Any building incident and subordinate to the use of the land, such as a shed, storage building, office, dwelling or tool house, may be continued as well for as long as the land is being used in a non-conforming way pursuant to these regulations.

4. If no structural alterations are made to a building or structure, a non-conforming use of the building or structure may be changed to another nonconforming use of the same or of a more restricted classification. However, if a non-conforming use of a building, structure or land has been changed to a more restricted use or to a conforming use, then such use shall not thereafter be changed to a less restricted use.

503 Expansion or Enlargement of a Non-conforming Use

1. A non-conforming use of a building, structure or land cannot be expanded, enlarged or changed unless it conforms to the regulation of the district in which it is located.

SECTION 600

CONDITIONAL USE PERMIT

601 Application for Conditional Use Permit

Application may be made to the Ralls County Commission for conditional permits for uses specifically authorized as a conditional use in the applicable district. The County Commission shall refer the application to the Ralls County Planning and Zoning Commission for investigation and public hearing. All property owners within one thousand (1,000) feet of the boundaries of the tract of land upon which the site of the conditional use permit is requested shall be notified of the public hearing by certified mail at their last known address at least fifteen (15) days prior to the hearing. A report and recommendation shall be filed by the Planning and Zoning Commission with the Ralls County Commission within forty-five (45) days of the referral to the Commission. No conditional use permit shall be granted by the Ralls County Commission without recommendation from the Planning and Zoning Commission; however, if no report is transmitted within the above period of time, it shall be assumed that the Planning and Zoning Commission has approved the application. Following report by the Planning and Zoning Commission, the Ralls County Commission shall review and approve or deny the application, under such review or hearing procedures as it may establish, subject to any regulations, conditions or requirements set forth either in this Order or as a condition of granting the conditional use permit.

602

Issuance of Conditional Use Permit

In authorizing the issuance of a conditional use permit, the Ralls County Commission may impose such conditions as will, in the County Commission's judgment, insure the following:

1. That the establishment, maintenance or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of inhabitants of the County.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by this Order, nor substantially diminish or impair property values within the immediate vicinity.
3. That adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
4. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses already permitted in the district.
5. That adequate measures will be taken to provide ingress and egress, designed to minimize traffic congestion in the vicinity.
6. To insure that all requirements and regulations imposed by this Order, and imposed by State and governmental entities, have been and will be complied with.

603

Issuance of 120 Day Conditional Use Permit for Trailer or Mobile Home When Residence Damaged

In the event a residence is destroyed or damaged so as to be uninhabitable, if requested, a temporary, 120 day conditional use permit shall be granted, allowing a trailer or mobile home to be placed upon the site for a period of 120 days, beginning from the date of the damaging event, so as to allow the owner or resident of the property a temporary residence until the residence is reconstructed or repaired. The conditional use permit terminates when the residence is inhabitable or at the end of 120 days, whichever occurs first. All rules and regulations dealing with sewage disposal must be complied with by the individual or individuals living in the trailer or mobile home.

701 Appointment and Authority

The Ralls County Commission shall appoint an Officer, to be known as the Administrative Officer, who shall enforce the provisions of this Order. The Administrative Officer shall discharge those duties established for the position as set forth in Chapter 64 of the Revised Statutes of Missouri, those duties imposed by this Order, and in such other related regulations as the County Commission and the Planning and Zoning Commission shall establish.

702 Administrative Officer

Duties of the Administrative Officer include, but are not limited to, the following:

1. To receive applications as required by this Order, to issue permits and furnish prescribed certificates.
2. To examine premises for which permits have been applied for and issued, and to make necessary inspections to see that the provisions of law and of this Order are being complied with.
3. To enforce all laws relating to the construction, alteration, repair, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for.
4. When requested by the County Commission or Planning and Zoning Commission, or when the interest of the County so require, he shall make investigations in connection with matters referred to in this Order and render written reports.
5. For the purpose of enforcing compliance with the law and with this Order, he shall issue such notices or orders as may be necessary.
6. When an application for a permit is submitted, from a list of agencies possibly needing to be informed of land use changes, he shall notify them of the application for a building permit.
7. He shall keep records of all requests to the County Planning and Zoning Commission and Board of Adjustment and keep records of all building permits issued.
8. The Administrative Officer may adopt rules consistent with this Order if necessary for carrying into effect the provisions of this Order.
9. Collect all fees required for issuance of building permits.
10. He shall revoke all permits under which no work has commenced within one (1) year of issuance.

SECTION 800

POWER AND DUTIES OF THE RALLS COUNTY COMMISSION

801 Appointments

The Ralls County Commission shall appoint members to the Ralls County Planning and Zoning Commission as set forth by Statute. Members shall be residents of the unincorporated area of Ralls County. Membership shall consist of one (1) representative from each political township, a County highway engineer, if any, and one (1) member of the County Commission. The Ralls County Commission shall also appoint members of the Board of Adjustment. Membership in the Board of Adjustment shall consist of five (5) members. No more than two (2) can be residents of any incorporated city, town or village and no more than one (1) can be a member of the Ralls County Planning and Zoning Commission. The term for the Board of Adjustment shall be as follows: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and two (2) for four (4) years. All subsequent appointments shall be for four (4) years. The Ralls County Commission shall also hire or appoint the Administrative Officer.

802 Powers of Ralls County Commission

In addition to all powers conferred upon the Ralls County Commission by State Statute, specifically those powers contained in Chapter 64 of the Revised Statutes of Missouri, the Ralls County Commission shall set all fees for issuance of permits. The Ralls County Commission shall adopt the County Planning and Zoning regulations and official zoning district map by Order. The County Commission shall also adopt changes to the Official Zoning District Map by Order after giving public hearing as set forth in the State Statutes. The County Commission shall also adopt amendments to the provisions of the Planning and Zoning regulations after giving the required public hearing as set forth by State Statute.

SECTION 900

POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error of law in any Order, requirement, decision or determination by an Administrative Officer in the enforcement of the County Zoning regulations;
2. To hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the Ralls County Commission;
3. Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Order would result in particular and exceptional difficulties to or exceptional demonstrable undue hardship upon the owner of the property as unreasonable deprivation of use as distinguished from the mere grant of the privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to

relieve the demonstrable difficulties or hardships, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations.

4. All meetings of the Board of Zoning Adjustment shall be open to the public, and minutes shall be kept of all proceedings, which minutes shall be filed in the Office of the Board and shall be of public record. All other powers and duties as set forth by State Statute, specifically those found in Chapter 64 of the Revised Statutes of Missouri, are imposed upon the Board of Adjustment.

SECTION 1000

POWERS AND DUTIES OF THE RALLS COUNTY PLANNING AND ZONING COMMISSION

1001 Make Recommendations to the Ralls County Commission

In addition to the powers conferred upon the Planning and Zoning Commission by State Statute, specifically those found in Chapter 64 of the Revised Statutes of Missouri, the Ralls County Planning and Zoning Commission has the following powers and duties:

1. Make recommendations to the Ralls County Commission concerning proposed changes in the official zoning map. When the County Commission receives a request for a land use district change, the Planning and Zoning Commission will within sixty (60) days make such recommendations to the County Commission.

2. Make recommendations to the County Commission concerning proposed changes in the Ralls County Zoning regulations. When the County Commission receives a request for an amendment or change in any part of the zoning regulations, the Planning and Zoning Commission shall within sixty (60) days make such recommendations upon the effects such a change would have upon the comprehensive plan of Ralls County.

3. Keep an up-to-date evaluation of the effectiveness of the zoning regulations towards the implementation of the comprehensive plan of Ralls County. Where changes are needed, to make such recommendations to the County Commission.

4. The Ralls County Planning and Zoning Commission shall call public hearings for changes concerning amendments to the zoning regulations.

5. The Ralls County Planning and Zoning Commission will meet a minimum of four (4) times annually. The Commission has the power to call special meetings at the written request of the majority of the members.

6. To conduct such other and related business as statute and local laws and regulations contained in this Order and by statute require.

SECTION 1100

VIOLATIONS, EXCEPTIONS AND PENALTIES

1101 Violations

It shall be a violation of this Order to construct, reconstruct, enlarge, relocate or alter a building if a building permit or conditional use permit is required and said construction takes place without obtaining a building permit. In addition, it shall be a violation of this Order to use or permit the use of any land in a manner not permitted by this Order or by a Conditional Use Permit if one is obtained.

1102 Exceptions

The regulations contained in this Order shall not apply to the incorporated portions of the County nor to the raising of crops, livestock, orchards or forestry, except as they may apply to the application or storage of wastewater treatment plant sludge. The regulations contained in this Order shall not apply to the erection, maintenance, repair, alteration or extension of farm building or farm structures without sewer systems used for such purposes in an area not within the Flood Plain District.

1103 Penalties

In the event any regulation or restriction contained in this Order is violated, or if any building or structure is constructed, reconstructed, relocated or maintained in violation of this Order, or if any building, structure, lot or land is used in violation of this Order, the County Commission, the County Planning and Zoning Commission, the Prosecuting Attorney, the Administrative Officer, or the owner of any private property or any public body, the property of whom or which is or may be affected by any such violation, may institute, in the Circuit Court, any appropriate action or proceedings to prevent the unlawful subdivision, erection, construction, reconstruction, alteration, relocation or maintenance, or use, or to restrain, abate or correct the violation, or to prevent the occupancy of the building or structure or unlawful use of land, and to prevent any illegal act, conduct, business or use in or about the premises.

Any owner, lessee or tenant of land located within any unincorporated area covered or affected by this Order who shall lay out and improve any subdivision of land, or who shall construct, reconstruct, alter, relocate or maintain any building or other structure, or use the land in violation of this Order shall be guilty of a misdemeanor.

In addition to any equitable remedies which may be available, violations are subject to fines in accordance with the Statutes of Missouri.

SECTION 1200

SEVERABILITY

In the event that any Section or provision of these regulations shall be declared unconstitutional or otherwise invalid by any Court of competent jurisdiction, the Section or provision declared invalid shall be deemed to be severed from all provisions hereof, and the surviving provisions shall remain in full force and effect.

SECTION 1300

ENACTMENT

This Amended Order shall be effective immediately from and after its adoption by the Ralls County Commission, County of Ralls, Missouri.

Adopted this _____ day of _____, 1994

Lewis Palmer, Ralls County Presiding Commissioner

Marvin Hodges, Western Commissioner

James A Thompson, Eastern Commissioner

Gaylord Winders, County Clerk, Ralls County

SUBDIVISION REGULATIONS OF RALLS COUNTY, MISSOURI

JULY 8, 1993

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1001 TITLE

These regulations shall be known, referred to and cited as the Subdivision Regulations of Ralls County, Missouri.

1002 PURPOSE

These regulations prescribe the procedures for the subdivision of land within the unincorporated areas of Ralls County and comprise the requirements, standards and specifications with respect to the avoidance of congestion of population through appropriate layout of subdivision blocks, lots and access; the proper location and extent of streets, building lines, open spaces and utility services; the extent to which and the manner in which streets are to be graded and improved; and, the extent to which water, sewer, storm water and other utility services shall be provided to protect public health and general welfare.

1003 INTENT

These regulations are intended as minimum requirements to provide for the coordinated, efficient and economic development of the County, to insure the adequacy of street and utility facilities and to promote the public health, safety and welfare.

1004 JURISDICTION

These regulations apply to all unincorporated lands within Ralls County, Missouri.

1005 AUTHORITY

These regulations are adopted pursuant to the provisions of Chapter 64 of the Revised Statutes of Missouri, 1969 and all amendments thereto.

1006 FORCE AND EFFECT

Following passage by the Ralls County Commission, these regulations shall be in full force and effect upon adoption or at such other time as the County Commission shall direct.

SECTION 2000

GENERAL PROVISIONS

2001 COMPLIANCE REQUIRED

From and after the effective date of these regulations, any owner, agent or proprietor of any tract of land located within the territory to which these regulations shall apply, who subdivides such land into lots, blocks, streets, public ways, or public grounds shall prepare a plat of such subdivision in accordance with the regulations set forth herein and the laws of the State of Missouri and shall prepare a record plat to be recorded in the office of the Recorder of Deeds of Ralls County. The rules and regulations contained in this Order shall not apply to parcels of land offered for sale in lots prior to the effective date these rules and regulations go into effect.

In the preparation of a plat of subdivision, the sub-divider shall comply with the general principles of design and minimum requirements for the layout of subdivision, with the rules and regulations concerning required improvements and in accordance with the review procedure, all as set forth herein.

2002 CONFORMITY WITH ZONING ORDER

No final plat shall be reviewed by the Planning Commission, except in accordance with the zoning regulations affecting the subject property.

2003 APPROVAL AND RECORDING

No final plat of subdivision shall be recorded by the Recorder of Deeds unless and until it shall have been submitted to and approved by the Planning Commission as provided herein, and until the verification of compliance with these and other applicable regulations has been made by the Administrative Officer.

2004 TRANSFER OF LAND; PERMITS

No parcel of land in a subdivision created after the effective date of these regulations shall be transferred, sold, or offered for sale; nor shall a building permit be issued for any structure thereon; nor shall a certificate of occupancy for the use of any land or structure thereon be issued, until a plat of subdivision shall have been recorded with the Recorder of Deeds in accordance with these regulations. Any person who violates these provisions shall be subject to the penalties contained herein.

SECTION 3000

DEFINITIONS

3001

GENERAL INTERPRETATION

Except as defined herein, all words used in these regulations shall carry the meanings defined in Webster's Unabridged Third New International Dictionary or a dictionary based thereon.

3002

DEFINITIONS

Administrative Officer: The officer designated by the County Commission to administer and enforce these regulations, in the manner hereinafter provided.

Agent: A person legally authorized to act for another.

Block: An area of land entirely bounded by streets, highways, or a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

Board: Board of Zoning Adjustment of Ralls County.

Building Line: That required front yard depth or setback distance established by these regulations, by zoning regulations as may be enacted by the County Commission, or by recorded plats or deeds establishing equal or greater standards.

Comprehensive Plan: The plan or any portion thereof adopted by the County Commission for the coordinated physical development of Ralls County, including among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings, schools and parks.

County Commission: The County Commission of Ralls County, Missouri.

Final Plat: The final map or drawing described in these regulations on which the sub-divider's plan of subdivision is presented for approval and which, if approved, is presented to the County Recorder of Deeds for filing.

Improvement: Refers to such street work and utilities including water, sewer, electric, gas and storm water, to be installed or agreed to be installed by the sub-divider, on land to be used for public or private streets and easements necessary for the general use of lot owners in the subdivision and for local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the Final Plat thereof.

Lot: A parcel or portion of and in a subdivision, or a plot of land separated from other parcels or portions by descriptions as on a subdivision of record, or by metes and bounds, for the purpose of sale or lease to, or separate use by another.

Lot of Record: A lot or parcel of land, the plat or deed of which has been recorded prior to the adoption of these regulations, or approved and recorded in conformance with these regulations.

Subdivision: The division of any parcel of land shown as a unit, as part of a unit or as contiguous units on the last preceding transfer of ownership thereof, into two (2) or more parcels, sites or lots, any of which is less than three (3) acres in area, for the purpose, whether immediate or future, of transfer of ownership. The creation of a street or other public way by dedication shall be deemed a subdivision. The transfer or sale of small portions of lots, adjacent to each other, so long as the transfer does not create a new lot or violate the zoning regulations, shall not be deemed a subdivision. This definition shall not apply to re-subdivision of existing lots in commercial and industrial subdivisions, platted under these regulations, so long as no new streets are involved and utility easements are provided where needed or required by the Planning and Zoning Commission.

This definition shall not apply to the transfer of land to an immediate member of the owner of agricultural land, provided that only one (1) release may be made to any one (1) member. Immediate family member shall mean a son, daughter, sister, brother, father, mother or grandchild. Each piece of land transferred shall be retained by the recipient for a period of one (1) year before the parcel of land may again change hands.

SECTION 4000

PROCEDURE FOR SUBDIVISION PLATTING

4001

PRELIMINARY CONFERENCE

Before undertaking the preparation of a preliminary subdivision plat, the sub-divider should consult with the Administrative Officer to ascertain the best location for proposed major streets, highways and other public improvements, to determine the zoning regulations and proposed facilities for sanitary sewage disposal and other utilities. The purpose of these consultations is to assist the sub-divider by furnishing information and advice, in order to expedite matters for the sub-divider, save unnecessary expense and

promote the best coordination between the plans of the sub-divider and those of Ralls County.

4002 PRELIMINARY PLAT

The owner shall have prepared and attested to by a registered surveyor a preliminary plat of the land within the sub-division or the section or tract thereof to be developed initially.

4003 CONTENT OF THE PRELIMINARY PLAT

A. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals one hundred feet (1" = 100'). The preliminary plat shall be designed and drawn by, or under the supervision of, a registered land surveyor and attested to by the surveyor's seal and signature on the plat.

B. The preliminary plat shall include the title, date, graphic scale, north arrow and the names and addresses of the record owner or owners, the sub-divider, the person responsible for preparing the plat and the current zoning for the proposed sub-division and all abutting properties shall be shown. The acreage of the tract to be sub-divided shall be indicated on the plat.

C. Contours of the ground shall be indicated showing natural drainage of the land the high and low points.

D. The plat shall show the location of existing and proposed property lines, building or setback lines, streets, water courses, bridges, culverts, drain pipes, lagoons, other utilities, and natural features such as wooded or flooding areas. The plat shall include the location and width of existing or proposed streets, roads, railroad right-of-way, the recorded easements within or immediately adjacent to the property to be sub-divided, and the location of proposed sewers, storm drains, water and gas lines; the feasibility of connection to existing or proposed utility systems shall also be included in the plat. Each street shall be identified by its proposed street name in accordance with County regulations.

4004 PRELIMINARY PLAT FILING AND REVIEW

A. The sub-divider shall submit sufficient prints of the preliminary plat to the Administrative Officer to distribute for review as herein provided. Upon filing of the preliminary plat, one (1) print of the plat shall be transmitted to each member of the County Commission, one (1) print to the legislative body of a municipality where the proposed plat lies within one and one-half (1 ½) miles of the municipal boundary, one (1) print to each company or public agency involved with utility services as determined, and

one (1) print to each member of the Planning Commission; one (1) print shall be kept on file by the Administrative Officer.

B. Within thirty (30) days following receipt of the preliminary plat and any additional data required, the Planning Commission shall review and report upon the preliminary plat. The Planning Commission shall either approve the preliminary plat, with or without conditions, or the Planning Commission shall disapprove the preliminary plat. Action shall be noted on two (2) copies of the preliminary plat and signed by the Chairman of the Planning Commission. One (1) copy shall be returned to the sub-divider and one (1) copy retained by the Planning Commission by the Administrative Officer.

C. If the Planning Commission does not report upon the preliminary plat within thirty (30) days of receiving the same for review, the plat may be deemed approved and the Planning Commission shall so verify thereon.

D. If the plat be amended or rejected by the Planning Commission, or if the Council or Board of Trustees of any municipality files with the Planning Commission a certified copy of a resolution of the Council or Board protesting against the action of the Planning Commission approving any plat of land lying within one and one-half (1 ½) miles of the limits of the incorporated area of the municipality, the approval shall be deemed overruled and the plat may be then approved only by unanimous vote of the County Commission. The reasons for the approval or failure to approve such plat shall be spread upon the records of the County Commission and certified to the Planning Commission.

E. Approval of the preliminary plat shall authorize the owner to prepare the final plat and complete engineering designs, subject to the provisions and standards herein, but such approval shall not constitute an approval of the plat for purposes of recordation, or for the sale and/or development of any tract or parcel of land within the area represented by the preliminary plat.

4005 FINAL PLAT

The owner shall have prepared and attested to by a registered surveyor a final plat or plats of the land within the sub-division, to be presented to the Planning Commission for approval, in order that such plat or plats may be filed with the Recorder of Deeds of Ralls County.

4006 CONTENT OF THE FINAL PLAT

A. The final plat and plans shall be designed and drawn by or under the supervision of a registered land surveyor, and attested to by the surveyor's seal and signature on the plat. The final plat and plan shall be drawn on appropriate drafting material and shall be at a scale of not less than one inch equals one hundred feet (1" = 100').

B. The final plat shall show the length and bearing of each boundary line of the property as determined by survey; the relative location of the boundary lines and adjacent lines and corporate boundaries, tract boundaries, right-of-way lines of streets, street names, easements and other rights-of-way; and all boundary lines and other site lines with accurate dimensions, bearings, or deflection angles. All lot lines shall be dimensioned. All angles, points, and points of curves shall be dimensioned to lot lines, all in accordance with current survey standards of the Missouri Department of Natural Resources, Division of Geology and Land Survey.

C. The date, name and location of the sub-division, name of owner, graphic scale, reference bearing and north point shall be shown, together with the names of adjacent sub-divisions; the location of all survey monuments; the numbers of blocks and lots; the location of building setback lines adjacent to streets, and any other intended building line restrictions; and the location of parks, schools or other proposed public property.

D. The plat shall contain a legal description of the property subdivided, and the acreage of the sub-division to the nearest one-tenth (1/10) of an acre; a certification that the owner of the land has given consent to this sub-division; a certification of dedication of streets, public highways, easements and land intended for public use; and a certification of approval of the plat, to be signed upon approval by the Chairman of the Planning Commission or the Presiding Commissioner of the County Commission, as appropriate.

E. The plat shall be accompanied by plans and profiles of all sub-division improvements, prepared by or under the supervision of a registered professional engineer, as appropriate, and attested to by the engineer's seal and signature. A performance bond or escrow agreement and/or contract in the form required by these regulations shall also accompany the final plat, unless improvements have been completed according to approved plans prior to filing.

4007

FINAL PLAT FILING AND REVIEW

A. The original final plat, along with ten (10) copies, shall be filed with the Administrative Officer for submittal to the Planning Commission for final approval within five (5) years after approval of the preliminary plat.

B. The Administrative Officer shall review the final plat and accompanying data and shall report to the Planning Commission advising whether the final

plat is in conformance with the approved preliminary plat and whether all conditions designated in the preliminary plat approval have been met.

C. Within forty-five (45) days after its receipt of the final plat and any supplemental data required, the Planning Commission shall act upon the final plat. Approval shall be noted on the plat and signed by the Chairman of the Planning Commission. Disapproval and the grounds therefore shall be stated in the minutes of the Planning Commission.

D. If the final plat is disapproved by the Planning Commission, the final plat may be appealed to the County Commission, which shall act thereon. The final plat may then be approved only by an unanimous vote of the County Commission. The reasons for the approval of failure to approve such plats shall be spread upon the records of the County Commission and certified to the Planning Commission.

E. After approval of the final plat by the Planning Commission or the County Commission, attested to and signed by the appropriate officer, the plat shall be filed by the County Clerk with the Recorder of Deeds of Ralls County. In addition, upon approval of the final plat, copies of the final plat shall be filed with the County Clerk, County Assessor and Administrative Officer.

SECTION 5000

IMPROVEMENT REQUIREMENTS AND STANDARDS

5001 REQUIRED IMPROVEMENTS BY SUB-DIVIDER

All required improvements shall be constructed in accordance with the minimum standards of these regulations. The minimum requirements for the installation of improvements in sub-divisions shall include roads and streets, water supply, sewerage and storm drainage, except as otherwise expressly provided.

5002 ROADS AND STREETS

All new roads and streets shall be constructed in accordance with the minimum standards of these regulations as contained in Table A, Sub-division Design and Improvement Standards. Existing county roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity on those portions of the roads or streets within the interior of the sub-division. Existing county roads adjacent to the sub-division need not be brought into conformity with the construction standards established herein, but shall be provided with the required normal half-width (1/2) right-of-way.

5003 WATER SUPPLY SYSTEM

A. Where the Administrative Officer determines that an approved and adequate public water supply is reasonably accessible or procurable, said water supply

shall be made available to each lot within the sub-divided area, subject to approval of the water district or city having jurisdiction. All water systems must meet Missouri Department of Natural Resources.

B. In the absence of a public water supply, wells or cisterns shall be constructed, at the homeowners expense, or a connection to a private water supply system shall be provided so that an adequate supply of water will be available to every lot within the sub-division. All water systems must comply with Missouri Department of Health standards.

C. The sub-division shall provide adequate water mains for domestic use and fire protection within the sub-division. However, this requirement shall not apply to water mains installed, owned and to be supplied with water by a public water supply district or other public corporation.

5004 SEWAGE DISPOSAL

A. Where an approved and adequate public or privately owned sanitary sewer system is reasonably accessible, which meets the requirements of Missouri Clean Water Commission, Ralls County Health Department and the Missouri Department of Natural Resources, the developer shall connect with such sanitary sewer system and provide adequate sewer lines with individual connections to each lot, subject to the approval of the sewer district, if any, having jurisdiction.

B. Where no sewers are accessible, the developer shall install sewer lines and a disposal system in accordance with the requirements of the Ralls County Health Department, The Clean Water Commission and the Missouri Department of Natural Resources. Individual sewage disposal systems for each lot shall be allowed provided the sub-divided lots are of a sufficient square foot area to adequately provide for proper disposal for an individual sewage disposal system. In addition, before individual sewage disposal systems are allowed, all guidelines and regulations of the Clean Water Commission, the Ralls County Health Department, the Department of Natural Resources and the Environmental Protection Agency must be complied with. In addition, approval of an individual sewage disposal system for each lot must be obtained by the Ralls County Health Department and, if necessary, by the Department of Natural Resources.

5005 STORM DRAINAGE SYSTEM

A storm drainage system, if required, shall be provided in accordance with storm drainage standards adopted by the Ralls County Commission.

5006 BLOCK LENGTH AND WIDTH; LOT SETBACKS

A. Block lengths shall be appropriate to the residential density and other characteristics of the subdivision, and to the standards recommended in Table A, Subdivision Design and Improvement Standards.

B. Blocks shall be wide enough to allow two (2) tiers of lots of sufficient depth to provide an adequate building site on each lot. The Planning Commission may approve block widths providing for a single tier of lots, where lots would otherwise front on a major street or where conditions or size of the property prevent two (2) tiers.

C. Where lots abut a U.S. or State road, the front setback line shall be sixty (60) feet from the nearest edge of the existing road right-of-way, except for full access controlled highways. Lots abutting a subdivision road or street or a county road shall maintain a front setback line for the nearest edge of the right-of-way as defined in Table A, Subdivision Design and Improvement Standards.

5007 COMMUNITY ASSETS; PUBLIC LAND

The developer shall give due regard to natural features such as timber, unusual rock formations and watercourses, and to sites which have historical significance.

5008 ROADS AND STREETS

A. The arrangement of rights-of-way and streets in a subdivision shall provide for the continuation of existing streets or rights-of-way in adjoining areas, unless the Planning Commission deems such continuation undesirable for reasons of topography or design. In no case shall a street or right-of-way in a subdivision be of less width than hereinafter provided in Table A, Subdivision Design and Improvement Standards.

B. When a new subdivision adjoins undivided lands, susceptible to being subdivided, the new streets shall be carried to the boundaries of the tracts expected to be subdivided at a later date. However, a temporary cul-de-sac may be installed at this point.

C. Streets or roads shall intersect, as nearly as possible, at right angles. In addition, the Planning Commission shall not approve streets which will be subject to frequent flooding.

D. For adequate drainage, the minimum street grade shall be not less than one-half of one (1/2 of 1) percent.

E. Any subdivision platted along both sides of an existing street or county road shall provide additional right-of-way, as necessary, to meet the minimum width requirements.

F. All interior subdivision roads and streets shall be constructed in accordance with the Ralls County Highway Department standards, and all roadbed and

roadway wearing surfaces shall be constructed in accordance with the Ralls County Highway Department standards.

G. Curbs and gutters are not required. However, where provided, curbs and gutters shall meet such specifications as may be established by the Ralls County Highway Department.

H. Street name signs of an approved design shall be erected at each new street or road intersection.

5009 UTILITIES, DRAINAGE AND EASEMENTS

A. The Planning Commission may require easements for utility purposes of at least sixteen (16) feet, eight (8) feet on each side of the property line, along all rear lot lines. Where necessary, easements for utilities may also be required along the side or front lot line or across lots.

B. Utilities may also be located within the street right-of-way; however, in this event, the utilities shall be installed in accordance with the County Highway Department standards.

C. For purposes of durability, longevity and lower maintenance costs, the installation of underground utilities is strongly recommended.

D. Storm water easements and drainage rights-of-way shall be required if the same are deemed necessary for proper drainage within or through a subdivision.

E. Whenever a stream or important surface drainage course is located in an area proposed for subdivision, the sub-divider shall provide an adequate easement and facilities to prevent flooding or erosion along each side of the stream.

SECTION 6000 ADMINISTRATION AND ENFORCEMENT

6001 ADMINISTRATIVE OFFICER

The Ralls County Commission shall appoint an officer, or shall designate another County official, who shall enforce the provisions of these regulations. Said officer shall discharge the duties of the position, consistent with state law, these regulations, and such other regulations as the County Commission shall establish, including the collection of such fees and charges as are established for review and recording of plats.

6002 VARIANCES

The Board of Zoning Adjustment shall serve as the Board of Adjustment for regulations contained within the subdivision regulations. The Board shall have the power to modify or vary the regulations in specific cases, in order that the strict application of these regulations might not impose unwarranted hardships which constitute an unreasonable deprivation of use, as distinguished from the mere absence of privilege, the intended purpose of the regulations being strictly observed and the public welfare and safety protected.

6003 AMENDMENTS

The County Commission, upon recommendation of the Planning Commission, may amend, supplement or change the regulations herein established. Before amending, supplementing or changing the regulations, the County Commission shall hold at least one (1) public hearing thereon, fifteen (15) days notice of the time and place of which shall be published in at least one (1) newspaper having general circulation within the County. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in at least four (4) conspicuous places in each township.

6004 VIOLATION AND PENALTIES

Any owner, lessee or tenant of land located within any unincorporated area covered by these regulations relating to the subdivision of land who shall lay out or improve any subdivision of land in violation of the provisions of these regulations shall be guilty of a misdemeanor, punishable on conviction by a fine or fines, or by confinement, or both, at the discretion of the Circuit Court of Ralls County, Missouri.

SECTION 7000 ENACTMENT

These regulations shall be effective from and after thirty (30) days after their adoption by the County Commission, County of Ralls, Missouri.

Adopted this _____ day of _____, 1993.

Signed: _____
Ralls County Presiding Commissioner

Western Commissioner

Eastern Commissioner

TABLE A: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

For Right-Of-Way

Right-of-way for all streets 50 feet

For Improvements

Street width 22 feet
Street slope 1 to 2 slope to
the ditch

For Lots

Minimum building setback 40 feet
Line from subdivision road or street

Minimum lot width *100 feet
At building line

*300 feet minimum lot width in A-1 zoning district

RALLS COUNTY
ON-SITE DOMESTIC WASTEWATER TREATMENT SYSTEMS ORDINANCE

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

SECTION I. AUTHORITY. This ordinance is enacted pursuant to Sections 192.300, RSMo. 1986, which provides, in part as follows: 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 a county, but orders and ordinances or rules and 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 II. APPLICABILITY. These regulations apply to any on-site domestic wastewater treatment and disposal system necessary for proper conduction, collection, storage, treatment and disposal of domestic wastewater from a dwelling or other facility producing domestic wastewater of three thousand gallons (3000 gals.) or less per day.

SECTION III. RESPONSIBILITIES.

3.01 The design, construction, operation and maintenance of on-site domestic wastewater treatment systems shall be the responsibility of the designer, owner, developer, installer or user of the system.

3.02 Actions or recommendations of the Ralls County Health Department; required to effect compliance with the provisions of this ordinance, shall in no way be taken as a guarantee or warranty the permitted and/or approved on-site domestic wastewater treatment system will function in a satisfactory manner for any given period of time.

3.03 Any applicant for a construction permit prior to the effective date of this ordinance; which creates an off-site discharge of wastewater effluent, shall obtain written authorization from the Missouri Department of Health.

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

4.01 Commission: The Ralls County Commission.

4.02 Department: The Ralls County Health Department.

4.03 Detailed Design: The sketch drawing of the proposed on-site domestic wastewater treatment system with all calculations and alterations.

4.04 Domestic wastewater: Wastewater originating from the sanitary conveniences of residences, commercial buildings, restaurants, factories and institutions, including food preparation areas and further categorized as:

- a. Black water: Waste carried off by toilets, urinals and kitchen drains.
- b. Gray water: All wastewater not covered in paragraph (a), including bath, lavatory, laundry and sink waste.
- c. Any domestic wastewater exceeding the wastewater effluent standards as defined in SECTION VIII(b).

4.05 Wastewater System: Any on-site domestic wastewater treatment system.

4.06 Health Authority: The Administrator of the Ralls County Health Department or an authorized representative.

4.07 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.

4.08 Health Hazards: Any condition which is known to cause diseases or harm to a person, community, or the environment now or in the future.

4.09 Permit: A written authorization issued by the Ralls County Health Department which authorizes the permittee to construct, install, modify, or operate an on-site domestic wastewater treatment system.

4.10 Site Evaluation: An evaluation to determine soil conditions (properties and/or percolation: and shall include:

- a. slope
- b. property boundaries
- c. location of easements and/or underground utilities
- d. set-back distances
- e. amount of available area for installation and/or replacement of the wastewater treatment system
- f. location of existing structures and proposed structures
- g. all potential areas which could create significant groundwater contamination
- h. a site evaluation shall include results of either a soil morphology or percolation tests

4.11 Person: An individual, corporation, or other legal entity.

4.12 Stop Order: A written order issued by the Health Authority or designated representative to stop all construction, installation, modification, or operation of an on-site domestic wastewater treatment system.

4.13 Construction: Any act of building and/or installing a new on-site domestic wastewater treatment system in order to make it operational and functional or any act of making a modification to an existing on-site domestic wastewater treatment system.

4.14 Modification: Any act or work upon an existing on-site domestic wastewater treatment system which changes the design or function of the system other than routine maintenance.

4.15 Engineered Design: The design of an on-site domestic wastewater treatment system which is stamped with the seal of a licensed engineer. This may include published design criteria for on-site domestic wastewater treatment systems.

4.16 On-Site: Property under direct control of the permittee through ownership, rental agreement, or legal, signed and notarized easement, attached to the Deed of Trust, which authorizes the installation and operation of the domestic wastewater treatment system.

SECTION V. PROHIBITIONS. No person shall:

5.01 Construct, install, modify, or operate any wastewater treatment system without the permit required herein.

5.02 Construct, install, or modify any wastewater treatment system when the permit has expired or has been suspended or revoked.

5.03 Construct, install, modify, or operate any sewage or wastewater treatment system which causes; or may cause, a health hazard.

5.04 Fail to comply with a STOP ORDER issued pursuant to this ordinance.

5.05 Construct, install, modify or operate any sewage or wastewater treatment system or any "on-site sewage disposal system"; as defined in 701.025-701.059 RSMo., in violation of the provisions of Chapter 701 or in violation of any construction, modification, or operation permit issued by the Missouri Department of Natural Resources or any other Federal or State Agency.

5.06 Design, construct, install, or modify any wastewater system or provide septic tank cleaning and pumping services without obtaining the necessary registration required in Section X.

SECTION VI. CONSTRUCTION PERMITS.

6.01 Any person engaged in the construction, installation, or modification of any wastewater system shall obtain a construction permit from the Department.

6.02 The following information shall be provided to the Department:

- a. Legal description of the property to the nearest $\frac{1}{4}$, $\frac{1}{4}$ section, physical address and current mailing address
- b. If applicable, written authorization from the Ralls County Planning & Zoning Commission indicating compliance with requirements of the Ralls County Planning & Zoning Commission;
- c. A completed site evaluation information sheet accompanied with a detailed design of the proposed wastewater system except;
 1. The Department may provide the applicant results of a soil morphology conducted by the Department for wastewater systems with a design daily flow rate of less than 500 gals/day. However, the Department may require the applicant to obtain results of a soil morphology and/or percolation tests from a person registered by the Department for these services; and/or to supply the Department with an engineered design;
 2. System design/processes currently approved by the Missouri Department of Natural Resources will not require an additional soil morphology or percolation tests if the Engineering Report originally submitted to the Missouri Department of Natural Resources contains this information. Each wastewater treatment system will require a permit issued by the Department.

6.03 Plans for wastewater systems with a design flow rate of 500 gals/day or greater shall be designed by a licenses engineer and shall be stamped with the engineers seal.

6.04 Permit applicants proposing installation of wastewater stabilization ponds (lagoons) for a facility other than a single family residence or for any proposed installation providing more than one service connection; regardless of the daily wastewater flow rate, will be referred to the Missouri Department of Natural Resources for compliance with the necessary permits of this agency.

6.05 Name of the installer.

6.06 The permit application shall be signed by the owner of the property on which the system is to be installed, or by his legally authorized representative.

6.07 The Department shall conduct a field investigation of the proposed wastewater system installation site prior to issuance of the construction permit.

6.08 Any applicant knowingly providing false information on the application shall be subject to termination of the permit.

AMENDED ORDINANCE
REGARDING ROADS AND SUBDIVISIONS
IN RALLS COUNTY, MISSOURI

WHEREAS, the Ralls County Commission adopted and approved an Ordinance regarding roads and subdivisions in Ralls County, Missouri, on October 26, 1995; and

WHEREAS, the purpose of said Ordinance was to facilitate and encourage the development and construction and to provide a framework and guideline for the maintenance and ownership of roadways located in residential subdivisions; and

WHEREAS, the County has experienced significant and substantial development of residential subdivisions in the County; and

WHEREAS, since the inception of the Road and Subdivision Ordinance in 1995, the County has experienced certain difficulties in the transfer of ownership and the subsequent maintenance of certain roads located in residential subdivisions in the County; and

WHEREAS, in order to address these difficulties and to provide a better service to the citizens and inhabitants of residential subdivisions in the County, the County deems it necessary to amend its Road and Subdivision Ordinance at this time.

IT IS, THEREFORE, ORDAINED by the Ralls County Commission, as follows:

1. That a Developer must submit to the County Commission a Plat of his or her Subdivision, showing all roadways that he or she proposes for the County to accept.
2. That all roadways within the proposed subdivision must meet required specifications for County roads as determined by the County Commission with the advice of the County Highway Engineer before the County will consider ownership and maintenance of said roads.
3. That, in general, roadways must meet the following minimal standards before consideration by the County Commission, said standards are as follows:
 - a. A minimum of ten (10) lots, or twenty percent (20%) of the lots in the subdivision, whichever is more, must have been sold before the County will consider acceptance of the roadways within that subdivision.
 - b. A plat of the subdivision must have been recorded in the Office of Recorder of Deeds
 - c. The roadway must be a gravel roadway
 - d. The minimum right of way width shall be sixty (60) feet.
 - e. The minimum building setback from the right of way shall be forty (40) feet.
 - f. No utilities shall be placed in the right of way.
4. That, after meeting the required specifications and standards as noted above, the County may vote to accept the roadway on the following conditions:
 - a. The Developer or Subdivider shall deposit with the County a sum of money as determined by the County Commissioners based on the length of the proposed roadway and the terrain upon which the roadway is situated. Said sum shall be deposited in the County Road and Bridge Fund subject to whatever restriction, if any, the Commissioner deem appropriate.
 - b. At its discretion, the County Commission may require the Developer, Subdivider or Trustee of the subdivision to maintain the roadway for a period of one (1) year. If the Developer shall fail or refuse to maintain said roadway during the period of time set by the Commission, any authority or interest that the County may have in the roadway shall be extinguished and the roadway shall be the sole responsibility of the Developer.
 - c. At its discretion, the Commission may require the Developer, Subdivider or Trustee of the subdivision to execute the necessary deeds, easements or other documents which the Commission deems necessary to transfer full authority and responsibility for the roadway to the County.

5. That, for the purposes of this Ordinance, "Developer" shall also mean "Subdivider." Also, if a particular subdivision has a provision for a Board of Trustees or other Board with the responsibility for its roadways, then that entity shall also be included within the meaning of the term "Developer" or "Subdivider." The term "Developer" or "Subdivider" shall also mean any entity or individual submitting a request to the County concerning operation, maintenance and ownership of a roadway.

This Amended Ordinance has been approved by the County Commission of Ralls County, Missouri on this _____ day of _____, 2002.

PRESIDING COMMISSIONER

EASTERN DISTRICT COMMISSIONER

WESTERN DISTRICT COMMISSIONER

ATTEST:

COUNTY CLERK

436 TELECOMMUNICATIONS TOWERS

1. The general purpose of this section is to regulate the placement, construction and modification of telecommunications towers, support structures and antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in Ralls County, Missouri.
2. Consistent with the Telecommunications Act of 1996, the regulations of this Section will not have the effect of prohibiting the provision of personal wireless services, and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and insure opportunities for placement of antennas with prompt approval by the County. This section does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.
3. The uncontrolled proliferation of towers in the County of Ralls is threatened without adoption of new regulations, and would diminish property values, the aesthetic quality of the county, and would otherwise threaten the health, safety and welfare of the public.

4 DEFINITIONS

As used in these regulations, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. Telecommunications Equipment – telecommunications antenna and accessory electronic equipment not including transmission towers, buildings or other equipment not directly related to the operation of antenna.

b. Transmission facility – Transmission tower, buildings, guy wires, guy anchors, land or site permitted under these regulations, fence and other equipment necessary for the transmission of telecommunication signals authorized by these regulations.

c. Transmission Facility Operator – any person(s), partnership, corporation, association, organization or entity of any type or kind that owns or has a legal possessory interest in a transmission facility and the owner of land upon which a transmission facility exists and is permitted under these regulations if different than the owner of the transmission facility, but excluding any person(s), partnership, corporation, association, organization or entity of any type or kind who leases or otherwise is permitted to place one or more antennas on a transmission tower but have no ownership interest in the transmission tower upon which they are placed.

d. Transmission Tower – A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications equipment.

5 The following design and construction standards shall apply to all transmission facilities and towers, to-wit:

a. Tower shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.

b. Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located.

c. Antenna(s) attached to a building or stealth antenna tower shall be of a color identical to or closely compatible with the surface to which they are mounted.

d. All permittees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage technics unless it is not technically feasible to use such design on the tower.

e. The placement of advertising on structures regulated by this section is prohibited.

f. At least two off-street parking spaces and one additional space for each two on-site personnel shall be provided.

g. Existing on-site vegetation shall be preserved to the maximum extent practicable. Ground disturbed by construction at a transmission facility site shall be seeded and mulched within 45 days of the completion of construction.

h. Fences shall be constructed and installed around the base of the transmission towers, guy anchors and buildings in compliance with the following standards:

i. Fences shall consist of chain link material a minimum of six (6) feet in height.

- ii. Guy anchors shall be fences to allow a clear zone around the guy anchors such as to provide a fourteen feet (14') minimum vertical clearance.
- iii. A sign shall be installed on the gate to the facility and on the door of any buildings to indicate "high voltage" on the premises.

6 All transmission facilities and towers shall be installed in compliance with the following set-backs.

- a. Set-back requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.
- b. All towers shall be set back a distance of three hundred feet (300') or one and one-half (1 ½) times the height of the tower, whichever is greater.
- c. The height of the tower shall be measured as follows: The vertical distance between the highest point of the tower and the natural grade below such point.

7 An application for a new transmission facility shall be considered only when an existing or approved transmission facility can not accommodate the telecommunications equipment planned for the proposed transmission facility. An application for approval of a new transmission facility shall include:

- a. The names, addresses and telephone numbers of all owners (including the applicant) of other towers or disguised support structures which are capable of providing a location to construct the telecommunications facilities and equipment that are planned to be housed or located on the tower within the County of Ralls, State of Missouri.

- b. Written documentation stating whether the applicant's telecommunications facilities and equipment are technologically and economically capable of being installed or co-located on existing towers or support structures in Ralls County.

- c. Written documentation that the applicant made diligent but unsuccessful efforts to install or co-locate the applicant's telecommunications facilities or equipment on towers or usable antenna support structures owned by other persons, businesses, corporations, governmental bodies or other legal entities located in Ralls County, Missouri.

- d. If the applicant asserts that its antenna or other facilities are not technologically or economically feasible of being installed or co-located on an existing tower or support structure, a written statement from the applicant setting forth in detail the reasons with regard to each person contacted, why such installation or co-location is technically or economically infeasible.

- e. If the tower is designed to accommodate one or more additional carriers, the application shall designate the nature of the co-location that will be accommodated.

- f. A site plan or plans drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; users, structures and land-use designations on the site and abutting parcels.

- g. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features.

- h. A report from a licensed professional engineer. The report shall:

- i. Describe the tower and the technical, economic and other reasons for the tower design;
- ii. Demonstrate that the tower complies with the current building code;
- iii. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity.
- iv. For a tower in the A-1 and A-2 zoning district, show that the tower complies with Section (4) (d) 1., (4) (d) 3, or the capacity reduction requested under Section (4) (d) 4.;
- v. Demonstrate that the tower and site comply with Sections (4) (c) 1., (4) (c) 2., and (4) (d); and
- vi. Demonstrate that the proposed sources of NIER will comply with Section (6).

i. The applicant shall provide the FAA Determination of No Hazard and FCC construction permit (if required), or a written statement from those agencies that the tower is exempt from such requirements.

8 Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this ordinance, regardless of whether such antenna or structure is located on land owned by a governmental entity.

9 Any person violating this provision of the Ralls County Planning and Zoning Ordinances shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) or ninety (90) days in jail or both. Each day the violation continues shall constitute a separate defense.

10 If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11 This ordinance supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

12 This Section concerning Telecommunications Towers shall be incorporated and made a part of the Amended Planning & Zoning Order of Ralls County, Missouri, dated November 7, 1994, and shall be effective immediately from and after its adoption by the Ralls County Commission, County of Ralls, State of Missouri.

Adopted this _____ day of May, 2001.

GEORGE E LANE, Presiding Commissioner

JESSE POAGE, Western Commissioner

JAMES E. THOMPSON, Eastern Commissioner

GAYLORD WINDERS, County Clerk Ralls County

November 9, 2004

Proposed revisions and updates to the Ralls County On-Site Domestic Wastewater Treatment Systems Ordinance: Text in brackets { } shall be deleted; Text in bold shall be added.

RALL COUNTY
ON-SITE DOMESTIC WASTEWATER TREATMENT SYSTEMS
ORDINANCE

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

SECTION 1 – AUTHORITY

This ordinance is enacted pursuant to Sections 192.300, RSMO, 1986, which provides in part as follows: 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 a county, but orders and ordinances or rules and regulations shall not be in conflict with any rules or

regulations authorized and made by the Department of Health **and Senior Services** in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMO.

SECTION II – APPLICABILITY

These regulations apply to **any on-site domestic sewage and** to any on-site domestic wastewater treatment and disposal system necessary for proper conduction, collection, storage, treatment and disposal of domestic **sewage** or domestic wastewater from a **property**, dwelling or other facility producing domestic **sewage** or domestic wastewater of three thousand gallons (3000 gals.) or less per day.

SECTION III – RESPONSIBILITIES

3.01 The design, construction, operation and maintenance of on-site domestic wastewater treatment systems shall be the responsibility of the designer, owner, developer, installer, and/or user of the system.

3.02 The Department or its representative shall not be held liable for any damages resulting from the construction, installation, modification, maintenance or operation of an individual wastewater treatment system, or approval thereof. [Actions or recommendations of the Ralls County Health Department required to effect compliance with the provisions of this ordinance shall in no way be taken as a guarantee or warranty that the permitted and/or approved on-site domestic wastewater treatment system will function in a satisfactory manner for any given period of time.]

3.03 [Any applicant for a construction permit prior to the effective date of this ordinance which creates an off-site discharge of wastewater effluent shall obtain written authorization from the Missouri Department of Health.] **Actions or recommendations of the Ralls County Health Department required to effect compliance with the provisions of this ordinance shall in no way be taken as a guarantee or warranty that the permitted and/or approved on-site domestic wastewater treatment system will function in a satisfactory manner for any given period of time.**

SECTION IV – DEFINITIONS

The following words and phrases shall have the following meanings:

4.01 Commission: The Ralls County Commission.

[4.13] 4.02 Construction: Any act of building and/or installing a new on-site domestic wastewater treatment system in order to make it operational and functional or any act of making a modification to an existing on-site domestic wastewater treatment system.

[4.02] 4.03 Department: The Ralls County Health Department

[4.03] 4.04 Detailed Design: The sketch drawing of the proposed on-site domestic wastewater treatment system with all calculations and alterations.

[4.04] 4.05 Domestic **sewage or** wastewater: **Human excreta and/or** wastewater originating from **a property and/or** the sanitary conveniences of residences, commercial buildings, **shops**, restaurants, factories and institutions, including food preparation areas **and human wastes which are not water-carried**. Water-carried wastes are further categorized as:

- a. Black water: Waste carried off by toilets, urinals and kitchen drains
- b. Gray water: All wastewater not covered in paragraph (a), including bath, lavatory, laundry and sink waste
- c. Any domestic wastewater exceeding the wastewater effluent standards as defined in SECTION VIII

4.06 Effluent filter: A device to prevent solids and suspended solids in a septic tank or other sewage treatment equipment from being discharged to a secondary treatment facility or area.

4.07 Emergency Condition: A condition [of such extreme nature which] that presents an immediate danger to public health [requiring] of such extreme nature that immediate correction [without the necessary time to apply for the required permit as set forth herein] is required, with or without prior issuance of a permit. However, an emergency condition does not relieve a person from the obligation to obtain a permit afterwards if the permit was not obtained prior to applying the emergency corrections, and the Department shall be notified and a permit applied for within five (5) days of beginning the emergency corrections.

[4.15] 4.08 Engineered Design: The design of an on-site domestic wastewater treatment system that is stamped with the seal of a licensed engineer. This may include published design criteria for on-site domestic wastewater treatment systems.

[4.06] 4.09 Health Authority: The Administrator of the Ralls County Health Department or an authorized representative.

[4.08] 4.10 Health Hazards/**Imminent Health Hazard**: Any condition that is known to cause disease(s) or harm to a person, a community, or to the environment, now or in the future. **An imminent health hazard is any 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.**

4.11 **Installer or Contractor**: **Any person other than the property owner who constructs, repairs, replaces or modifies an on-site wastewater treatment system as defined in this ordinance and Chapter 701.025 RSMO.**

[4.14] 4.12 Modification: Any act or work **other than routine maintenance** upon an existing on-site domestic wastewater treatment system that changes the design or function of the system [other than routine maintenance].

[4.16] 4.13 On-Site: Property under direct control of the Permittee through ownership, rental agreement, or legal, signed and notarized easement, attached to the Deed of Trust, which authorizes the installation and operation of the domestic wastewater treatment system.

[4.09] 4.14 Permit: A written authorization issued by the Ralls County Health Department or its representative [which authorizes the permittee to construct, install, modify, or operate] for the construction, installation, modification, or operation of an on-site domestic wastewater treatment system by the permittee.

[4.11] 4.15 Person: An individual, corporation, or other legal entity.

4.16 Repair: Work on an individual component or components of a system to correct defects in material or restore function; this does not apply to repairs that may reasonably be construed to be minor and require minimum excavation, such as, for example, to fix a break in a sewer pipe, adjust a distribution box, replace a pump, or add or remove soil on a lateral field.

4.17 Replacement: Work on a system that involves replacement or addition of components, such as, for example, a D-box, septic tank, or one or more laterals or a lateral field.

[4.10] 4.18 Site Evaluation: An [evaluation to determine] inspection or field visit conducted to evaluate soil conditions and/or other properties [and/or percolation; and] of a site to determine its suitability for construction of an on-site wastewater treatment system. This shall include, but may not be limited to:

[(a)] (A) Slope

[(b)](B) Property boundaries;

[(c)](C) Location of easements and/or underground utilities

[(d)](D) Set-back distances, as specified in the construction standards;

[(e)](E) Amount of available area for installation and/or replacement of the wastewater treatment system;

[(f)](F) Location of existing structures and proposed structures;

[(g)](G) All potential areas [which] that could create significant groundwater contamination;

[(h)](H) [A site evaluation shall include] The results of [either] a soil morphology [or percolation tests] by a registered soil scientist or other qualified professional

[4.12] 4.19 Stop Order – A written order issued by the Health Authority or designated representative to stop all construction, installation, modification, or operation of an on-site domestic wastewater treatment system, or the generation or deposition of domestic waste and/or wastewater on a property.

[4.05] 4.20 Wastewater System: Any on-site domestic wastewater treatment system.

SECTION V – PROHIBITIONS

No person shall:

5.01 Construct, install, modify, replace, repair or operate any wastewater treatment system without the permit required herein.

5.02 Construct, install, or modify, replace or repair any wastewater treatment system when the permit has expired or has been suspended or revoked.

5.03 Construct, install, modify, replace, repair or operate any sewage or wastewater treatment system that causes [;] or may cause [,] a health hazard.

5.04 Fail to comply with a STOP ORDER issued pursuant to this ordinance.

5.05 Operate any residential on-site wastewater treatment facility that was required by this ordinance to have a construction permit from the Department without having obtained written approval from the Department.

[5.05] 5.06 Construct, install, modify, replace, repair or operate any sewage or wastewater treatment system or any “on-site sewage disposal system” [;] as defined in 701.025-701.059 RSMO in violation of the provisions of this ordinance or Chapter 701, RSMO, or in violation of any construction, modification, or operation permit issued by the Missouri Department of Natural Resources or any other Federal or State Agency.

[5.06] 5.07 Design, construct, install, replace, repair or modify any wastewater system or provide septic tank cleaning and pumping services without obtaining the necessary registration required in Section X.

5.08 Discharge or deposit human waste or wastewater on a property other than through a wastewater treatment and disposal system constructed and operated in compliance with the provisions of this ordinance.

SECTION VI – CONSTRUCTION PERMITS

6.01 Any person [engaged in] who proposes, plans or engages in the construction, installation, replacement, repair or modification of any wastewater treatment or disposal system shall obtain a residential on-site wastewater treatment system construction permit from the Department.

6.02 [The following information shall be provided to the Department] A residential on-site wastewater treatment system permit application must be submitted to the Department for review, and must be approved by the Department before a permit will be issued. The application shall consist of a completed Residential On-Site Wastewater Treatment System Construction Permit Application form or equivalent forms or documents, and shall contain a detailed sketch, drawing or engineer designed plans showing the design and location of the proposed wastewater system and its components. In whatever form submitted, the application shall also include:

(A) The name or names of the permit applicant(s).

[(a)](B) [Legal description of the property] The physical location of the property to the nearest ¼, ¼ section [physical address and the current mailing address] and/or the Ralls County 911 address, and the current mailing address and phone number of the applicant.

[(b)](C) If applicable, written authorization from the Ralls County Planning & Zoning Commission indicating compliance with requirements of the Ralls County Planning & Zoning Commission

[(c)] [A completed on-site sewage Disposal System Construction Permit Application form, with a detailed design of the proposed wastewater system, except that:]

[(1) The Department may provide the applicant results of a soil morphology conducted by the Department for wastewater systems with a design daily flow rate of less than 500 gals/day. However, the Department may require the applicant to obtain results of a soil morphology and/or percolation tests from a person registered by the Department for these services, and/or to supply the Department with an engineered design;]

[(2) System design/processes currently approved by the Missouri Department of Natural Resources will not require additional soil morphology or percolation tests if the Engineering Report originally submitted to the Missouri Department of Natural Resources contains this information. Each wastewater treatment system will require a permit issued by the Department.]

(D) The site evaluation information required under Section IV 4.18 of this ordinance

(E) The name of the on-site system installer or contractor.

(F) The signature of the owner of the property on which the system is to be installed or his or her authorized representative, the signature of the installer and the signature of the designer, if applicable.

6.03 **The Department may require that** plans for wastewater treatment systems with a design flow rate of 500 gals/day or greater [shall] be designed by a licensed engineer and [shall] be stamped with the engineers seal.

6.04 Permit applicants proposing installation of wastewater stabilization ponds (lagoons) for facilities other than a single family residence or for any proposed installation providing more than one service connection [;], regardless of the daily wastewater flow rate, [will be referred to] must contact the Missouri Department of Natural Resources [for compliance with the necessary permits of this agency], concerning requirements to comply with the Clean Water Law and Regulations before applying for any approvals or permits from the Department.

[6.05] [Name of the installer]

[6.06] [The permit application shall be signed by the owner of the property on which the system is installer, or by his legally authorized representative.]

[6.07] 6.05 The Department shall conduct a [field investigation] evaluation of the proposed wastewater system installation site prior to issuance of the construction permit.

[6.08] 6.06 Any applicant knowingly providing false information on the application shall be subject to termination of the permit. **Other legal action may also be taken against the applicant as appropriate.**

6.07 On-site system designs or processes [currently] approved by the Missouri Department of Natural Resources **for particular lots or subdivisions prior to the effective date of this ordinance** [will] **may** not require additional soil morphology [or percolation tests] if the Engineering Report originally submitted to the Missouri Department of Natural Resources contains [this] **adequate site-specific soil** information. **However**, each wastewater treatment system will require a **construction** permit issued by **the Ralls County Health** Department.

6.08 A permit may be transferred to a new owner upon the written request of the official applicant if the construction, installation, repair, replacement or modification authorized by the permit is not completed at the time of the sale of the property. The letter requesting the transfer shall also be signed by the buyer or new owner of the property. Any and all conditions established by the permit shall remain in effect.

6.09 Upon legal transfer of a property with a permitted system, the permitted on-site wastewater system remains subject to all of the provisions and conditions upon which the permit was issued.

6.10 A permit is valid for a period of one (1) year from the date of issuance. At the discretion of the Department, a permit may be renewed or extended upon the written request of the official applicant if the request is received by the Department at least thirty (30) days prior to the expiration of the original permit; otherwise, the applicant shall apply

for a new permit and render any applicable permit fees. The request for an extension shall state that all of the provisions and conditions of the original permit will be complied with.

SECTION VII – MINIMUM CONSTRUCTION STANDARDS

7.01 Unless otherwise specified herein or by policy of the Department, the minimum construction standards and provisions for residential on-site wastewater treatment and disposal systems permitted, installed and/or approved under this ordinance shall be the most recent revision of the Department of Health and Senior Services' Minimum Construction Standards for On-Site Disposal Systems, 19 CSR 20-3.060.

[7.01] 7.02 Prior to the issuance of construction permits, proposed on-site wastewater systems shall be approved as to type, design and capacity by the Department [; prior to the issuance of the construction permit], **and shall be designed** [in accordance] to comply with the [current construction standards of the Missouri Department of Health, in particular, 19 CSR 20-3.060] **provisions of this ordinance and** the minimum construction standards specified in Section 7.01.

7.03 The permittee and the installer shall ensure that the system is constructed, installed, modified, repaired or replaced in compliance with the provisions of Section 7.01 and in accordance with the conditions and provisions stipulated in the construction permit and any supporting documents.

7.04 The permittee or owner of a system shall maintain said system in compliance with the provisions of Section 7.01, and in accordance with the provisions stipulated in the construction permit or in any other supporting documents upon which the issuance of the permit was based.

7.05 On-site residential wastewater lagoons shall be enclosed with an approved fence within ninety (90) days of completion of the lagoon structure. The Department may grant an extension of time to construct the fence, provided that construction was prevented by weather or other extenuating circumstances beyond the control of the permittee or owner, and the permittee or property owner submits a written request for an extension prior to the expiration of the said ninety (90) day period or any extensions thereof that have been granted.

7.06 The Department may require that an effluent filter be installed in a septic tank or other primary wastewater treatment equipment, or installed in a filter chamber immediately following such equipment and prior to discharge of the effluent into a lateral field or other treatment or disposal system.

[7.02] 7.07 Construction permits issued by the Department for installation of NSF approved class I aeration units will require the owner or operator of the unit to obtain a written and signed service contract with the manufacturer or designated agent of the aeration unit **and such contract shall** be [which is] current and in effect at all times the unit is in operation.

[7.03] 7.08 Construction permits issued by the Department for installation of NSF approved class I aeration units will require the manufacturer or designated agent of the aeration unit to provide semi-annual inspections of the unit. Results of all inspections shall be forwarded to the Department [;] by mail within five (5) days following the inspection date. In the event the aeration unit is malfunctioning, the manufacturer or designated agent of the unit shall notify the Department [;] in person or by phone within 48 hours following the inspection date.

SECTION VIII – WASTEWATER EFFLUENT STANDARDS

8.01 Wastewater systems utilizing soil absorption in soils that contain severe restrictions, [e.g., percolation rates exceeding 120 min/in], and/or provided a variance by the Department as stipulated in Section XVIII, shall meet or exceed the pretreatment effluent standards in Table I.

Table I.

Effluent Monitoring Characteristics		Effluent 30 Day Average
5 Day Biological Oxygen Demand (BOD)	(a) 10 mg/l	(b) 30 mg/l
Total Suspended Solids	(a) 10 mg/l	(b) 30 mg/l

8.02 Effluent Standards in Table I may be revised by the Department to more stringent standards at any time.

8.03 The wastewater effluent standards contained in Table I [are in no way to] **shall not** be construed as [requirements] **standards to allow for** the discharge of wastewater effluent to the ground surface.

8.04 The wastewater effluent standards contained in Table I may be utilized by the Department to monitor wastewater systems or for complaint investigations.

SECTION IV – STOP ORDER

9.01 A STOP ORDER, requiring the immediate cease of operation, construction, replacement, repair or installation of a wastewater treatment system [;], may be issued by the Department for the following reasons;

[(a)](A) The wastewater treatment system[s] [are] is found by the Department to create a health hazard;

[(b)](B) Substandard materials are being used in construction, installation, repair, replacement or modification of the wastewater treatment system;

[(c)] (C) A wastewater treatment system is being constructed, installed, modified, repaired, replaced or operated in violation of any provisions of this ordinance.

(D) Human wastes or wastewater is being deposited or discharged on the property without the use of an approved waste or wastewater treatment and disposal system.

9.02 The discharge of [sewage effluent for a wastewater treatment system] human waste or wastewater [;], from a facility upon which a STOP ORDER has been issued by the Department shall cease immediately. At the discretion of the Department, the owner or operator of the [wastewater treatment system] facility [will] may be allowed to utilize [the] a septic tank, holding tank, or Class I Aeration Unit as a temporary holding facility until [adequate] repairs or corrections to bring the system into compliance can be made [to comply with said corrections stated in the STOP ORDER]. All [sewage effluent] wastewater from these holding facilities shall be [pumped] properly handled by a registered septic hauler and disposed of at a municipal sewage treatment plant or other approved facility.

SECTION X – REGISTRY OF PERSONS [AND BUSINESSES] ENGAGED IN WASTEWATER TREATMENT SYSTEMS PROJECTS.

10.01 Every person engaged in the design, construction, installation, modification, **replacement or repair** of wastewater treatment systems, or septic tank cleaning and/or pumping within Ralls County must apply for registration with the Department.

10.02 The Department may adopt rules and regulations establishing qualifications and minimum standards of experience and knowledge, and continuing education or training requirements, for persons desiring to register under this ordinance, and may require attendance at meetings deemed necessary by the Department. The minimum standards for qualifications for [percolation testers and/or] soil scientists shall be no less stringent than the minimum standards required in 19 CSR20-3.060.

10.03 A homeowner is not required to be registered as an installer with the Department to install, construct, modify, replace or repair the private wastewater treatment system serving the homeowner's permanent residence. However, a construction permit shall be obtained from the Department and the homeowner is required to [meet] comply with all other statutory and regulatory requirements [of this ordinance].

10.04 Applicants for registration shall complete a training program [,] offered by the Department, or provide documentation indicating successful completion of a training or certification program [;] deemed acceptable by the Department [,] and providing the applicant with a thorough knowledge of the minimum construction standards for installation of wastewater treatment systems.

10.05 [Upon successful completion of the requirements for registration the registration will remain valid for a period of one (1) year, at which time the person (or business) must reapply for registration.] Registrations are for a maximum period of one

(1) year. All registrations shall terminate on March 31 of each year, or on such other date as the Department may hereafter stipulate, regardless of the date that the applicant's registration was submitted or accepted. For registration purposes, the "year" begins on April 1 of each year, or on such other date as the Department may hereafter stipulate.

10.06 Registered persons [or businesses] shall provide any and all installation and construction information requested by the Department and shall maintain complete, legible and accurate records for each wastewater treatment system project for a period of not less than three (3) years.

10.07 Registered persons [or businesses] shall promptly notify the Department of any conditions not in accordance with any provisions of this ordinance.

10.08 Any person [or business] whose application for registration has been denied by the Department will be notified in writing as to the reasons for denial. Any person [or business] denied registration may appeal pursuant to Section XIV of this ordinance.

10.09 Should the Department determine that a person [or business] registered under this section has violated any provisions of this ordinance, the Department may [recommend to the Ralls County Commission that said registration be suspended or revoked. If the Commission determines the person or business is in violation of this ordinance, the Commission shall schedule a hearing on the proposed suspension or revocation; after giving the person or business no less than ten (10) days notice of said hearing date. The Commission shall set the terms of the revocation or suspension within ten (10) days following the hearing date and notify all parties concerned within fifteen (15) days following the hearing date.] suspend or revoke said registration after notifying said person in writing as to the reasons for the proposed suspension or revocation and shall schedule a hearing on the proposed suspension or revocation after giving the person no less than ten (ten) days notice of said hearing date.

10.10 Any person whose registration has been suspended or revoked by the Department may appeal to the Commission as provided in Section XIV of this Ordinance. If the Commission determines the person is in violation of this ordinance, the Commission shall set the terms of the revocation or suspension within ten (10) days following the hearing date and shall notify all parties concerned of the results of the hearing within fifteen (15) days following the hearing date.

10.11 If a decision to deny, suspend or revoke the registration of any person is upheld and/or not appealed, the person may reapply for registration one (1) year after the date of the final decision.

SECTION XI – SEPTIC TANK CLEANING, PUMPING & HAULING STANDARDS

11.01 The Department may inspect, or cause to be inspected, the equipment and dump-site of the registered tank cleaner, pumper and/or hauler, for the purpose of

determining if necessary equipment is in good operating condition and the equipment and dump-site are being operated and maintained in a sanitary and healthful manner.

11.02 The registered tank cleaner, pumper and/or hauler shall obtain all necessary permits for operation as required by the Missouri Department of Natural Resources and/or the U.S. Environmental Protection Agency. A copy of said permits shall be provided to and maintained on file with the Department.

SECTION XII – POWERS AND AUTHORITY OF THE DEPARTMENT

12.01 The Health Authority, bearing proper credentials and identification, shall be allowed to enter all properties for the purposes of inspection, observation, measurement and collection of wastewater samples to ensure compliance with the provisions of this ordinance. This authority shall include facilities permitted or under the jurisdiction of other governmental agencies.

SECTION XIII – PENALTIES

13.01 Any person found to be in violation of any provision of this ordinance shall be served by the 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 thereof. Notice shall be deemed to have been given if sent by certified mail to the last known address of the offender, even if such mail is returned. The offender shall, within the period of time stated in such notice, permanently cease all violation.

13.02 Any person who shall continue any violation beyond the time limit provided by the Department shall be guilty of a Class A Misdemeanor and on conviction thereof shall be fined in the amount not exceeding One Thousand Dollars (\$1000.00) and/or one (1) year in jail for each violation. Each day in which any such violation does continue may be deemed a separate offense.

13.03 Any person violating any of the provisions of this chapter shall become liable to the Department for any expenses, loss, or damage incurred by the Department by reason of such violation.

SECTION XIV – APPEALS

14.01 Any person aggrieved by any [decision] action of the [Health Authority] Department pursuant to this ordinance may appeal to the [Commission] Health Authority by filing a written application within thirty (30) days after being notified of the [decision] action that is the subject of the appeal. The Health Authority shall schedule a hearing on the appeal after giving the person or business no less than ten (10) days notice of said hearing date.

14.02 Any person aggrieved by any decision of the Health Authority, may appeal to the Commission by filing a written application within thirty (30) days after being notified

of the decision that is the subject of the appeal. The Commission shall schedule a hearing on appeal, and shall give the person notice of the date of hearing at least ten (10) days prior to the hearing date and give the person reasonable opportunity to be heard.

14.03 Appeal hearings to the Commission shall be conducted in accordance with the adopted rules and procedures of the Commission.

SECTION XV – WASTEWATER TREATMENT SYSTEM PERMIT FEES

15.01 Wastewater treatment system permit fees are nonrefundable. All fees are subject to annual revision.

15.02 The fee for a Construction Permit [;] shall be One Hundred Fifteen Dollars (\$115.00).

15.03 The registration fee for Contractors/Installers, Soil Scientists, [Percolation Testers], Engineers, Septic Tank Cleaners, Pumpers, & Haulers [is] shall be Twenty-Five dollars (\$25.00) annually.

15.04 The fees for the following may be waived, at the discretion of the Department:

[(a)](A) Construction permit fees for applicants upgrading wastewater treatment systems [;] in existence prior to the adoption of this ordinance. However a construction permit will be required by the Department;

[(b)](B) Registration fees for applicants currently registered or certified as contractors/installers, soil scientists, [percolation testers,] or engineers with the Missouri Department of Health and Senior Services. Proof of said registration or certification must be provided to the Department and must be valid or current at the time services are offered. This waiver of fees will not except the applicant from attendance of meetings or training classes required by the Department;

[(c)] (C) Fees for construction permits or registration [;], if said fees would cause undue financial hardship upon the applicant [; or if unforeseen events occur], as determined through the appeals process in Section XIV.

[15.05] [Fees for inspections of existing wastewater systems by the Department; pursuant to a request from a lending institution, realtor, or private individual are Fifty Dollars (\$50.00). Fees shall be made payable to the Ralls County Health Department and shall be received within 30 days following the date of the inspection.]

SECTION XVI – SEVERABILITY

16.01 If any article, chapter, section, clause, or phrase of this ordinance is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

16.02 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department.

SECTION XVII – PROCEDURES FOR INSPECTIONS OF WASTEWATER SYSTEMS REQUIRING CONSTRUCTION PERMITS [, LOAN EVALUATIONS,] & COMPLAINTS

17.01 The department [will] may randomly select wastewater treatment systems to be inspected at the time of installation and backfilling of components of the system.

17.02 The installer[/contractor] or permittee shall notify the Department [;] during normal business hours of the Department, either in person or by phone, between forty-eight (48) and [a minimum of] four (4) hours prior to the commencement of construction or installation of a wastewater treatment system or any component thereof. The installer or permittee shall give additional notification when resuming installation that is interrupted or delayed for more than 24 hours before or after commencement.

17.03 Unless the Department has given authorization to cover or backfill the system prior to inspection and approval, the system shall not be covered or backfilled and shall be kept in a condition to allow for full inspection until at least 3 PM on the day of completion.

[17.03] 17.04 When the Department authorizes an installer to backfill a system before it is inspected, wastewater treatment systems not inspected by the Department [,] at the time of installation and prior to backfilling [of components of the system,] will be inspected within 30 days following notification of the installation date, provided that notification was given as stipulated in Section 17.02 of this Ordinance. If said authorization and/or notification was not provided, the installer shall be required to uncover the system, or portions thereof, for inspection. Other penalties or actions as prescribed under this ordinance are not hereby precluded.

[17.04] 17.05 The Department will provide the permit applicant and [/or] the registered installer [/contractor] written documentation of the results of the inspection. Should the wastewater treatment system not be approved and/or appear to the Department to create a health hazard, the Department [will] may issue an immediate Stop Order. If a STOP ORDER is not issued at that time, [the documented] corrections to the wastewater treatment system [;] necessary to effect compliance with this ordinance shall be completed within the time limit stipulated by the Department. It shall be the responsibility of the [Construction Permit applicant] permittee and the installer to ensure that the required corrections to the wastewater treatment system are made and to provide [documented corrections] documentation to that effect.

[17.05] [Inspections conducted by the Department for loan evaluation purposes on wastewater systems not in operation for [a minimum of] thirty (30) days prior to the inspection date will be listed as “unable to determine” regarding the status of the wastewater system.]

17.06 At the discretion of the Department, investigations of existing wastewater systems [;] emanating from a complaint received by the Department [,] may not be conducted unless the person(s) filing the complaint completes and signs a complaint form. Complaint forms will be provided and available at the Ralls County Health Department.

SECTION XVIII – VARIANCES

18.01 Variances may be considered [and granted] by the Department for installation of wastewater systems and the installation of experimental wastewater systems. At the discretion of the Department and with relative assurance for protection of the public health and the environment, variances may be granted for the following:

[(a)] (A) Minimum set-back distance requirements;

[(b)] (B) [Minimum soil absorption areas may be calculated on the existing occupancy rate or actual water usage data; provided it is not feasible or possible to install the necessary soil absorption area required by this ordinance;] Minimum soil absorption area: If it is not feasible or possible to install the minimum soil absorption system area that would otherwise be required by this ordinance, the Department may allow the calculation of the soil absorption area on the existing occupancy rate or actual water usage data;

[(c)] (C) Experimental or innovative wastewater systems [, provided the plans for the wastewater system are] designed by a licensed engineer and bearing the engineer's seal. The engineer or manufacturer of such experimental system shall provide the operator of the wastewater system with a written warranty that the wastewater system will perform in compliance with the stipulations of this ordinance. At the discretion of the Department, the manufacturer or guarantor of the system may be required to collect operational and performance data on the system at least monthly and provide such data to the Department on a monthly basis for a period of at least two years. The Department may specify what data is to be collected and submitted, and shall have the discretion to approve or reject laboratories for any testing it requires. All costs and expenses for the production, collection and reporting of said data, including any laboratory testing required by the Department, shall be the responsibility of the engineer, manufacturer or guarantor. Should such system at any time fail to comply with the requirements of this section or other provisions of this ordinance, operation of the system shall cease until such time as it is repaired or replaced with an approved system that does comply with said requirements.

[(d)] [Experimental or innovative wastewater systems, provided the manufacturer of the experimental system provides the operator of the wastewater system with a written warranty for performance of the wastewater system to comply with the stipulations of this ordinance.]

18.02 At its discretion, the Department may issue a variance for the installation of soil absorption systems in soils that contain severe restrictions, [e.g. percolation rates

exceeding 120 min/in., provided that:]. Minimum provisions for the issuance of such variance shall include, but may not be limited to:

[a](A) The wastewater system provides pretreatment of the wastewater effluent [which] such that, based on [documented] scientifically valid and verified performance data submitted to the Department, the effluent meets or exceeds the wastewater effluent standards listed in Table I of Section VIII; and,

[(b)](B) Shallow placement techniques for installation of the soil absorption system [is] are utilized; and,

[(c)](C) For wastewater systems meeting effluent standards in Section VIII, Table I, item (b), the [minimum] loading rate for the soil absorption area installed [is based on a minimum loading rate of] does not exceed one half (1/2) [0.5 gals/sq. ft.] of the loading rate in gallons per square foot per day for conventional systems as indicated in the soil morphology report, [for wastewater systems meeting effluent standards in Section VIII, Table I, item (b)]; and,

[(d)](D) For wastewater systems meeting effluent standards in Section VIII, Table I, item (a), the [minimum] loading rate for the soil absorption area installed [is based on a minimum loading rate of] does not exceed three fourths (3/4) [1.2 gals/sq. ft.] of the loading rate in gallons per square foot per day for conventional systems as indicated in the soil morphology report, [for wastewater systems meeting effluent standards in Section VIII, Table I, item (a)];.

18.03 The Department will require [;if possible,] the permit applicant to retain an additional area [available], if possible, for a replacement on-site system, [should] in the event corrections or repairs to the wastewater system become necessary.

18.04 The Department will require the permit applicant requesting a variance to [complete and sign a variance form] submit a written and signed variance request, detailing the desired characteristics of the requested variance and the reason or reasons that the variance is needed. A variance request form may be obtained from the Department.

18.05 Nothing in this Section shall require the Department to issue or grant a variance.

This ordinance was originally passed at Ralls County, Missouri on April 21, 1996

