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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 4048

(By Delegates Mazateta + D. Miller)

— ● —

Passed March 3, 1992

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4048
(By DELEGATES MEZZATESTA AND D. MILLER)

[Passed March 3, 1992; in effect from passage.]

AN ACT to amend and reenact section nine, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removing the requirement for the securing of performance bonds for the installation, operation and maintenance of certain septic systems, sewage treatment plants, or other sewage disposal systems.

Be it enacted by the Legislature of West Virginia:

That section nine, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. STATE DIVISION OF HEALTH.

§16-1-9. Supervision over local sanitation.

1 No person, firm, company, corporation, institution or
2 association, whether public or private, county or
3 municipal, shall install or establish any system or
4 method of drainage, water supply, or sewage or excreta
5 disposal without first obtaining a written permit to
6 install or establish such system or method from the
7 commissioner of the bureau of public health or his or
8 her authorized representative. All such systems or
9 methods shall be installed or established in accordance

10 with plans, specifications and instructions issued by the
11 commissioner or which have been approved in writing
12 by the commissioner or his or her authorized
13 representative.

14 Whenever the commissioner of the bureau of public
15 health or his or her authorized representative finds upon
16 investigation that any system or method of drainage,
17 water supply, or sewage or excreta disposal, whether
18 publicly or privately owned, has not been installed in
19 accordance with plans, specifications and instructions
20 issued by the commissioner approved in writing by the
21 commissioner or his or her duly authorized representa-
22 tive, the commissioner or his or her duly authorized
23 representative may issue an order requiring the owner
24 of such system or method to make alterations as may
25 be necessary to correct the improper condition. Such
26 alterations shall be made within a reasonable time
27 which shall not exceed thirty days, unless a time
28 extension is authorized by the commissioner or his or
29 her duly authorized representative.

30 The presence of sewage or excreta being disposed of
31 in a manner not approved by the commissioner of the
32 bureau of public health or his or her authorized
33 representative shall constitute prima facie evidence of
34 the existence of a condition endangering public health.

35 The personnel of the bureau of public health shall be
36 available to consult and advise with any person, firm,
37 company, corporation, institution or association,
38 whether publicly or privately owned, county or munic-
39 ipal, or public service authority, as to the most approp-
40 riate design, method of operation or alteration of any
41 such system or method.

42 Any person, firm, company, corporation, institution or
43 association, whether public or private, county or
44 municipal, who shall violate any provisions of this
45 section shall be deemed guilty of a misdemeanor, and,
46 upon conviction thereof, shall be punished by a fine of
47 not less than twenty-five dollars nor more than five
48 hundred dollars. The continued failure or refusal of such
49 convicted person, firm, company, corporation, institu-

50 tion or association, whether public or private, county or
51 municipal, to make the alterations necessary to protect
52 the public health required by the commissioner of the
53 bureau of public health or his or her duly authorized
54 representative shall constitute a separate, distinct and
55 additional offense for each twenty-four hour period of
56 such failure or refusal, and, upon conviction thereof, the
57 violator shall be fined not less than twenty-five dollars
58 nor more than five hundred dollars for each such
59 conviction: *Provided*, That none of the provisions
60 contained in this section shall apply to those commercial
61 or industrial wastes which are subject to the regulatory
62 control of the West Virginia division of natural resour-
63 ces or the West Virginia air pollution control
64 commission.

65 Magistrates shall have concurrent jurisdiction with
66 the circuit courts of this state for violations of any
67 provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Thomer Heck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect from passage.

Harold E. Adams
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Walter Buntette
President of the Senate

Robert C. ...
Speaker of the House of Delegates

The within is approved this the 17th
day of March, 1992.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/92.

Time 4:47 pm