WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

(House Bill No. 4048)

(By Delegates Mazzapesta and D. Miller)

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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 association, whether public or private, county or municipal, shall install or establish any system or method of drainage, water supply, or sewage or excreta disposal without first obtaining a written permit to install or establish such system or method from the commissioner of the bureau of public health or his or her authorized representative. All such systems or methods shall be installed or established in accordance
with plans, specifications and instructions issued by the
commissioner or which have been approved in writing
by the commissioner or his or her authorized
representative.

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

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

The personnel of the bureau of public health shall be
available to consult and advise with any person, firm,
company, corporation, institution or association,
whether publicly or privately owned, county or munici-
pal, or public service authority, as to the most approp-
riate design, method of operation or alteration of any
such system or method.

Any person, firm, company, corporation, institution or
association, whether public or private, county or
municipal, who shall violate any provisions of this
section shall be deemed guilty of a misdemeanor, and,
upon conviction thereof, shall be punished by a fine of
not less than twenty-five dollars nor more than five
hundred dollars. The continued failure or refusal of such
convicted person, firm, company, corporation, institu-
tion or association, whether public or private, county or municipal, to make the alterations necessary to protect the public health required by the commissioner of the bureau of public health or his or her duly authorized representative shall constitute a separate, distinct and additional offense for each twenty-four hour period of such failure or refusal, and, upon conviction thereof, the violator shall be fined not less than twenty-five dollars nor more than five hundred dollars for each such conviction: Provided, That none of the provisions contained in this section shall apply to those commercial or industrial wastes which are subject to the regulatory control of the West Virginia division of natural resources or the West Virginia air pollution control commission.

Magistrates shall have concurrent jurisdiction with the circuit courts of this state for violations of any provisions of this section.
Enr. Com. Sub. for H. B. 4048] 4

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

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

[Signature]
Governor
PRESENTED TO THE
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Date 3/12/92.
Time 4:47 pm