

**Sec. 17-1. Fees for inspection, test of water and/or individual sewage disposal systems.**

- (a) The Washington County Health Department shall charge a fee of fifty dollars (\$50.00) for the inspection, tests, and report on an existing water and/or individual sewage disposal system. There shall be no charge for any successive trip to the same site. There shall be a charge of twenty-five dollars (\$25.00) for an inspection report when an on-site inspection is not required and a letter is necessary to update the report.
- (b) This section shall apply only to such services as are not mandated by State law.
- (c) The funds collected shall be placed in the County General Fund.
- (d) The funds collected under this section shall be appropriated to the Washington County Health Department.

(Ord. No. 86-10, Arts. 1-4, 6-12-86; Ord. No. 88-1, Arts. 1-3, 1-14-88)

**Editor's note:** At the discretion of the editor, Ord. No. 86-10, Arts. 1-4, enacted June 12, 1986, being not specifically amendatory of the Code, has been included as § 17-1 herein.

**Cross references:** Flood damage prevention, § 11-261 et seq.; utility services not to be supplied until address assigned, § 12-51; location of waste disposal facilities within two miles of water sources prohibited, § 14-4.

**Sec. 17-2. Permit for individual sewage disposal systems from the health department required.**

- (a) No person or entity shall install or cause to be installed a septic system or individual sewage disposal system in the unincorporated areas of the County, regardless of the size of the tract of land, without assuring a permit for construction has been obtained from the Washington County Health Department.
- (b) Before a septic system or individual sewage disposal system is placed into use, the permit for operation must be signed by a representative of the Washington County Health Department.
- (c) Septic systems or individual sewage disposal systems shall be located no closer than one hundred (100) feet from any potable water source; surface waters, natural or artificial, including but not limited to, lakes, rivers, streams, creeks, bayous, marshes, ponds and reservoirs; drainage systems or areas, including streams or creeks with intermittent flows; springs or irrigation systems.
- (d) The exemption of requirements of Act 402 for tracts of land ten (10) acres or larger, in which the field line or sewage disposal line is no closer than two hundred (200) feet to the property line (Ark. Code Ann. § 14-236-104(c)) is hereby removed for tracts of land in the County as allowed under the provisions of Ark. Code Ann. § 14-236-105.
- (e) A violation of this section shall constitute a Class A misdemeanor and each day the said violation remains in existence will be deemed a separate and additional offense. The County Judge or his designee will enforce the provisions of this section.

(Ord. No. 99-26, Arts. 1-5, 6-10-99)

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KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.OFFICE OF THE COUNTY JUDGE  
WASHINGTON COUNTY, ARKANSAS

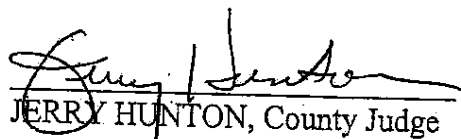
## EXECUTIVE ORDER NO. - 2003-03

The following administrative decisions have been made regarding the enforcement and applicability of Ordinance No. 2003-37 regarding septic tank approval upon sale:

As time goes by, there may be a need to modify or add to these; comments or questions are invited at any time.

1. This Ordinance was effective August 15, 2003, but will have no affect on contracts that were pending prior to that date.
2. This Ordinance is applicable only to the unincorporated areas of Washington County; cities may pass their own ordinances in this regard.
3. If a person buys acreage to build a house for himself and a separate house for a relative (not for re-sale), then only one (1) test will be required unless it is determined by a certified inspector that the location of the second house is significantly different such that a separate test should be done. (Note: In any event, if the second house is sold, this Ordinance will apply.)
4. If a person buys acreage for development, no test will be required until re-sale of the tract for a residential or business structure. It is already state law that there be a permit for any new system and any failing system must be remedied.
5. The Ordinance contemplates that this will be a seller cost; however, it may be negotiated so as to be a buyer cost. In any event, the proper testing must be done before closing.
6. The fine set out in Article 5 of this Ordinance commences from the date the sale is closed without having procured a certificate of permit.
7. The party who has the responsibility to procure and pay for the certificate or permit will be the responsible party for any fines.

**IT IS SO ORDERED.**

  
JERRY HUNTON, County Judge

cc: Rick Johnson, Health Department  
George Butler, County Attorney  
Shawn Shrum, Environmental Affairs Officers

FILED

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KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

**ORDINANCE NO. 2003-37**

**BE IT ORDAINED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:**

**AN ORDINANCE REQUIRING THE SELLER OF ANY  
RESIDENTIAL OR BUSINESS STRUCTURE OR LAND  
UPON WHICH A RESIDENTIAL OR BUSINESS  
STRUCTURE IS TO BE CONSTRUCTED OR PLACED TO  
BE REQUIRED TO PROCURE A CERTIFICATE FROM THE  
WASHINGTON COUNTY HEALTH DEPARTMENT THAT  
THE SEPTIC SYSTEM IS APPROVED OR THE LAND HAS  
BEEN TESTED AND APPROVED FOR INSTALLATION OF  
A SEPTIC SYSTEM.**

**WHEREAS**, with the rapid growth in Washington County, Arkansas, it is increasingly difficult to install safe septic systems that not only protect the owner of a specific piece of property, but also those surrounding property owners, and the ground water throughout the County and the phosphorous levels in rivers, streams, and other bodies of water; and,

**WHEREAS**, levels of phosphorous have focused on area farmers without adequately addressing other sources that contribute to this problem; and,

**WHEREAS**, the cities in Washington County have been required to improve their waste water treatment due to the effect of effluent discharge and its effect on water quality; and,

**WHEREAS**, currently existing mechanisms are inadequate to ensure the health and safety of the citizens of Washington County with respect to septic systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS:**

**ARTICLE 1.** No residential or business structure that would require a septic system or tract of land upon which such residential or business structure is to be constructed or placed with or without an existing system shall be sold until the seller of the residential or business structure or tract procures at the seller's expense a certificate or permit from the Washington County Health Department.

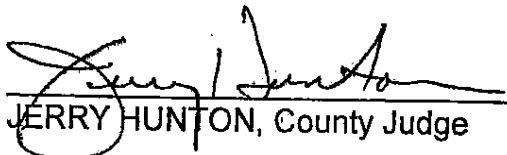
**ORDINANCE NO. 2003-37**  
**PAGE 2**

**ARTICLE 2.** Said certificate or permit shall comply with regulations of the Washington County Health Department so as to ensure that the soil is suitable for a septic system and does not in conjunction with surrounding systems contribute to a danger to public health or the ground water, including but not limited to phosphorus levels.

**ARTICLE 3.** The cost of said inspection and approval may be collected at closing of any such sale.

**ARTICLE 4.** This ordinance shall apply to the unincorporated portions of Washington County, Arkansas.

**ARTICLE 5.** A violation of this ordinance shall be punishable by a fine of up to \$500.00 and, if of a continuing nature, \$250.00 per day for each day such violation exists.

  
\_\_\_\_\_  
JERRY HUNTON, County Judge

7-11-03  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Earvel Fraley  
Date of Passage: July 10, 2003  
Votes For: 10 Votes Against: 3  
Abstentions: 0 Absent: 0

STATEMENT OF INTENT REGARDING SEPTIC SYSTEM \*

I (we) seller \_\_\_\_\_ and I (we) buyer \_\_\_\_\_ do hereby certify that neither party contemplate or is aware of or has the intention that a septic system is to be installed on the property which is the subject of this real estate transaction.

This is to further certify that there is not an existing septic system on said property that the parties contemplate will be utilized.

The execution of this document does not prohibit installation or utilization of a septic system in the future but is being executed for the purposes of the Washington County Ordinance No. 2003-37, a copy of which is attached hereto.

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\* If a person buys acreage to build a home for himself and a relative (not for resale), only one test will be required. (Note: If this is sold, the ordinance will apply.) If a person buys acreage for development, no test will be required until resale of a tract for a residential or business structure. As you know, state law already requires there be a permit for any new system and requires failing systems to be remedied.

*Washington County Public Health Center*

3270 WIMBERLY DRIVE  
TELEPHONE 521-8181  
FAYETTEVILLE, ARKANSAS 72703

Property Location/ 911 Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing System \_\_\_\_\_  
Undeveloped Property \_\_\_\_\_

Information submitted to the Washington County Public Health Center by

\_\_\_\_\_ Dated \_\_\_\_\_ indicates that [ ] the existing  
sewage disposal system appears to be function properly at the time of the inspection or  
[ ] That the parcel of land has an area suitable for sewage disposal as [ ] a standard  
system or [ ] an alternate system.

\_\_\_ An Individual Sewage Disposal System Permit for construction # \_\_\_\_\_ was  
issued on \_\_\_\_\_. A permit for operation # \_\_\_\_\_ was issued on \_\_\_\_\_.

\_\_\_ An Individual Sewage Disposal System Permit was not located for the existing  
referenced property.

\_\_\_ Information submitted indicates a [ ] suitable area was not located or a  
[ ] malfunction currently exists on the property.

By: \_\_\_\_\_  
Environmental Health Specialist, Washington County Public Health Center  
Date: \_\_\_\_\_



JERRY HUNTON  
County Judge

280 North College, Suite 210  
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS  
County Courthouse

August 13, 2003

TO: ALL REALTORS, LENDERS AND TITLE COMPANIES AND CERTIFIED  
INSPECTORS OF THE HEALTH DEPARTMENT

RE: Ordinance No. 2003-37 Regarding Septic System Approval Upon Sale

Ladies and Gentlemen:

Please find enclosed the above ordinance and forms for your use. These executed forms should be returned to the Washington County Health Department and the Washington County Environmental Affairs Office.

This ordinance will not go into effect until **August 15, 2003**, and thus will have no effect on contracts pending prior to that date. Of course, it is only applicable to the unincorporated areas of Washington County.

It is my hope that not only will this ordinance be beneficial to the public health and water quality but will also decrease the number of disgruntled buyers.

If a person buys acreage to build a house for himself and a separate house for a relative (not for resale), then only one test will be required; unless it is determined by a certified inspector that the location of the second house is significantly different such that a separate test should be done. (**Note:** In any event, if this second house is sold, the ordinance will apply.) If a person buys acreage for development, no test will be required until resale of a tract for a residential or business structure. As you all know, state law **already** requires there be a permit for any new system and requires failing systems to be remedied.

A list of inspectors certified by the Arkansas Department of Health may be obtained from Rick Johnson at the Health Department (521-8181). Only certified inspectors may be utilized.

Please share this information with your associates. If you have any questions, feel free to contact George E. Butler, County Attorney, at 973-8415.

Sincerely,

Jerry Hunton  
County Judge



# **Washington County Health Department**

3270 Wimberly  
Fayetteville, AR 72703  
Telephone: (479) 521-8181 ext. 2115  
Fax: (479) 973-8483

The individuals listed below are certified by the Arkansas Department of Health to conduct percolation tests and design individual sewage disposal systems.

<b>NAME</b>		<b>1st TELEPHONE</b>	<b>2nd TELEPHONE</b>
<b>Reba</b>	<b>Bailey</b>	<b>(479) 361-5044</b>	<b>(479) 530-2548</b>
<b>Mark</b>	<b>Corbitt</b>	<b>(479) 466-6183</b>	
<b>Rebecca</b>	<b>Corbitt</b>	<b>(479) 466-6183</b>	
<b>Bodie</b>	<b>Drake</b>	<b>(479) 387-4559</b>	
<b>Tom</b>	<b>Hecox</b>	<b>(479) 443-3376</b>	
<b>Sheri</b>	<b>Herron</b>	<b>(479) 267-3991</b>	
<b>Will</b>	<b>Jones</b>	<b>(479) 790-2784</b>	
<b>Glenn</b>	<b>Laurent</b>	<b>(479) 601-3844</b>	
<b>Linda</b>	<b>Mayo</b>	<b>(479) 466-6117</b>	
<b>Benny</b>	<b>Mays</b>	<b>(479) 531-0557</b>	
<b>Ronnie</b>	<b>Miller</b>	<b>(479) 883-3987</b>	
<b>Guadalupe</b>	<b>Neeriemer</b>	<b>(479) 824-5955</b>	
<b>Jimmy</b>	<b>Richardson</b>	<b>(479) 756-2027</b>	
<b>Harry</b>	<b>Short</b>	<b>(479) 586-1204</b>	
<b>Elizabeth</b>	<b>Summers</b>	<b>(479) 466-3842</b>	<b>(479) 789-5828</b>
<b>Randall</b>	<b>Wiggins</b>	<b>479) 442-3578</b>	<b>(479) 422-2094</b>

Received by Washington County Planning on 04/01/2010.

**ORDINANCE NO. 99-26**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE MANDATING THE ACQUISITION OF A PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS FROM THE WASHINGTON COUNTY HEALTH DEPARTMENT, PRIOR TO INSTALLATION, ON ALL TRACTS OF LAND OF ANY SIZE IN THE UNINCORPORATED AREAS OF WASHINGTON COUNTY UPON WHICH DOMESTIC SEWAGE IS TO BE CREATED, AND OTHER MATTERS.**

**WHEREAS, the rapid development of land in Washington County has resulted in the need for increased regulation of domestic sewage; and,**

**WHEREAS, the proliferation of domestic sewage generation represents an imminent health threat through exposure to citizens, farm and domestic animals, fish and wildlife; and,**

**WHEREAS, safe and adequate sewage disposal promotes the health and welfare of the citizens of Washington County by minimizing exposure to human excreta and domestic wastes, thus minimizing the contamination of drinking water supplies, recreational areas and ground and surface water of this county; and,**

**WHEREAS, Act 402 of 1977 (Arkansas Code Annotated § 14-236-105 entitled, "Interpretation with Other Laws") states: "The provisions of any law or regulation of any municipality establishing standards affording greater protection to the public health and safety shall prevail within the jurisdiction of the municipality over the provisions of this chapter and the regulations adopted hereunder;" and,**

**WHEREAS, Act 402 (§ 14-236-103 entitled, "Definitions") in subsection 7 states: "Municipality means a city, town, county, district, or other public body created by or pursuant to state law, or any combination thereof acting cooperatively or jointly;" and,**

**WHEREAS, Act 402 of 1977 (§ 14-236-104(c)) exempts from the requirements of Chapter 236, tracts of land ten (10) acres or larger in which the field line or sewage disposal line is no closer than two hundred feet (200') to the property line.**

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1. No person or entity shall install or cause to be installed a septic system or individual sewage disposal system in the unincorporated areas of Washington County, Arkansas, regardless of the size of the tract of land, without assuring a permit for construction has been obtained from the Washington County Health Department.**

**ARTICLE 2.** Before a septic system or individual sewage disposal system is placed into use, the permit for operation must be signed by a representative of the Washington County Health Department.

**ARTICLE 3.** Septic systems or individual sewage disposal systems shall be located no closer than 100 feet from any potable water source; surface waters, natural or artificial, including but not limited to, lakes, rivers, streams, creeks, bayous, marshes, ponds and reservoirs; drainage systems or areas, including streams or creeks with intermittent flows; springs or irrigation systems.

**ARTICLE 4.** The exemption of requirements of Act 402 for tracts of land ten (10) acres or larger, in which the field line or sewage disposal line is no closer than two hundred feet (200') to the property line (§ 14-236-104(c)) is hereby removed for tracts of land in Washington County as allowed under the provisions of (§ 14-236-105).

**ARTICLE 5.** A violation of this Ordinance shall constitute a Class A misdemeanor and each day the said violation remains in existence will be deemed a separate and additional offense. The County Judge or his designee will enforce the provisions of this Ordinance.

JERRY HUNTON, COUNTY JUDGE DATE

MARILYN EDWARDS, COUNTY CLERK

Sponsor: Bill Yancey

Date of Passage: June 10, 1999

Votes For: 10 Votes Against: 3

Abstention: 0 Absent: 0