

CHAPTER 23-19 CESSPOOLS, SEPTIC TANKS, PRIVIES - REGULATION

23-19-01. License and permit requirements.

From and after the passage and approval of this chapter no person, partnership, association, firm, corporation, or limited liability company may engage for hire in the servicing activities listed below without first obtaining an annual license as provided by this chapter:

1. Cleaning, pumping, and servicing cesspools, septic tanks, privies, chemical toilets, or holding tanks.
2. Transfer or disposal of any liquid wastes or byproduct of commercial or industrial processes, provided that such disposal or transfer complies with other regulations or restrictions outlined by federal, state, or local ordinances pertaining to a specific waste or byproduct.
3. Licenses with current registration may not be required to pay the initial license fee.

In addition to the annual state license, an additional permit may be required by local governmental and health jurisdictions. The provisions of this chapter do not apply to master plumbers duly licensed to engage in the business of plumbing in the state of North Dakota.

23-19-02. Application for licenses and permits.

Applicants for license shall file applications under oath with the state department of health on prescribed application forms which are to be signed by the owner or, in the case of associations and corporations, by authorized representatives seeking a license. Where permits are required by local units of government, the application for this permit must be made through the district or local health officer having jurisdiction within the area to be served.

23-19-03. Surety bond.

Before receiving a license the applicant shall execute and deposit with the state department of health a surety bond in the sum of one thousand dollars conditioned on the faithful performance in conformity with all applicable health laws and regulations of all work undertaken by the applicant.

23-19-04. License and permit fees.

1. A North Dakota resident licensee shall pay an initial fee of fifty dollars for one complete servicing unit including pump and transport. A fee of fifteen dollars must be paid for each additional complete servicing unit. A North Dakota resident licensee shall pay an annual renewal fee of fifteen dollars for each complete servicing unit.
2. A nonresident licensee shall pay an initial fee of one hundred dollars for one complete servicing unit including pump and transport. A fee of fifty dollars must be paid for each additional complete servicing unit. A nonresident licensee shall pay an annual renewal fee of fifteen dollars for each complete servicing unit.

23-19-05. Licenses and license tags.

Licenses issued hereunder expire one year after date of issuance or upon such uniform dates as the state health council may prescribe by regulation. Normally, unless altered by regulation, the license will run for the calendar year and will expire on December thirty-first each year. A grace period of sixty days must be allowed for renewal fee continuation. The license must be assigned and issued only for the servicing unit and person or firm named in the application and is not transferable or assignable without written approval by the state department of health. A fee of fifteen dollars must be paid with a written request for a transfer or assignment. The state department of health may cause to be designed and issued a numbered metal license tag, which must be posted in a conspicuous place on each servicing unit of the licensee. If deemed desirable, different colored tags may be used to distinguish resident and nonresident licenses.

23-19-06. Rules, regulations, and inspections.

The state health council is authorized to promulgate rules and regulations and to make inspections as may be necessary to implement this chapter and to provide adequate health safeguards. Within their respective jurisdictions, district and local boards of health may adopt rules and regulations and make inspections not inconsistent with this chapter and the regulations established by the state health council.

23-19-07. Authority to issue, deny, suspend, or revoke licenses.

The state department of health shall issue licenses to applicants found to comply with the provisions of this chapter and lawfully promulgated regulations. The state health officer with the approval of the state health council may, after a hearing, deny, suspend, or revoke licenses on any of the following grounds:

1. Failure to execute, deposit, and maintain a surety bond.
2. Violation of any of the provisions of this chapter or regulations promulgated pursuant thereto.
3. Conduct or practices detrimental to health, safety, and welfare.

No application for a license may be denied nor may a license be suspended or revoked, except after a hearing before the state health council held pursuant to written notice to the applicant or licensee, served by registered or certified mail. The notice must concisely state the grounds for such denial or for such proposed suspension or revocation and must fix the time and place of hearing which may not be less than fifteen days after the date of mailing the notice. The state health council may delegate district and local boards of health to conduct hearings within their respective jurisdictions.

23-19-08. Hearings and appeals.

The hearings, procedures, and appeals must be conducted in accordance with the provisions of chapter 28-32.

23-19-09. Penalties.

Any person violating any of the provisions of this chapter or health and sanitary regulations promulgated hereunder is guilty of a class B misdemeanor.

23-19-10. Disposition of license fees.

License fees must be appropriately accounted for and remitted to the state treasurer.