

**ORDINANCE NO.: 408**

**AN ORDINANCE REPEALING RESOLUTION NO. 236, RE: SEPTIC TANKS, ADOPTED ON SEPTEMBER 25, 2000, LOCATED AT ARTICLE 27 OF THE MADISON COUNTY UNIFIED DEVELOPMENT CODE, APPENDIX A—RESOLUTIONS; AND REPLACING RESOLUTION 236 WITH THE TERMS OF THIS ORDINANCE UNDER NEWLY CREATED PART II OF THE UNIFIED DEVELOPMENT CODE, CHAPTER 107, ARTICLE I, SECTION 107-2, AS IT APPLIES TO SEPTIC SYSTEMS, AND PROVIDING AN EFFECTIVE DATE THEREON.**

WHEREAS, Board of County Commissioners of Madison County adopted Resolution No.: 236 on September 25, 2000, as it applies to septic tanks; and,

WHEREAS, Board of County Commissioners of Madison County adopted the Unified Development Code (UDC) on or about July 26, 2010; and,

WHEREAS, Board of County Commissioners of Madison County codified and updated its code book in compliance with the UDC; and,

WHEREAS, Resolution No.: 236 appears in the UDC as Article 27, in Appendix A—Resolutions; and,

WHEREAS, Madison County Planning and Zoning met numerous times to revise how Madison County regulates septic tanks; and

WHEREAS, Madison County Planning and Zoning held a public hearing on this matter on or about April 7, 2016, regarding repealing Resolution No. 236 and replacing that resolution with a new ordinance as it applies to septic systems. That this public hearing was held before the Madison County Planning and Zoning Commission at which parties in interest and citizens had an opportunity to be heard; and,

WHEREAS the Madison County Planning and Zoning Commission presented its Findings of Fact and Conclusions of Law to the Board of County Commissioners (“Board”) on or about \_\_\_\_\_, at which time the Board approved the Findings of Fact presented to them and approved the aforementioned updates to the Unified Development Code of the Madison County Code as outlined.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:**

1. Resolution No.: 236, as it applies to septic tanks is now hereby repealed and held for naught.
2. A new ordinance will be added to the Madison County, Idaho Code of Ordinances, under Part II., Unified Development Code, Chapter 107, Article I, new section 107-2 as follows:

**Sec. 107-2. Sub-Surface Waste Disposal Systems or Septic Systems.**

That all sub-surface septic systems in Madison County be designated and permitted by an Eastern Idaho Public Health District Environmental Health Specialist no matter the location or size of lot. An Eastern Idaho Public Health District septic permit must be applied for, issued and received prior to an applicant receiving a building permit from Madison County. In the event a permit is not required, the Eastern Idaho Public Health District shall notify the Applicant in writing.

**Secs. 107-3—107-20. - Reserved.**

3. This Ordinance shall become effective upon its passage, approval and publication according to the law.

PASSED AND ADOPTED BY THE Board OF MADISON COUNTY COMMISSIONERS dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS  
MADISON COUNTY, IDAHO

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JON O. WEBER, Chairman

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KIMBER O. RICKS, Commissioner

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TODD SMITH, Commissioner

ATTEST:

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KIM H. MUIR, CLERK