

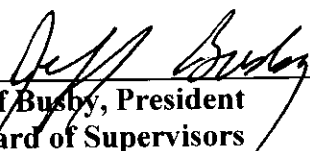
**ORDER: ADOPT PROPOSED INTERNATIONAL PRIVATE SEWAGE
DISPOSAL CODE FOR ALL BUILDINGS IN THE COUNTY**

Motion was made by Mike Roberts, duly seconded by Chad McLarty, to adopt the proposed International Private Sewage Disposal Codes for all buildings in the county.

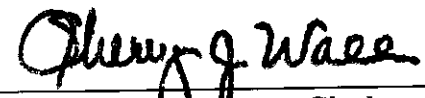
The vote on the motion was as follows:

Supervisor Kevin Frye. voted yes
Supervisor Jeff Busby. voted yes
Supervisor David Rikard. voted yes
Supervisor Chad McLarty. voted yes
Supervisor Mike Roberts. voted yes

After the vote, President Busby, declared the motion carried, this the 21st day of November, 2016



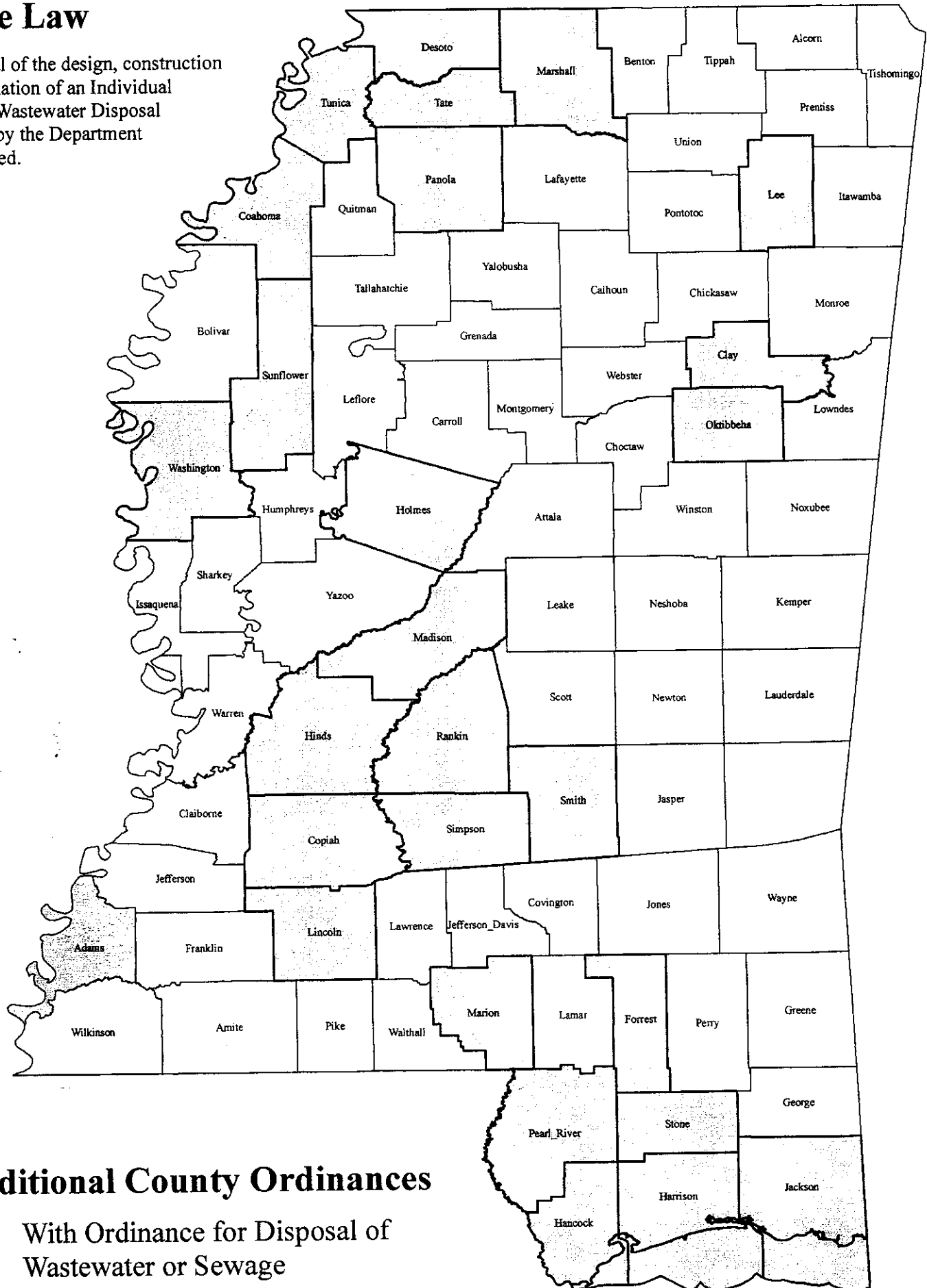
Jeff Busby, President
Board of Supervisors




Sherry Wall, Chancery Clerk

State Law

Approval of the design, construction or installation of an Individual On-site Wastewater Disposal System by the Department is required.



Additional County Ordinances

 With Ordinance for Disposal of Wastewater or Sewage

CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

[A] 101.1 **Title.** These regulations shall be known as the Private Sewage Disposal Code of [NAME OF JURISDICTION] hereinafter referred to as "this code."

[A] 101.2 **Scope.** Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served. Unless specifically approved, the *private sewage disposal system* of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

[A] 101.2.1 **Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

[A] 101.3 **Public sewer connection.** Where public sewers become available to the premises served, the use of the *private sewage disposal system* shall be discontinued within that period of time required by law, but such period shall not exceed 1 year. The building sewer shall be disconnected from the *private sewage disposal system* and connected to the public sewer.

[A] 101.4 **Abandoned systems.** Abandoned *private sewage disposal systems* shall be plugged or capped in an approved manner. Abandoned treatment tanks and *seepage pits* shall have the contents pumped and discarded in an approved manner. The top or entire tank shall be removed and the remaining portion of the tank or excavation shall be filled immediately.

[A] 101.5 **Failing system.** When a *private sewage disposal system* fails or malfunctions, the system shall be corrected or use of the system shall be discontinued within that period of time required by the code official, but such period shall not exceed 1 year.

[A] 101.5.1 **Failure.** A failing *private sewage disposal system* shall be one causing or resulting in any of the following conditions:

1. The failure to accept sewage discharges and backup of sewage into the structure served by the *private sewage disposal system*.
2. The discharge of sewage to the surface of the ground or to a drain tile.
3. The discharge of sewage to any surface or ground waters.

4. The introduction of sewage into saturation zones adversely affecting the operation of a *private sewage disposal system*.

[A] 101.6 **Intent.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of *private sewage disposal systems*.

[A] 101.7 **Severability.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

[A] 102.1 **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.3 **Application of references.** Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.4 **Existing installations.** *Private sewage disposal systems* lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by the system.

[A] 102.5 **Maintenance.** *Private sewage disposal systems*, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of *private sewage disposal systems*. To determine compliance with this provision, the code official shall have the authority to require reinspection of any *private sewage disposal system*.

[A] 102.6 **Additions, alterations or repairs.** Additions, alterations, renovations or repairs to any *private sewage disposal system* shall conform to that required for a new system without requiring the existing system to comply with all the requirements of this code. Additions, alterations or repairs

shall not cause an existing system to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

[A] 102.7 Change in occupancy. It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

[A] 102.8 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

[A] 102.9 Moved buildings. Except as determined by Section 102.4, *private sewage disposal systems* that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[A] 102.10 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.10.1 and 102.10.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

[A] 102.10.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.10.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.11 Requirements not covered by code. Any requirements necessary for the proper operation of an existing or proposed *private sewage disposal system*, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PRIVATE SEWAGE DISPOSAL INSPECTION

[A] 103.1 General. The Department of Private Sewage Disposal Inspection is hereby created and the executive official in charge thereof shall be known as the code official.

[A] 103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of the jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

[A] 103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the installation and alteration of *private sewage disposal systems*, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Reports. The code official shall require the preparation and filing of reports by all inspectors. All reports of such inspection shall be filed with the code official.

without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

[A] 107.5 Evaluation and follow-up inspection services. Prior to the approval of a prefabricated construction assembly having concealed work and the issuance of a permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the *private sewage disposal system*, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the code official to determine conformance to this code.

[A] 107.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[A] 107.5.2 Follow-up inspection. Except where ready access is provided to *private sewage disposal systems*, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the installation shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

[A] 107.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the installation and the erection of the building; or such records as the code official designates shall be filed.

[A] 107.6 Testing. Installations shall be tested as required in this code and in accordance with Sections 107.6.1 through 107.6.3. Tests shall be made by the permit holder and observed by the code official.

[A] 107.6.1 New, altered, extended or repaired installations. New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

[A] 107.6.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder.

[A] 107.6.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then

be resubmitted to the code official for inspection and testing.

[A] 107.7 Approval. After the prescribed inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

[A] 107.7.1 Revocation. The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

[A] 107.8 Temporary connection. The code official shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

[REDACTED]

SECTION 108 VIOLATIONS

[A] 108.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or use any *private sewage disposal system*, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 108.2 Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of private sewage disposal work in violation of the provisions of this code; in violation of a detailed statement or the approved construction documents thereunder or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful system in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 108.4 Violation penalties. Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and