

**ORDER: ACCEPT PLANNING COMMISSION'S RECOMMENDATION TO  
AMEND THE 2012 INTERNATIONAL PRIVATE SEWAGE  
DISPOSAL CODE FINE STRUCTURE**

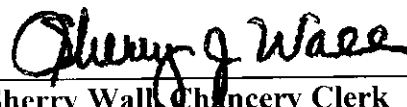
Motion was made by Mike Roberts, duly seconded by Chad McLarty, to accept the Planning Commission's recommendation to amend the 2012 International Private Sewage Disposal Code fine structure.

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 2<sup>nd</sup> day of July, 2018.

  
\_\_\_\_\_  
Jeff Busby, President  
Board of Supervisors

  
\_\_\_\_\_  
Sherry Wall, Chancery Clerk

## SUGGESTED AMENDMENT

Fill in the following blanks:

(SPECIFY OFFENSE) change to (MISDEMEANOR)

(AMOUNT) change to (\$1,000)

(NUMBER OF DAYS) change to (30 DAYS)

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.

**[A] 107.9 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

## 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

imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**[A] 108.5 Stop work orders.** Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

**[A] 108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of the *private sewage disposal system* on or about any premises.

**[A] 108.7 Unsafe systems.** Any *private sewage disposal system* regulated by this code that is unsafe or constitutes a health hazard, insanitary condition or is otherwise dangerous to human life is hereby declared unsafe. Any use of *private sewage disposal systems* regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**[A] 108.7.1 Authority to condemn equipment.** Whenever the code official determines that any *private sewage disposal system*, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such system be either removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective *private sewage disposal system* after receiving such notice. When such system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

**[A] 108.7.2 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior

to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing as soon as is practical thereafter.

## SECTION 109 MEANS OF APPEAL

**[A] 109.1 Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

**[A] 109.2 Membership of board.** The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

**[A] 109.2.1 Qualifications.** The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire-protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.

**[A] 109.2.2 Alternate members.** The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.

**[A] 109.2.3 Chairman.** The board shall annually select one of its members to serve as chairman.