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PREFACE

Introduction

The *International Private Sewage Disposal Code* is designed to provide model code regulations that are essential to the safe and sanitary installation of individual sewage disposal systems.

This comprehensive sewage disposal code establishes minimum regulations for sewage disposal systems in terms of performance objectives implemented by specific provisions, rather than in rigid specifications. It is founded on broad-based principles that make possible the use of new materials and new plumbing designs. In addition, the *International Private Sewage Disposal Code* is designed to be compatible with the BOCA National Codes published by Building Officials and Code Administrators International, Inc. (BOCA); the Standard Codes published by the Southern Building Code Congress International (SBCCI); and the Uniform Codes published by the International Conference of Building Officials (ICBO).

Model regulations in the *International Private Sewage Disposal Code* provide many benefits, among which is the model code process that offers an international forum for plumbing professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Adoption

The *International Private Sewage Disposal Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample adoption ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a change from the requirements of the 1998 edition except where a change was minor. Deletion indicators (➡) are provided in the margin where a paragraph or item listing has been deleted if the deletion resulted in a change of requirements.

Maintenance

The *International Private Sewage Disposal Code* is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

For more information regarding the code development process, contact BOCA, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795; ICBO, 5360 Workman Mill Road, Whittier, California 90601-2298; or SBCCI, 900 Montclair Road, Birmingham, Alabama 35213-1206.

While the development procedure of the *International Private Sewage Disposal Code* assures the highest degree of care, BOCA, ICBO, SBCCI, their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions given herein, for any restrictions imposed on materials or processes, or for the completeness of the text. BOCA, ICBO and SBCCI do not have power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

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SAMPLE ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE

ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2000 edition of the *International Private Sewage Disposal Code*, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems in the [JURISDICTION] ; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That certain documents, three (3) copies of which are on file in the office of the [JURISDICTION'S KEEPER OF RECORDS] and the [JURISDICTION] , being marked and designated as *International Private Sewage Disposal Code*, including Appendix Chapters (fill in the applicable Appendix Chapters. [See *International Private Sewage Disposal Code* Section 101.2, 2000 edition]) as published by the International Code Council, be and is hereby adopted as the code of the [JURISDICTION] for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems in the [JURISDICTION] providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *International Private Sewage Disposal Code*, 2000 edition, published by the International Code Council, on file in the office of the [JURISDICTION] are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 106.4.2. Insert: [APPROPRIATE SCHEDULE]

Section 106.4.3. Insert: [PERCENTAGES IN TWO LOCATIONS]

Section 108.4. Insert: [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS]

Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 405.2.5. Insert: [DATE IN THREE LOCATIONS]

Section 405.2.6. Insert: [DATE IN TWO LOCATIONS]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled (*fill in here the complete title of the present private sewage disposal ordinance or ordinances in effect at the present time so that they will be repealed by definite mention*) and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (*An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.*)

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

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

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.

Except where specific reference is made in this code to an appendix, the provisions in the appendices shall not apply unless specifically adopted.

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.

101.4 Abandoned systems. All abandoned private sewage disposal systems shall be plugged or capped in an approved manner. All 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 immediately filled.

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.

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.

101.6 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and wel-

fare insofar as they are affected by the installation and maintenance of private sewage disposal systems.

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

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures, as set forth in Section 101. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.2 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 such system.

102.3 Maintenance. All 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. All devices or safeguards that are required by this code shall be maintained in compliance with the code edition under which 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 any private sewage disposal system to be reinspected.

102.4 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 be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are approved.

102.5 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 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.

102.6 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.

102.7 Moved buildings. Except as determined by Section 102.2, 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.

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 14 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.9 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.

SECTION 103 DEPARTMENT OF PRIVATE SEWAGE DISPOSAL INSPECTION

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.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

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.

103.4 Restriction of employees. An official or employee connected with the department of private sewage disposal inspection, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 109, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building. Such officer or employee shall not engage in any work that conflicts with official duties or with the interests of the department.

103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage ac-

cruing to persons or property as a result of any act required or permitted 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; and any officer of the department of private sewage disposal inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce all of the provisions of this code and shall act on any question relative to the installation, alteration, repair, maintenance or operation of all private sewage disposal systems, devices and equipment, except as otherwise specifically provided for by statutory requirements or as provided for in Sections 104.2 through 104.8.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety.

104.3 Applications and permits. The code official shall receive applications 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.

104.4 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this code that make the building or premises unsafe, insanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the

code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry.

When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.6 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.7 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.8 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence unless otherwise provided for by other regulations.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in conformity with the intent and purpose of this code and that such modification does not lessen health and fire- and life-safety requirements. The details of action granting modifications shall be recorded and entered in the files of the private sewage disposal inspection department.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Alternative engineered design. The design, documentation, inspection, testing and approval of an alternative engineered design private sewage disposal system shall comply with Sections 105.4.1 through 105.4.6.

105.4.1 Design criteria. An alternative engineered design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Material, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.

105.4.2 Submittal. The registered design professional shall indicate on the permit application that the private sewage disposal system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

105.4.3 Technical data. The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of this code.

105.4.4 Construction documents. The registered design professional shall submit to the code official two complete sets of signed and sealed construction documents for the alternative engineered design.

105.4.5 Design approval. Where the code official determines that the alternative engineered design conforms to the intent of this code, the private sewage disposal system shall be approved. If the alternative engineered design is not approved, the code official shall notify the registered design professional in writing, stating the reasons therefor.

105.4.6 Inspection and test. The alternative engineered design shall be inspected in accordance with the requirements of Section 107.

105.5 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

SECTION 106 PERMITS

106.1 When required. Work on a private sewage disposal system shall not commence until a permit for such work has been issued by the code official.

106.2 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a

form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall contain a description of the type of system, the system location, the occupancy of all parts of the structure and all portions of the site or lot not covered by the structure, and such additional information as required by the code official. The maximum number of bedrooms for residential occupancies shall be indicated.

106.2.1 Construction documents. An application for a permit shall be accompanied by not less than two copies of construction documents drawn to scale, with sufficient clarity and detail dimensions showing the nature and character of the work to be performed. Specifications shall include pumps and controls, dose volume, elevation differences (vertical lift), pipe friction loss, pump performance curve, pump model, and pump manufacturer. The code official is permitted to waive the requirements for filing construction documents where the work involved is of a minor nature. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term “legal” or its equivalent used as a substitute for specific information.

106.2.2 Soil data. Soil test reports shall be submitted indicating soil boring and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations shall be given for all soil borings. Soil reports shall bear the signature of a soil tester.

106.2.3 Site plan. Site plans shall be filed showing to scale the location of all septic tanks, holding tanks or other treatment tanks, building sewers, wells, water mains, water service, streams and lakes, dosing or pumping chambers, distribution boxes, effluent systems, dual disposal systems, replacement system areas, and the location of all buildings or structures. All separating distances and dimensions shall be shown, including any distance to adjoining property. A vertical elevation reference point and a horizontal reference point shall be indicated. For other than single-family dwellings, grade slope with contours shall be shown for the grade elevation of the entire area of the soil absorption system and the area on all sides for a distance of 25 feet (7620 mm).

106.3 Permit issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.4 have been paid, a permit shall be issued to the applicant. A private sewage disposal system permit shall not be transferable.

106.3.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “APPROVED.” Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents.

The code official shall have the authority to issue a permit for the construction of a part of a private sewage disposal system before the entire construction documents for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire system will be granted.

106.3.2 Validity. The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

The issuance of a permit based on construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of the jurisdiction.

106.3.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year.

106.3.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

106.3.5 Suspension or revocation of permit. The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

106.3.6 Retention of construction documents. One set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

106.4 Fees. A permit shall not be issued until the fees prescribed in Section 106.4.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the private sewage disposal system, has been paid.

106.4.1 Work commencing before permit issuance. Any person who commences any work on a private sewage disposal system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

106.4.2 Fee schedule. The fees for all private sewage disposal work shall be as indicated in the following schedule:

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]

106.4.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee no later than 180 days after the date of fee payment.

SECTION 107 INSPECTIONS

107.1 Required inspections. After issuing a permit, the code official shall conduct inspections from time to time during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the code official.

107.1.1 Approved inspection agencies. The code official shall accept reports of approved inspection agencies provided such agencies satisfy the requirements as to qualifications and reliability.

107.2 Special inspections. Special inspections of alternative engineered design private sewage disposal systems shall be conducted in accordance with Sections 107.2.1 and 107.2.2.

107.2.1 Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved plans. All discrepancies shall be brought to the immediate attention of the private sewage disposal system contractor for correction. Records shall be kept of all inspections.

107.2.2 Written report. The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative

engineered design conforms to the approved construction documents. A notice of approval for the private sewage disposal system shall not be issued until a written certification has been submitted.

107.3 Contractor's responsibilities. It shall be the duty of every contractor who enters into contracts for the installation or repair of private sewage disposal systems for which a permit is required, to comply with adopted state and local rules and regulations concerning licensing.

107.4 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practical so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

107.5 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.

SECTION 108 VIOLATIONS

108.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize 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.

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, or in violation of a detail 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.

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.

108.4 Violation penalties. Any person who shall violate a provision of this code or shall 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.

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, or 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.

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, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the private sewage disposal system on or about any premises.

108.7 Unsafe systems. Any private sewage disposal system regulated by this code that is unsafe or that 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.

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.

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 practical thereafter.

SECTION 109 MEANS OF APPEAL

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 have 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.

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.

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.

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.

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

109.2.4 Disqualification of a member. A member shall not hear an appeal in which that member has any personal, professional or financial interest.

109.2.5 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

109.2.6 Compensation of members. Compensation of members shall be determined by law.

109.3 Notice of meeting. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

109.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

109.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

109.5 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

109.6 Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of three members.

109.6.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

109.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

109.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

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CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code* or the *International Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202 GENERAL DEFINITIONS

AGGREGATE. Graded hard rock that has been washed with water under pressure over a screen during or after grading to remove fine material and with a hardness value of 3 or greater on Mohs' Scale of Hardness. Aggregate that will scratch a copper penny without leaving any residual rock material on the coin has a hardness value of 3 or greater on Mohs' Scale of Hardness.

ALLUVIUM. Soil deposited by floodwaters.

BEDROCK. The rock that underlies soil material or is located at the earth's surface. Bedrock is encountered when the weathered in-place consolidated material, larger than 0.08 inch (2 mm) in size, is greater than 50 percent by volume.

CESSPOOL. A covered excavation in the ground receiving sewage or other organic wastes from a drainage system, and is designed to retain the organic matter and solids, permitting the liquids to seep into the soil cavities.

CLEAR-WATER WASTES. Cooling water and condensate drainage from refrigeration compressors and air-conditioning equipment, water used for equipment chilling purposes, liquid having no impurities or where impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam-heating systems or other equipment.

CODE OFFICIAL. The officer or other designated authority charged with administration and enforcement of this code or a duly authorized representative.

COLLUVIUM. Soil transported under the influence of gravity.

COLOR. The moist color of the soil based on Munsell soil color charts.

CONSTRUCTION DOCUMENTS. All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

CONVENTIONAL SOIL ABSORPTION SYSTEM. A system employing gravity flow from the septic or other treatment tank and applying effluent to the soil through the use of a seepage trench, bed or pit.

DETAILED SOIL MAP. A map prepared by or for a state or federal agency participating in the National Cooperative Soil Survey showing soil series, type and phases at a scale of not more than 2,000 feet (610 m) to the inch and which includes related explanatory information.

DOSING SOIL ABSORPTION SYSTEM. A system employing a pump or automatic siphon to elevate or distribute effluent to the soil through the use of a seepage trench or bed.

EFFLUENT. Liquid discharged from a septic or other treatment tank.

FLOOD FRINGE. That portion of a flood plain located outside of the floodway and covered by floodwaters during any regional floods. It is associated with standing water rather than rapidly flowing water.

FLOOD PLAIN. The land that has been or will potentially be covered by floodwater during regional floods. The flood plain includes the floodway and the flood fringe.

FLOODWAY. The channel of a river or stream and those portions of the flood plain adjoining the channel that carry and discharge floodwater or flood flows during the regional floods.

HIGH GROUND WATER. Soil saturation zones, including perched water tables, shallow regional ground water tables or aquifers, or zones seasonally, periodically or permanently saturated.

HIGH-WATER LEVEL. The highest known floodwater elevation of any lake, stream, pond or flowage or the regional flood elevation established by a state or federal agency.

HOLDING TANK. An approved water-tight receptacle for collecting and holding sewage.

HORIZONTAL REFERENCE POINT. A stationary, easily identifiable point to which horizontal dimensions are related.

LEGAL DESCRIPTION. An accurate metes and bounds description, a lot and block number in a recorded subdivision, a recorded assessor's plat or a public land survey description to the nearest 40 acres (16 ha).

MANHOLE. An opening of sufficient size to permit a person to gain access to a sewer or any portion of a private sewage disposal system.