

ORDINANCE NO. 1
SERIES 2009

AN ORDINANCE REPEALING ORDINANCE NO. 3, SERIES 2002 REGARDING THE
INSPECTION, PUMPING, MAINTENANCE, AND PERMITTING OF INDIVIDUAL
SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS
AND
ADOPTING REGULATIONS REGARDING THE INSPECTION, PUMPING,
MAINTENANCE, AND PERMITTING OF INDIVIDUAL SEWAGE DISPOSAL
SYSTEMS, GRAY WATER SYSTEMS, AND HOLDING TANKS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PITKIN,
COLORADO THAT:

1. Ordinance No. 3, Series 2002 Regarding the Inspection, Pumping, Maintenance, and Permitting of Individual Sewage Disposal Systems and Holding Tanks, is hereby repealed in its entirety.
2. Ordinance No. ____, Series 2009 is Ordained as follows:

Section 1. Declaration. In order to preserve the environment and protect the public health, to eliminate and control causes of disease, infection, and aerosol contamination, and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish minimum standards, rules and regulations for individual sewage disposal systems (ISDS), gray water systems, and for holding tanks/vaults currently existing within the Town, and to provide the authority for the administration and enforcement of such minimum standards, rules and regulations.

Section 2. Purpose. The purpose of these guidelines is to improve and clarify established minimum standards for the maintenance and use of ISDS and gray water systems within the Town of Pitkin, and also to establish standards for the maintenance and use of holding tanks/vaults existing within the Town of Pitkin, Colorado as of the date of this Ordinance.

Section 3. Scope of Authority. The Town Sanitarian and the Environmental Health Clerk of the Town of Pitkin are authorized by the Board of Trustees of the Town of Pitkin to act to enforce the standards and regulations set forth herein.

Section 4. Interpretation and Definition. For the purpose of this Ordinance, certain words and phrases used herein shall be defined as in Colorado Revised Statutes, Section 25-10-103.

Section 5. Septic Tank Pumping. Unless one of the Town Septic Inspectors recommends pumping earlier than three (3) years, each property owner supporting an ISDS shall be required to have, at his or her expense, the septic tank located on the property either pumped or inspected by an inspector licensed in the County of Gunnison, Colorado or the State of Colorado, or an Inspector approved by the Town of Pitkin. Such Inspection shall include the fixtures, including but not limited to sink(s), toilet(s), bathtub(s) and shower(s) which are or may be connected to the system. (See Section 5.3)

Section 5.1. Verification. Verification that the entire system has been inspected or pumped must be submitted to the Environmental Health Clerk. The verification shall be in writing, shall be in the form prescribed by the Environmental Health Clerk, shall be signed by the licensed systems inspector, shall adequately demonstrate successful pumping if recommended or completed, shall clearly indicate whether the systems inspector recommended further maintenance, repair or pumping, and shall clearly indicate whether the systems inspector had access to all compartments of the ISDS tank.

Section 5.2. Compliance with Recommendations. All recommendations of the systems inspector made during the course of inspection or pumping regarding maintenance, repair or pumping must be complied with by the property owner or owner's representative supporting an ISDS within 30 days.

Section 5.3. Schedule for Inspection and/or Pumping. From the time of the last inspection or pumping, each property owner shall be required to have the septic tank their property is supporting pumped or inspected every three (3) years, each time providing verification to the Environmental Health Clerk no later than November 15th of each third year. For example: any new system put in place or any system that was pumped in 2008, shall be pumped and/or inspected in the year 2011 with verification provided to the Environmental Health Clerk no later than November 15, 2011. Any property owner with an ISDS that was required, under the prior ordinance, to have their ISDS pumped in the year 2008 and has received notice of non-compliance from the Environmental Health clerk shall be allowed six months from the date this Ordinance is passed to come into compliance with the inspection and/or pumping requirements of this Ordinance.

Section 5.4. Access to Septic Tank. Each property owner supporting an ISDS shall provide the systems inspector with access to all compartments of the ISDS tank. In the event such access is not available to the systems inspector, the property owner must have the ISDS tank pumped by a licensed systems inspector or cleaner and in no event shall an inspection be adequate if the systems inspector does not have proper access to all compartments.

Section 6. Permit for ISDS. Each property owner supporting an existing ISDS or proposing a new ISDS shall not commence construction, installation, enlargement,

change in use, relocation or repair of such system without first obtaining a Septic Permit as provided for herein. Application for such permit shall include the following:

Section 6.1. Construction, Installation, Enlargement, or Relocation. Any ISDS constructed, installed, enlarged or relocated in the Town of Pitkin, Colorado, shall be supported by a site specific plan designed and engineered by a licensed Colorado engineer to meet the requirements set forth in this Ordinance and to ensure that none of the setback or discharge parameters set forth therein shall be exceeded at any time. Such engineering shall also include construction and inspection schedules appropriate to ensure continued proper operation of the system.

Section 6.2 Set Backs.

MINIMUM SETBACK REQUIREMENTS

DESCRIPTION	DISTANCE FEET
Well to Septic Tank	50
Well to Absorption Field	100
Water Line to Absorption Field	25
Water Line to Septic Tank/Sewer Line	10
Dwelling Occupied Building to Absorption Field	20
Building to Septic Tank	5
Property Line to Absorption Field	10
Property Line to Septic Tank	10
Drain Lines/Intermittent Irrigation Lateral to Absorption Field	10
Drain Lines/Intermittent Irrigation Lateral to Septic Tank	10
Septic Tank to Absorption Field	6
Water Course to Septic Tank	50
Water Course to Absorption Field	50

Section 6.3. Change in Use. Any ISDS for which a change of use is contemplated within the Town of Pitkin, Colorado shall be supported by certification by a licensed Colorado engineer that such change of use can be supported by the existing ISDS. If the engineer cannot certify that the existing ISDS can support the proposed change in use the engineer shall develop a specific plan for any repairs or maintenance that must be completed to support such change of use or alternatively, to engineer a new system as set forth in Section 6 of this Ordinance.

Section 6.4. Repairs. Any ISDS that requires major repair shall be supported by a repair plan developed by a licensed Colorado engineer.

Section 6.5 Review and Approval. Any new installation, enlargement, change of use, relocation, or repair of an ISDS system will include written design and engineering specifications and must be submitted for review and approval by the Town Sanitarian to include a permit application and onsite visit.

A site perc test and profile hole will be required unless procedure is deemed unnecessary by licensed engineer and waived by the Town Sanitarian.

The written design and engineering specifications must be submitted to the Board of Trustees of the Town of Pitkin, Colorado for review and final approval before a permit for any construction, installation, enlargement, change of use, relocation, or major repair of an ISDS system will be issued.

Upon commencement of any new excavation the Town Sanitarian must inspect such construction, installation, enlargement, change of use, relocation, or repair of an ISDS system for compliance in accordance with the engineered specifications and the Town of Pitkin requirements. Approval of any system must be in writing.

A final inspection by the Town Sanitarian must be requested by the contractor to confirm compliance in accordance with the engineered specifications and Town of Pitkin requirements before any site back filling.

Section 6.6 Installers. Upon receipt of an approved permit to install or repair an ISDS system the work must be performed by a septic installer licensed by the Gunnison County Planning Department Environmental Health Office.

Section 6.7. Septic Permit Fees. The septic permit fees shall be set as follows and the fees set forth herein shall supersede any fee structure set forth in the Zoning code, 2001:

6.7.1 New Installation. The fee shall be \$100.00 for each perc test and \$150.00 for the final inspection by the Town Sanitarian. Any septic system must be supported by an engineered plan developed by a licensed engineer; conforming to all set back requirements set by the Town of Pitkin, Colorado and the State of Colorado.

6.7.2 Major Repair, Modification, or Change in Use. The fee shall be \$100.00 for each perc test and \$150.00 for the final inspection by the Town Sanitarian in the event a major repair, modification or change in use is being proposed to both the absorption field and the septic. Any proposal for a major repair to, modification of, or change in use for an existing septic system shall be supported by a plan prepared by a licensed engineer including a copy of the plot plan and must conform to all set back requirements set by the Town of Pitkin, Colorado.

6.7.3 Repair or Replacement of Components. For the repair or replacement of any component for the septic tank, absorption field, or distribution system a proposal must be submitted to the Town Sanitarian of the Town of Pitkin, Colorado and the fee for any required final inspection by the Town

Sanitarian of any two or less of the following shall be: the tank only shall be one hundred and twenty-five dollars (\$125.00); the absorption field only shall be one hundred and twenty-five dollars (\$125.00); and the distribution system only shall be seventy-five dollars (\$75.00). If any repair, replacement, or modification of the system requires final inspection by the Town Sanitarian of any two or more of these components (the tank, absorption field, or the distribution system) then such repair, replacement, or modification shall fall under the fee structure of Section 6.7.2 of this Ordinance. The Town Sanitarian may, at his or her discretion, require that any such repair or replacement be supported by a plan prepared by a licensed engineer including a copy of the plot plan.

Section 7. Regulations Relating to Holding Tank/Vaults. Any property that does not currently support a holding tank/vault system may not install a holding tank/vault system within the Town of Pitkin. Holding tank/vault systems existing as of the date of this Ordinance may be replaced or repaired, subject to the following standards, rules and regulations.

Section 7.1 Holding Tank/Vault Inspection and Pumping. Upon receipt of a notice of inspection and/or pumping the property owner or renter shall be responsible for informing the Environmental Health Clerk the tank is not in need of pumping and the system is not leaking or in need of repair. When tank is pumped by a licensed system cleaner and inspector, documentation pertaining to condition of tank and system must be provided to the Environmental Health Clerk.

Section 7.2 Replacement of Holding Tanks/Vaults. If in need of replacement the tank will be replaced with a 1000 gallon or larger concrete or poly plastic tank with the outlet or outlet invert sealed with no leakage. The tank and piping must meet the same requirements as set forth for an ISDS system. The replacement will require a permit.

Section 8. Gray Water System. A system designed to collect, treat, and dispose only liquid waste from sinks, lavatories, tubs, showers, and laundry or other approved plumbing fixtures excluding toilet fixtures.

Section 8.1 Permit Required. A gray water system shall require a permit from the Town of Pitkin supported by approved certification by a licensed Colorado engineer for new installations, existing systems requiring major repair, and change of use.

Section 8.2 Design Standards. A gray water system shall meet at least all minimum design and construction standards for an ISDS based on the amount and character of wastes for the fixtures and the number of persons to be served. The minimum designed tank size shall not be less than thirty-eight (38) gallons. More than one tank may be used to accommodate design flow. Metal or coated metal, cement block, brick, fiberglass, wood, or stone tanks are not approved for new installations. Gray water systems may be repaired only by replacement with an approved concrete or poly plastic tank.

Section 8.3 Compliance. A gray water system permit shall be required at all locations where composting toilets, vault privies, incinerator toilets, chemical toilets, and other non-discharging systems are used. An exception would be portable toilets for temporary use only. For such temporary use, a gray water system may not be required.

Section 9. Regulations relating to other systems.

Section 9.1 Vault Privy. New construction of a vault privy is not permitted within the town of Pitkin. Existing vault privies may continue to be used unless it is determined to be leaking or declared a public health hazard or in violation of the Town of Pitkin Nuisance Ordinance by the Town Sanitarian or Environmental Health Clerk. For existing vault privies the Town Environmental Health Clerk has the right to review pumping certificates to ensure that such systems are maintained in an appropriate manner.

Section 9.2 Pit Privy. New construction of a pit privy is not permitted within the town of Pitkin. Existing pit privies may continue to be used unless it is determined to be creating a public health hazard or in violation of the Town of Pitkin Nuisance Ordinance. All pit privies should meet the following requirements for use: Fly-tight construction; a superstructure affording complete privacy, and a self closing door; an earth mound around the top of the compartment and below the floor level, which slopes downward away from the superstructure base; a floor and riser of concrete or other impervious material; and easily cleanable covers of impervious material with hinges. All venting shall be fly-proofed with No. 16 or tighter mesh screening. Effective capacity of the pit shall be no less than 400 gallons. Pit shall be located in soil where the maximum seasonal level of the groundwater table will be no closer than four feet below the bottom of the pit.

Section 9.3 Slit Trench. Slit Trenches are not permitted within the Town of Pitkin.

Section 9.4 Composting Toilets. Composting toilets are designed for deposits of feces, urine, and readily decomposable household garbage, which are not diluted with water or other fluids, retained in a compartment in which aerobic composting will occur. The compartment may be located within a dwelling or building provided the unit complies with the applicable requirements of these regulations, and provided the installation will not result in conditions considered by the Town of Pitkin to be a health hazard. The effective volume of the receptacle must be sufficient to accommodate the number of people served.

Adequate additional volume shall be provided for the use of composting materials which shall not be toxic to the process or hazardous to persons and which shall be used in sufficient quantity to assure proper decomposition.

Compartment and appurtenances related to the unit shall include fly-tight construction and exterior ventilation as required by the current Colorado Plumbing Code.

When the available effective volume is filled to 75% of capacity, residue from the unit shall be properly disposed of by acceptable solid waste practices.

Composting toilets will bear the seal of the National Sanitation Foundation or an equivalent testing program. Composting toilets shall be operated according to manufacture's specifications. The system design shall compensate for the effects of low temperature.

Composting toilets are only allowed in the Town of Pitkin in combination with a gray water system. The composting toilet and gray water system will require a permit from the Town of Pitkin supported by a licensed Colorado engineer for existing systems requiring major repair, and change of use.

Section 10. Notification of Alleged Violations. Whenever the Environmental Health Clerk determines that there has been a violation of this Ordinance, he or she shall notify the person responsible for the violation or alleged violation, in writing by certified mail with return receipt requested or other appropriate service, and shall order that the necessary correction be made within ten (10) business days. Such notice shall also be provided in writing and served on the property owner by certified mail, return receipt requested. A copy of this notification shall be forwarded to the Town attorney and the Board of Trustees of the Town of Pitkin, Colorado. If the violation is not corrected within the specified time after notification, the Board of Trustees of the town of Pitkin, Colorado shall notify the Town Attorney to proceed with appropriate legal action.

Section 11. Violation and Penalty. Violation of this ordinance is a misdemeanor and a nuisance. Every person who willfully violates any provision of this Ordinance, or fails or neglects to comply with any requirement of this Ordinance is guilty of a misdemeanor. Each violation shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense. Each month that a property owner remains in noncompliance shall constitute a separate offense. If a person willingly continues to violate any provisions of this Ordinance and the violation becomes a public nuisance the violator may be prosecuted by the provisions of the Town of Pitkin Nuisance Ordinance, Ordinance No. 1, Series 2002.

Section 12. Interpretation, Conflicts and Validity.

Section 12.1. Interpretation and Application. This Ordinance shall be interpreted and applied to the extent required for the proper protection of the public health, general welfare and promotion of safety.

Section 12.2. Conflict. Whenever a conflict exists between these provisions and any other lawfully adopted rules, regulations, resolutions, or Ordinances of the Town of Pitkin, Colorado, the one which is more restrictive shall apply.

Section 12.3. Validity. If any provision of this Ordinance or the applications thereof is held invalid, such invalidity shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be separable.

Section 12.4. Repeal of Other Ordinances. All other Ordinances or parts of Ordinances of the Town of Pitkin, Colorado in conflict herewith are hereby repealed.

Section 13. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days after publication following adoption.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED THIS 10th day of March, 2009.


Steve Pinkston, Mayor

ATTEST;


Nancy Duetsch, Town Clerk