

TOWN OF PITKIN, COLORADO
ORDINANCE NO. ____
SERIES OF 2025

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PITKIN, COLORADO, ADOPTING ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS AS REQUIRED BY THE ON-SITE WASTEWATER TREATMENT SYSTEM ACT, § 25-10-101, *ET SEQ.*, C.R.S.

WHEREAS, the On-site Wastewater Treatment System Act, § 25-10-101, *et seq.*, C.R.S., requires every local board of health in the state to develop and adopt detailed rules for on-site wastewater treatment systems within its area of jurisdiction;

WHEREAS, the Board of Trustees serves as the Town of Pitkin Board of Health;

WHEREAS, pursuant to C.R.S. § 25-10-104(2), notice of a public hearing was published at least 20 days prior to the public hearing; and

WHEREAS, a public hearing was held on [REDACTED], 20 [REDACTED], at which time comments from the public were allowed and considered.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PITKIN, COLORADO, AS FOLLOWS:

Section 1. Title and Authority

This Ordinance will be known as the Town of Pitkin On-site Wastewater Treatment System Ordinance No. [REDACTED], Series of 2025. These requirements have been adopted by the Board of Trustees of the Town of Pitkin acting as the Town of Pitkin Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, § 25-10-101, *et seq.*, C.R.S.

Section 2. Scope and Purpose

- A. Declaration. This Ordinance applies to On-site Wastewater Treatment Systems (OWTS) as defined in § 25-10-103(12), C.R.S.
- B. Purpose. The purpose of this Ordinance is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than or equal to 2,000 gallons per day within the Town of Pitkin.
- C. Jurisdiction. This Ordinance applies to all OWTS in the incorporated areas of the Town of Pitkin.
- D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

- E. Severability. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

Section 3. Incorporation of Regulation 43

A. Included By Reference.

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date, June 15, 2025" ("Regulation 43") are incorporated, made a part of this Ordinance, and will apply as though set forth fully herein except where this Ordinance is more stringent than Regulation 43. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in this Ordinance
2. Allowable local options identified in Regulation 43 and the designated decisions for this Ordinance are identified in the attached Appendix A and incorporated herein by this reference.

- B. Excluded. Reductions in soil treatment area size or horizontal or vertical separation distances, and wide beds with higher level treatment units are not allowed under this Ordinance . All designs must be based on TL-1 parameters as defined in Regulation 43. Area or separation distance reductions, wider beds, and disinfection components, each incorporating higher level treatment systems, as well as non-pressurized distribution systems (NDDS), can only be allowed in the future if this Ordinance is amended to include a program of oversight for inspection and maintenance of higher level treatment units, and the amended Ordinance is accepted by the Colorado Department of Health and Environment, Water Quality Control Division.

Section 4. Permits, Fees, and Surcharges

A. Permits.

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from Town of Pitkin Board of Health or its designee. Permit applications are available from the Town Clerk. Incomplete applications will not be accepted.
 - a. The Town of Pitkin Board of Health's designee may refer an application to the Town of Pitkin Board of Health for review and approval. If so, the Town of Pitkin Board of Health shall review the application at its next regular meeting or at a special meeting.
 - b. The Town of Pitkin Board of Health may contract with an outside consultant for technical advice.
2. The permit application must include information identified in Section 43.4(B)(3) of Regulation 43 as set forth below:
 - a. Owner name and contact information;
 - b. Property address;

- c. Property legal description;
 - d. Type of permit;
 - e. Report from Site and Soil Evaluation (Section 43.5 of Regulation 43);
 - f. System design with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Table 7-1; and
 - g. Other information, data, plans, specifications and tests as required by the Town of Pitkin Board of Health:
 - i. Documentation must include a licensed Colorado Engineer's Specification Plan.
 - ii. Applicant must have clearly marked property boundaries.
3. An OWTS permit expires two years after the date of issuance if construction has not commenced. After expiration, a new application is required to begin construction.
 4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Town of Pitkin Board of Health. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
 5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
 6. Application for a product development permits pursuant to Section 43.4(I) of Regulation 43 will not be granted.
- B. Board of Health Review. If an application is denied by Town of Pitkin Board of Health's designee, an applicant may request review by the Town of Pitkin Board of Health by submitting an appeal in writing to the Town Clerk within 15 days of the denial. Upon receipt of a timely appeal, the Town of Pitkin Board of Health shall review the denial for compliance with this Ordinance at its next regular meeting or at a special meeting.
- C. Fees
1. Permit fees and fees for other services and tests associated with OWTS will be set by resolution of the Town of Pitkin Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and § 25-10-107, C.R.S. Permit application fees must be submitted by the applicant with the permit application and are due and payable upon receipt by the Town of the permit application. These fees shall be listed and made part of the Town of Pitkin fee schedule.
 2. Waiver of fees. For repairs/upgrades, the Town of Pitkin Board of Health may make provision for the waiver of any local permit fee normally required for an OWTS.
 3. Unpaid fees. Any fee specified by the Town of Pitkin Board of Health and made part of the Town of Pitkin fee schedule that is assessed on an owner or applicant that remains unpaid after 30 days, may be certified by the Town of Pitkin to the Gunnison County Clerk for collection as part of property taxes pursuant to § 31-20-105, C.R.S.

- D. **Surcharge.** A surcharge fee will be collected for each permit issued by the Town of Pitkin with a portion of the fee retained to cover local administrative costs and the remainder must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding the state's OWTS program. The surcharge fee is identified in the On-site Wastewater Treatment System Act 25-10-107(3) C.R.S. until replaced by a fee(s) becoming effective in Regulation 102 adopted under Section 25-8-210(1)(a)(X) C.R.

Section 5. Inspections

- A. **Septic Tank.** Once installed, the applicant must notify the Town of Pitkin Board of Health or its designee so the Town of Pitkin Board of Health or its designee can conduct a field inspection of the septic tank before backfilling.
- B. **Soil Treatment Area and Related Components.** The applicant must notify the Town of Pitkin Board of Health or its designee 14 days prior to inspection so the Town of Pitkin Board of Health or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

Section 6. Licensing

- A. **Systems Contractors licensing requirements.** Upon receipt of an approved permit to install, upgrade, or make a major repair to an OWTS the work must be performed by a septic installer licensed by the Gunnison County Planning Department Environmental Health Office and who is certified for installation by the National Association of Wastewater Technicians (NAWT) or equivalent determined by the Town of Pitkin Board of Trustees. The licensing requirement for upgrades and repairs may be waived by the Town of Pitkin Board of Health.
- B. **Systems Cleaners licensing requirements.** When cleaning/pumping an OWTS tank, work must be performed by a septic cleaner licensed by the Gunnison County Planning Department Environmental Health Office and certified for pumping/cleaning by the National Association of Wastewater Technicians (NAWT) or equivalent determined by the Town of Pitkin Board of Trustees.

Section 7. Variances

- A. **Variances Allowed.**
1. The Town of Pitkin Board of Health may approve a variance from a requirement of this Ordinance within the restrictions of Regulation 43, Section 43.4(N)(5). Variances cannot be granted by the Town of Pitkin Board of Health designee or by Town staff.
 2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance: a) would not be injurious to the public health, water quality, or environment; and b) would prevent a substantial hardship to the applicant.
 3. Variances may not be granted for the items identified in Regulation 43, Section 43.4(N)(5).
- B. **Variance Procedure.**
1. Variance requests must be provided in writing to the Town Clerk and the Town of Pitkin Board of Health shall review the request at its next regular meeting.

2. Variance requests must include all items identified in Regulation 43, Section 43.4(N)(2)(d).
 3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting this Ordinance's requirements. The Town of Pitkin Board of Health must determine if this item has been addressed prior to granting a variance.
 4. The Town of Pitkin Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.
- C. Variances Requiring Public Hearings. Any request to allow a variance of property setbacks shall be set for a public hearing before the Town of Pitkin Board of Health. The hearing must be properly noticed pursuant to Section 24-6-402, C.R.S., or notice must be sent via certified mail at least 20 days prior to the hearing to all adjacent property owners without respect to streets and alleys.
- D. Outcome of the Variance Proceeding. The applicant must be notified, in writing, of the Town of Pitkin Board of Health's decision regarding the request for a variance. The notice of a denial of a variance must include the reasons that form the basis for the denial. Notice of an approval of a variance must include any conditions of the approval. The variance, and any conditions thereof, must be recorded on the deed to the property and any expenses associated with that recording are the responsibility of the party obtaining the variance.

Section 8. Additional local requirements

- A. OWTS Inspection, Pumping and Cleaning.
1. Each owner of property with an OWTS shall be required to have, at their expense, the system located on the property inspected every seven (7) years. The inspector must be certified by the National Association of Wastewater Technicians (NAWT) or equivalent determined by the Town of Pitkin Board of Trustees. Such inspection shall include the property owner's statement of the integrity of 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. The Town's inspection form (Appendix B) must be completed and signed by the inspector and owner/representative. The inspection will include an evaluation of the soil treatment area.
 2. Each owner of property with an OWTS shall be required to have, at his or her expense, the OWTS pumped if warranted based on the inspector's findings. When pumped, work must be done by a septic cleaner licensed by the Gunnison County Planning Department Environmental Health Office and certified for pumping/cleaning by the National Association of Wastewater Technicians (NAWT) or equivalent determined by the Town of Pitkin Board of Trustees.
- B. Verification. Verification that the entire system has been inspected must be submitted to the Town of Pitkin Board of Health or its designee. The verification shall be in writing, shall be in the form prescribed by Town of Pitkin Board of Health, shall be signed by the NAWT certified systems inspector or equivalent determined by the Town of Pitkin Board of Trustees, 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 the soil treatment area and all compartments of the OWTS tank.

C. Compliance and Recommendations. All recommendations of the systems inspector made during the course of inspection or pumping pertaining to maintenance, repair, or pumping must be complied with by the property owner or owner's representative supporting an OWTS within 30 days unless a satisfactory plan is approved by the Town of Pitkin Board of Health or its designee.

D. Schedule for Inspection.

1. From the time of the last inspection, each property owner shall be required to have the OWTS their property is supporting inspected every seven (7) years, each time providing verification to the Town of Pitkin Board of Health or its designee no later than September 15th of each seventh year.

2. Failure to arrange for inspection by September 15th of the inspection year will result in an assessment payable to the Town of Pitkin as listed in the Town of Pitkin fee schedule.

E. Access. Each owner of property with an OWTS shall provide the systems inspector with access to all compartment(s) of the OWTS tank. In the event such access is not available to the systems inspector, the property owner must have the OWTS tank pumped. When pumping an OWTS tank, work must be performed by a septic cleaner licensed by the Gunnison County Planning Department Environmental Health Office and certified for pumping/cleaning by the National Association of Wastewater Technicians (NAWT) or equivalent determined by the Town of Pitkin Board of Trustees. In no event shall an inspection be adequate if the systems inspector does not have proper access to all compartment(s).

F. Change in Use.

1. Any OWTS for which a change of use is contemplated within the Town of Pitkin shall be supported by certification by a licensed Colorado engineer that such change of use can be supported by the existing OWTS. If the engineer cannot certify that the existing OWTS can support the proposed change of 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 Regulation 43.

2. Change of use shall be defined as any substantial expanded use or modification of the OWTS system usage, but not limited to any addition of bedrooms or conversion of a property from residential to commercial usage or vice versa.

G. Definitions.

Minor repair means and includes adding risers and/or tank lid replacements, cleanout replacements, and effluent sewer pipe replacement between the house and the tank.

Major repair means and includes work/repair on tank, effluent line from tank to soil treatment area or on the soil treatment area itself

Upgrade means and includes installation of tank effluent filter or other items to be reviewed by Board of Health that improve the operation of the system

Section 9. Appendix A and B attached to this Ordinance are incorporated herein.

Section 10. Ordinance No. 2, Series of 2021, is hereby repealed.

Section 11. The Board of Trustees hereby directs the Town Clerk to transmit this Ordinance to the Colorado Department of Health and Environment, Water Quality Control Division, no later than five days after its adoption.

Section 12. This Ordinance shall be effective thirty (30) days after publication following adoption or forty-five (45) days after adoption, whichever is later, unless the Colorado Department of Health and Environment notifies the Town prior to forty-five (45) days after adoption that the Ordinance is not acceptable, in which case this Ordinance shall not be effective.

APPROVED, ADOPTED AND ORDERED PUBLISHED this ____ day of ____, 2025.

TOWN OF PITKIN, COLORADO

Ed Pianalto, Mayor

ATTEST:

Stacie Busby, Town Clerk

PUBLISHED by title in _____, a newspaper of general circulation in the Town of Pitkin, Colorado, on the ____ day of _____, 2025.