



**Custer County
Individual Sewage Disposal System
(I.S.D.S.)
Regulations**

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CUSTER COUNTY SEPTIC REGULATIONS

Section 1: Scope, Applicability, and General Provisions

- 1.1 **Title:** These regulations shall be known as the Custer County Individual Sewage Disposal System (I.S.D.S.) Regulations or the Custer County Septic Regulations.
- 1.2 **Authority:** These regulations have been adopted by the Board of County Commissioners of Custer County acting as a Board of Health under authority contained in Title 25, Article 10, Colorado Revised Statutes 1973, as amended.
- 1.3 **Purpose:** These regulations are designed and enacted for the purpose of protecting public health, safety, and welfare; preserving the environment; controlling the causes of disease and infection; controlling the pollution of air, water and land by requiring minimum standards governing the use, location, design, construction, installation, repair, alteration and operation of Individual Sewage Disposal Systems; by providing for the issuance of permits for such activities, by authorizing inspections, by providing for fees and by providing penalties for violations of these regulations.
- 1.4 **Policy:** The Board of Health declares that their general policy is to recommend the use of public sewer systems where and whenever feasible, and to limit the installation of Individual Sewage Disposal Systems only to areas in which public systems are not feasible. These regulations shall apply to Individual Sewage Disposal Systems which do not discharge into state waters.
- 1.5 **Inclusion:** The requirements of the Colorado Department of Health publication "Guidelines on Individual Sewage Disposal Systems," and future revisions thereto, are made a part of these regulations and shall apply except where the requirements of these regulations are more stringent.
- 1.6 **Liability:** The issuance of a septic permit and specifications of terms and conditions therein shall not constitute assumption or create a presumption that the local Board of Health or its employees may be liable for the failure of any system; nor act as a certification that the equipment used in the system or any component thereof used in its operation; or that the system for which the permit was issued insures continuous compliance with the provision of Article 10 of Title 25, C.R.S., the rules and regulations adopted there under or any terms and conditions of a permit.
- 1.7 **Inspection and Right of Entry:** Upon written complaint or as a result of an application for a permit or variance having been filed, or for other good cause, such as suspected contamination, the designated Planning and Zoning Office staff, acting as the County Sanitarian, in order to enforce these regulations shall have the authority to enter upon or into property with reasonable notice to assess compliance with these regulations.
- 1.8 **Amendments:** Changes to these regulations may be made by resolution of the Board of County Commissioners of Custer County acting as the County Board of Health.

- 1.9 Jurisdiction:** These rules and regulations are promulgated by the County Board of Health under the authority of C.R.S. 25-1-507 (5) and 25-10-104 and as amended.
- 1.10 Severability:** Should any section, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part declared to be invalid.
- 1.11 Saving Clause:** The repeal of any regulation adopted hereunder shall not deny any right, action or cause of action, which arose under existing regulations.

Section 2: Definitions

The following are supplemental definitions to the Colorado “Guidelines for Individual Sewage Disposal Systems”:

Bathroom: Consists of a toilet and/or shower/bathtub and may contain one or more sinks.

Bedroom: For the purposes of these regulations in determining the size of a septic system, a bedroom shall be a room with certain features, which includes but is not limited to the following:

1. Rooms designated den, study, hobby room etc. with a clothes closet.
2. A method to close off the room to assure privacy;
3. A minimum of One Hundred (100) square feet in size.
4. A loft may be considered a bedroom.

Black Water: Liquid and solid human body waste and the carriage water generated through toilet usage.

BOCC: Board of Custer County Commissioners

Board of Health: Colorado State Board of Health (CSBH) and Health Department (BOCC) Custer County Public Health Nursing Service (CCPHNS)

Closet: Is a small enclosed space used for hanging clothes.

County Sanitarian: Custer County Planning and Zoning (CCPZ)

County Authorized Percolation Technician: An individual who has met the criteria as outlined in these regulations and has been approved by the Board of County Commissioners acting as the Custer County Board of Health.

County Use Tax: Tax due on building materials purchased without paying any local sales tax. Usually this applies to materials purchased outside the County that are delivered to property within Custer County on which County tax has not been collected.

Engineer Designed Septic System: An Individual Sewage Disposal System designed by a Colorado licensed engineer.

Gray Water: Domestic wastewater composed of liquid waste from sinks, lavatories, tubs, showers, and clothes or dish washers. This excludes black water.

Homeowner: The recorded property owner.

Individual Sewage Disposal System (I.S.D.S.) Variance: Permission to deviate from a standard or engineer designed septic system with an alternative system. (Examples include, but are not limited to chemical/portable toilet, composting toilet).

Leach Field: Wastewater disposal field or absorption field and adjacent soils for the treatment of septic effluent by means of absorption and evaporation

Section 3: Administrative

3.1 General permitting process for a septic system:

- A. Prior to the construction, installation or repair of any individual sewage disposal system in Custer County a homeowner or agent must obtain and complete a permit application.
- B. Acquire an acceptable percolation (perc) test performed by an authorized County Percolation Technician, Registered Engineer or Geologist. Perc test results shall include a plot plan. .
- C. The following information will be required with the permit application:
 - 1. Source and type of water supply;
 - 2. Plot plan showing the location of the proposed system in relation to: lot lines, existing or proposed well(s), bodies of water,, water carrying features existing or proposed structures;
 - 3. Copy of the proposed floor plan with indication of the number of bedrooms identified. Rooms not identified that meet the definition of a bedroom shall be counted as a bedroom. Any changes of use of a room shall be reported to the Planning and Zoning Office, in order, to insure that the septic system is sized correctly for the structure;
 - 4. If conditions dictate an engineer design, a system plan with an original stamp and signature shall be submitted along with the permit application.
 - 5. Directions to the property.
- D. Submit the completed application, additional documentation and fee to the Planning and Zoning Office.
- E. Applications will be reviewed, processed, and accepted or rejected by office staff.
- F. The Planning and Zoning Office will send the permit to the named septic contractor once it is approved. Upon approval, the contractor may start

installation.

- G. The permit is valid for two (2) years from the approval date.
- H. After the entire system is installed, **but not backfilled**, the applicant or septic contractor must contact the Planning and Zoning Office and the design Engineer (if applicable) to arrange an inspection.
- I. The applicant or septic contractor must show proof that they paid the use tax and pay any County Use Tax due before the permit is closed.
- J. A septic contractor's license will not be renewed if project has been inspected and passed but contractor has not signed the septic permit and paid use tax if due.

3.2 Engineer designed septic permit requirements:

- A. Criteria as outlined in Section 6.1 shall determine the necessity for an engineer to design the system.
- B. The general permitting process as outlined in Section 3.1 will be followed.

3.3 Permit Fees:

- A. Fees are established by the Board of County Commissioners published in the Custer County Planning and Zoning Fee Schedule.
- B. The permit fee is non-refundable.
- C. Misrepresentation on an application may cause a permit to be voided and may require a new application.

3.4 Invalidated Permits:

- A. Expiration: Permits for systems which are not complete within two (2) years of approval become invalid. A new application shall be required.
- B. Change of property ownership: Any change in ownership of a property shall invalidate any permit issued for systems not yet complete.
- C. Change of use: Any change of the intended use of a proposed septic system shall invalidate the permit.

3.5 Septic System Prohibitions:

- A. Septic Permits are not valid for excavation of foundations or building sites. Any excavation performed without the appropriate Zoning Permit will subject the land owner to post-construction fees.
- B. Prior to issuance of a permit to construct or remodel a habitable building or structure, which is not serviced by a sewage treatment district, an individual sewage disposal system will be required.
- C. A septic system, which does not comply with the provisions in Section 5.2.D.2 Of these regulations regarding minimum separation between the highest level of the groundwater and the bottom of an absorption system, shall not be allowed unless the design mitigates the groundwater contamination.
- D. Only one dwelling, commercial, business, institutional, or industrial unit shall be connected to the same individual sewage disposal system, unless

- such system is designed by an engineer and/or approved by the county.
- E. It is illegal for anyone to occupy any type of structure without an approved septic system installed and in service.
 - F. It is illegal for anyone to allow a sewage disposal system to contaminate surface or groundwater.
 - G. Construction, alteration, repair or use of an outhouse/pit privy, cesspool and silt trench is prohibited.

 - .H. Systems which recycle treated wastewater for potable purposes will not be allowed unless they consistently meet all of the sanitation and maximum contaminant level requirements of rules, regulations and standards of the Colorado Department of Health and the Custer County Board of Health.

Section 4: Site Requirements:

4.1 Site Requirements:

- A. A plot plan will be required as described in Section 3.1.C.2. The information will be verified by the County Sanitarian during all required inspections.
- B. The percolation site will be verified by the County Sanitarian during the all required inspections.

Section 5: Installation Requirements

5.1 General Requirements:

- A. Sanitation Requirement: The owner of any structure and/or property where people live, work or congregate shall insure that there are adequate and convenient sanitary facilities. Sewage disposal systems must be maintained in good working order. Under no condition shall sewage or effluents be permitted to be discharged upon the surface of the ground or into waters of the state, unless the sewage or effluent meets the water quality standards of the Colorado Water Quality Control Commission.
- B. Reliability: Individual Sewage Disposal Systems shall be designed and constructed such that each component shall function correctly when installed and operated under normal operating conditions and not be adversely affected by erosion, vibration, shock, climatic conditions, and usual household chemical usage. Design shall prevent the creation of

nuisances and public health hazards, and shall provide for efficient operation and maintenance. Over dug areas shall be properly compacted.

- C. Pipe Requirements:
 - 1. All lines used in Individual Sewage Disposal Systems shall be constructed of compatible pipe, bonding agent and fittings.
 - 2. The minimum standard of all building sewer and effluent lines shall be 4 inch ID schedule 40 or equivalent size type PVC.
 - 3. All piping shall be at least four (4) inches in diameter and properly bedded prior to back-fill, unless otherwise specified in an engineer system
 - 4. No Sanitary Tees are allowed to be used in constructing the baffles or manifold system.
- D. Dimensions of the plot plan must be verifiable on site during the inspection process.
- E. Any tree whose drip-line extends over the leach field must be removed.

5.2 Component Requirements:

- A. Building Sewer requirements:
 - 1. The grade of the building sewer will be a minimum of 2% (that is, ¼ inch drop per foot). The ten (10) feet immediately preceding the septic tank shall be 2% or ¼ inch per foot.
 - 2. The ten (10) feet of pipe preceding the tank must be a continuous stick and not contain any connections.
 - 3. Bends in the building sewer shall be limited to forty-five (45) degrees or less. Long sweep ninety (90) degrees can be used or double 45 degree fittings in a long sweep configuration.
 - 4. A clean-out shall be installed in all building sewer lines. The first clean-out shall be within ten (10) feet of the structure including decks, and subsequent clean-outs will be spaced no more than a hundred (100) feet thereafter.
- B. Septic tank requirements:
 - 1. The minimum size for a septic tank shall be one thousand (1000) gallons for two (2) or less bedrooms and shall increase 250 gallons for every additional bedroom.
 - 2. Tanks, including risers and lids, must be constructed and installed so as to withstand earth and hydrostatic pressures when full or empty.
 - 3. Installation of a septic tank will be no closer than Ten (10) feet from the structure.
 - 4. Septic tank design must be pre-approved.
 - 5. The manhole covers of the septic tank are to be marked in such a manner that the markers are visible after the project is backfilled. Example: nylon rope tied to the septic tank lids or permanent stake.
 - a. Contractor must provide an as-built site plan of the under ground elements of the finished ISDS to the homeowner upon completion.
 - 6. Where pipes enter or exit the tank, seals shall be watertight.
 - 7. Plastic tanks must be pre-approved by the Sanitarian.
 - 8. When backfilling, the septic tank lids should not be more than twelve (12)

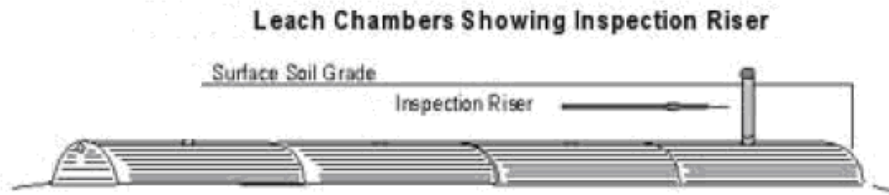
or less than six (6) inches below the surface. Risers may be used. If risers recess into the septic tank only 1 (one) lid will be required. Flat risers that sit on top and over the septic tank lid that are not recessed will require 2 (two) lids. One at the tank and one at the top of the riser.

C. Effluent line requirements:

1. The first ten feet of the effluent line out of the tank shall be not less than 3% (3/8 inch per foot), well bedded and supported. The remainder of the effluent line shall be not less than 1% (1/4 inch per foot).

D. Leach field requirements:

1. The minimum leach field size will be designed for two (2) bedrooms and a laundry washing machine and shall be not less than three hundred (300) square feet based on a pipe and gravel system.
2. A minimum of four (4) feet of percable material is required below the bottom of the leach field. In order to ensure four (4) feet above seasonal water level or bedrock a mound system may be required.
3. All chambers will be installed per manufactures recommendations using a minimum of four (4) screws on each end plate. The screws shall be placed in such a manner as to hold the top and the bottom of the end plates in place.
4. All pipes entering or exiting a chamber must be secured with at least two (2) screws.
5. Splash plates are required on the inlet to a chambered system. Splash plates must be made of rigid plastic or other flat non-degrading material and must be securely attached beneath each inlet pipe. End plates with built-in splash plates are preferred.
6. All effluent points of distribution must be level and have equal distribution.
7. Each run cannot be over one hundred (100) feet in length and each run must be level.
8. The final grade shall be such that any surface water drainage will be directed away from the leach field.
9. Any bed or trench requiring more than four (4) feet of fill over the chambers will require venting.
10. Inspection riser shall be installed in the last leaching chamber in a bed or in the last leaching chamber in every trench. Risers will be installed so as to maintain a separation of at least 2 inches from the bottom of an absorption trench or otherwise allow the free infiltration of sewage effluent. See example below.



Inspection Riser must be installed in the last Leach Chamber in each Absorption Trench or Leach Chamber farthest from inlet in an Absorption Bed.

Section 6: Engineer Design Systems

6.1 Engineer Design Requirements:

- A. The system must be designed by a Colorado Registered Engineer. If any of the following conditions exist:
1. The percolation rate is outside the range of 5-60 minutes per inch drop of water.
 2. Ground slope exceeds 30% through any portion of the proposed system.
 3. The distance from the surface of the ground to bedrock is less than eight (8) feet at perc site. The distance to the highest level of groundwater is less than eight (8) feet from the surface at the perc site.
 4. The sewage disposal system is intended to provide service for more than one individual dwelling unit.
 5. Multiple systems or their components are located closer than five hundred (500) feet apart on the same property.
 6. The lot size is less than one (1) acre.
 7. The system proposed is other than a standard septic system or approved alternative.
 8. The leach bed is on imported material.
 9. The design flow of the effluent will exceed 2000 gallons per day.
 10. It is a commercial system intended for commercial use.
 11. Failed system is being repaired.

Section 7: Individual Sewage Disposal System (I.S.D.S.) Variances

If a standard septic system can not be installed, property owner must apply for a variance. A variance will be required for chemical/portable toilets, incinerating toilets, composting toilets, Vault and approved alternative systems. Property owner must prove that a standard system cannot be installed practically on the property. (See sec 7.2.B.4)

7.1 Individual Sewage Disposal System Variance Requirements:

- A. If a variance is desired, an appropriate application request must be submitted to the Planning and Zoning Office along with details of the proposed system and justification for the proposed variance. The county shall have the option to hold a public hearing before the variance request is acted upon
- B. Variances will be granted only when both black-water and gray-water issues are resolved.
- C. Variance for chemical/portable toilet systems will not be granted for more than 2 years.

7.2 General permit process for Variances:

- A. Obtain and complete the appropriate variance permit application.
- B. The following information will be required with the application:
 - 1. Source and type of water supply;
 - 2. Sketch showing the location of the proposed system in relation to: lot lines, existing and proposed well(s), bodies of water, water carrying features and existing and proposed structures;
 - 3. Copy of the proposed floor plan with indication of the number of bedrooms labeled. Any changes of use of a room shall be reported to the Planning and Zoning Office in order to insure that the septic system is sized correctly for the structure;
 - 4. Documentation that a standard system or vault can not be installed on property.
 - 5. Proof of acceptance and approval per Section 8.1.A.
- C. Submit the completed application, documentation and fee.
- D. Applications will be reviewed, processed, and accepted or rejected by office staff and or Custer County Board of Commissioners.
- E. The applicant will be notified of the decision.
- F. After the system is installed, the applicant or septic contractor must notify the Planning and Zoning Office and the design engineer, if applicable, to arrange an inspection to verify a satisfactory installation.
- G. The applicant or septic contractor must show proof that the County Use Tax was paid. No permit will be closed until all county use tax is paid.
- H. The Licensed septic contractor must be present during the septic inspection and pay any use tax due at that time.

Section 8: Alternative Systems

8.1 General Requirements:

- A. Any alternative system requires a variance. See (Sec. 7.2)
- B. Design criteria and construction standards for alternative systems shall be sufficient to exclude flies and rodents from access to human excreta, prevent nuisances and health hazards, provide for cleanliness of such facilities, and prevent water pollution.

8.2 Vault System:

- A. Vault systems may be permitted under the following conditions:
 - 1. Where a complete I.S.D.S. is not feasible.
 - 2. Where there is not enough land available for a leach field.
 - 3. In temporary installations which are to be in operation for less than one (1) continuous year.
- B. Vault Standards
 - 1. Vaults shall have a minimum 1500 gallon effective capacity and shall meet the same installation and construction standards that apply to septic tanks, except that no effluent outlet shall be provided.
 - 2. It shall be fly tight and have an alarm/indicator system, either visual or audible, that is in a conspicuous location and alerts the homeowner before the vault is in need of pumping.
 - 3. Vaults shall be located in an area which is readily accessible for routine pumping during all seasons of the year.
 - 4. Records of septage pumping must be maintained by the property owner.
 - 5. If a superstructure is attached, it shall afford privacy and be fly and vermin proof.

8.3 Chemical/Portable Toilet:

- A. A Chemical/Portable Toilets may be approved under the following conditions:
 - 1. Only during construction, under emergency circumstances, or for

- occasional camping.
- 2. Variance for chemical/portable toilet systems will not be granted for more than 2 years without an action of the BOCC.
- 3. No contamination of ground or surface water will occur.
- 4. The superstructure surrounding a chemical/portable toilet shall afford privacy and be fly and vermin proof.

8.4 Incinerating/Composting Toilets:

- A. Incinerating or composting toilets may be approved under the following conditions:
 - 1. The gray water issue is addressed according to State requirements.
 - 2. Variance for incinerating/composting toilets will not be granted for more than 2 years without an action of the BOCC.
- B. Standards:
 - 1. Must be installed in accordance with manufacture instructions.
 - 2. Must meet all applicable federal, state and local air pollution requirements.
 - 3. Must be inspected by a Custer County P&Z office Sanitarian immediately after installation.

Section 9: Septic Inspections

9.1 Notification for Inspection:

After the construction but prior to covering the ISDS, the septic contractor or homeowner shall arrange for an inspection by the Planning and Zoning Office. The Licensed septic contractor and or homeowner must pay any use tax due at that time. If the contractor is not present final approval will not be granted until all use tax is paid and form is signed.

9.2 Engineer designed systems:

Engineer designed systems should have the engineer present at the time of the inspection by the P&Z Office. The installing contractor has the responsibility of coordinating this inspection. The engineer's signature on the septic permit verifies the system was installed according to design.

9.3 General Inspection Requirements:

- A. All components including piping must be visible during inspection.
- B. The lids must be off the tank manholes exposing the inside of the tank.
- C. The date and size of the tank information shall be exposed.

- D. In the event the system is covered by snow or dirt, the system must be cleared prior to inspection.
- E. Screws on chambers must be visible during inspection.

9.4 Inspection stages:

- A. Prior to the system being placed into service, and before any components are covered, the system contractor shall provide the Planning and Zoning Office with notice that the work has been completed. The inspection will determine if all work has been performed in accordance with the permit requirements and determine compliance of the system with Article 10, Title 25, C.R.S. and the regulations adopted herein.
- B. Upon final inspection of the system, if the Custer County Sanitarian finds it installed in accordance with these regulations, final approval will be granted for covering the exposed system and the permit completed after proof of use tax has been paid or use tax obligations are met. If the system has been designed by or constructed under the supervision of a Colorado Registered Engineer, the engineer shall certify in writing that construction and installation of the system has been completed in accordance with the engineering specifications, the terms of the permit and these regulations.
- C. Final grading of the septic system will be inspected at the Compliance Inspection.

9.5 Re-Inspections:

- A. If the septic system fails any inspection stage, a re-inspection must be initiated by the installing contractor or homeowner after the deficiency has been corrected.
- B. A fee for the re-inspection will be collected by the Planning and Zoning Office before the re-inspection is completed.

Section 10: County Authorization and Licensing

10.1 Authorized County Perc Technician:

- A. To be authorized as a County Perc Technician by the BOCC, the applicant must:
 - 1. Train under a Colorado registered engineer.
 - 2. Submit a letter from the supervising engineer stating the applicant is sufficiently trained to perform soil percolation tests.
 - 3. Provide documentation of the procedure used to perform perc tests.
 - 4. Submit names, locations, and results of the soil percolation tests performed under the direct supervision of the engineer.
- B. Upon review, the Board of County Commissioner will approve or deny the

- request to be authorized as a County Perc Technician.
- C. Custer County reserves the right to revoke the authorization of County Perc Technician after a public hearing has taken place.

10.2 Licensed Septic Contractors:

- A. General requirements:
1. Individual Sewage Disposal Systems will be installed by a contractor licensed by Custer County P&Z or by his employees acting under the direct supervision of the licensed contractor. Homeowners may be allowed to install their own system. See Section 10.3.
 2. Installation of systems that are designed by a registered engineer must be installed by a County licensed contractor.
 3. Installation of sewage disposal systems by contractors or their employees must be signed off by the license holder.
 4. Installation, renovation or repair of any individual sewage disposal system shall be in compliance with these regulations.
 5. A septic permit must be approved and signed by P&Z before construction begins. Septic Permits are not valid for excavation of building sites or foundations.
- B. Septic Contractor Licensing:
1. Submit completed application and fee to the Planning and Zoning Office.
 2. Applications will be reviewed, processed, and accepted or rejected by office staff.
 3. Contractors desiring to become licensed in Custer County must pass a Contractor Test.
 4. Once the individual has passed the Contractor Test, a temporary license will be issued. After the individual has passed his first inspection, a license may be issued. The temporary license will be valid for one year and is not renewable.
 5. There will be an initial fee for a septic contractor's license, and an annual renewal fee. A license that lapses because of failure to renew or is revoked shall be subject to the fee and procedures established for new licenses.
 6. The BOCC may modify the qualification standards for Contractor's licenses.
- C. License revocation: A contractor's license may be revoked for cause by Custer County Board of Health.
- D. Septic Re-Inspection: If a septic system installation fails inspection due to the negligence of the septic contractor, the septic contractor will be liable to pay the Septic Re-Inspect Fee. This fee is found on the Custer County Planning and Zoning Fee Schedule. If the septic system contractor continues to fail inspections the septic contractor will be subjected to their license being revoked.

10.3 Homeowner Installation:

- A. Homeowners desiring to install their own septic systems must pass a Contractors Test given by the Planning and Zoning Office.
- B. A homeowner license is only valid for the homeowner's current system and address and not valid for any other installation.
- C. Homeowner licenses are not valid for speculation homes or engineered design systems.
- D. Homeowner installations are subject to all required inspections and fees.

10.4 Licensed System Cleaners (also referred to as Septic Pumps):

- A. No person shall engage in the cleaning of sewage disposal systems or the transportation of septage to a disposal site, unless his business holds a valid Custer County Systems Cleaner License. Employees of valid licensed systems cleaner may operate under his license.
- B. Standards of Performance for System Cleaner:
 - 1. Prior to the issuance of a license, a Planning and Zoning Staff Member will require that the applicant demonstrate adequate knowledge of the regulations.
 - 2. Each business must have at least one licensed system cleaner. The license stays with the individual and not the business. If a licensed system cleaner leaves, it is the responsibility of the business to ensure that another individual is licensed. The business must cease all cleaning of sewage disposal systems and transportation of septage until this requirement has been met.
 - 3. Licenses for each qualified individual will be valid for one year and must be renewed annually.
 - 4. A system cleaner's license may be revoked at a public hearing held by the BOCC.
 - 5. A license holder will dispose of the collected septage only at a site authorized by the Planning and Zoning Office.
 - 6. A license holder must maintain his pumper truck and equipment to ensure that no spillage of septage occurs during transportation and that his employees are not subject to undue health hazards. Hauling shall be accomplished by the use of an enclosed tank.
 - 7. The Board of Health will set fees and may modify qualification standards for Septic Cleaner's Licenses.
 - 8. A Septic Cleaner must provide documentation to the P&Z office describing where the sewage is being disposed of.

Section 11: Appeals and Variances

11.1 Notice of Denial or Disapproval:

Notice of the denial of a permit, disapproval of the system plans, or failure of the system at any phase or final inspection shall be given to the applicant and contractor as soon as practicable.

11.2 Appeals to the Custer County Board of Health:

Any person who is denied a permit, whose plan for an individual sewage system is disapproved, or whose system failed the final inspection may appeal to the BOCC.

11.3 Granting of Variances (other than I.S.D.S. Variances):

Upon finding that the strict enforcement of these regulations would cause undue hardship to the applicant and further finding that a variance would not be injurious to public health, the Director of Planning and Zoning may authorize the issuance of a variance or refer the request to the Custer County Board of Health. The burden of proof is upon the applicant to show that the variance will not injure adjacent properties, will not conflict with the purposes of these regulations, and will not adversely affect the health of any person.

If the variance is denied by the Director, the decision may be appealed to the BOCC. A variance can only be granted from those Custer County requirements which are more stringent than the Colorado Department of Health Guidelines.

11.4 Time of Appeal:

Appeals must be filed within thirty (30) days from the date of denial with the Planning and Zoning Office.

A denial shall become final upon the expiration of time for filing an appeal, or when final action is taken upon appeal, whichever is later.

Section 12: Enforcement

12.1 Authority to Administer and Enforce:

Whenever the term local Board of Health, local Health Department, Health Officer or County Sanitarian is used in these regulations, said terms shall also include the Colorado Department of Public Health and Environment or its designated authority for the purpose of administering and enforcing the provisions of these guidelines.

12.2 Primary Enforcement Responsibilities:

- A. The primary responsibility for enforcement of the provisions of Article 10 of title 25, C.R.S. and the regulations adopted under said section shall lie with the local Health Department, Board of Health, Health Officer or County Sanitarian.
- B. Misrepresentation on an application will cause a permit to be cancelled and will require new application.
- C. Written Complaints: whenever the Planning and Zoning Office, through the investigative process of a written complaint or through personal knowledge, finds a violation of this resolution, they shall notify, in writing, the person responsible for the violations and the landowner of record, if different, and order them to make the necessary corrections within a reasonable period of time. That time is not to exceed five (5) days for eminent health hazards or thirty (30) days for problems that do not constitute an eminent hazard.

12.3 Cease and Desist Orders (Refer to Section IV. N of the State Guidelines):

- A. The BOCC may issue an order to cease and desist from the use of any system which is found by the Health Officer or designated representative not to be functioning in compliance with Article 10 of Title 25, C.R.S. Section 25-10-106 (l) (j), and the owner or occupant has not brought the system into compliance or eliminated the health hazard within a defined period of time, not to exceed five (5) days for eminent health hazards or thirty (30) days for problems that do not constitute an eminent hazard.
- B. A cease and desist order issued by the Health Officer may be reviewed in the district court of the county wherein the system is located and upon a petition filed not later than ten (10) days after the order is issued.

12.4 Violations:

- A. Whenever the Health Officer or designated representative determines that there has been a violation of any provision of these regulations, notice shall be given of such violation to the responsible person or persons and to the owner of record. Such notice shall be in writing, describe the violation(s), and provide a time for correction. Such notice may also be pursued as a class one (1) petty offense, as defined in C.R.S. Section 25-10-113 by the Board of Health.
- B. Service of such notice shall be by registered or certified mail, with return receipt requested.
- C. If one or more persons cannot be found or served after a diligent effort, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case the Health Officer shall include in the record a statement as to why the posting was necessary.

- D. If satisfactory corrections are not completed in the time provided for correction, a cease and desist order may be sought by the Planning and Zoning Office. A new application for repair or modification of a sewage disposal system must be approved and all work completed, before the cease and desist order is lifted.
- E. Upon a finding by the Board of Health, under the guidelines of the C.R.S., monetary daily penalties may be assessed for each day of violation.