

ORDINANCE #2021-06

REGULATIONS ON ROUTINE INSPECTION AND MAINTENANCE OF PRIVATE SEPTIC TANK SYSTEMS

WHEREAS, the Town of James Island desires to promote public safety and ensure the general welfare of the community and all its citizens.

NOW, THEREFORE, BE IT ORDAINED, the Council of the Town of James Island adopts:

CHAPTER 91.03 PRIVATELY OWNED SEWERAGE SYSTEMS (SEPTIC TANKS AND SEPTIC TANK SYSTEMS)

- A) This subsection of Chapter 91 is to be applied and interpreted, and supplements but does not supplant, those statutes, code sections, ordinances and administrative regulations currently in effect, or which may be put into effect, by the James Island Public Service District (JIPSD) and South Carolina Department of Health and Environmental Control (SCDHEC), and any successor governmental entity as such may relate to sewage and waste disposal.
- B) Definitions:
- 1) “Baseline Inspection” means a thorough evaluation of an operating private sewage system to determine whether the system is functioning as designed, is not exhibiting signs of failure, and is being operated properly. A pump out of the system is required for a baseline inspection to properly examine the interior of the tank and to check for leaks from the house or saturated conditions in the drainfield. All inspections and pump outs must be performed by inspectors and pumpers with valid SCDHEC licenses.
 - 2) “Building Drain” means the sewer or sewers within a building used to convey sewage and/or industrial waste to building sewers or laterals, and in this ordinance shall relate to the point of connection to the building sewer or laterals.
 - 3) “Building Sewer Lateral” means the extension of the building drain from the building to the public sewer or other place of disposal.
 - 4) “Drainfield” means a system of trenches or beds, or other such seepage systems approved by SCDHEC, designed to disperse septic tank effluent into the soil for treatment.
 - 5) “Failed System” means any private sewage system or sewer to a public sewer that does not adequately convey, treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:

- a. Failure to accept sewage;
 - b. Discharge of sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by SCDHEC;
 - c. Sewage rising to the surface of the ground over or near any part of a private sewage system or seeping down-grade from the drainfield at any change in grade, bank or road cut;
 - d. Any deterioration or damage to any private sewage system that would preclude adequate treatment and disposal of wastewater (for example, damage from a vehicle driven over the drainfield or septic tank);
 - e. A septic tank that is not constructed to be watertight (such as a bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drainfield;
 - f. The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drainfield;
 - g. Exposure, reduction, or elimination of the drainfield area or holding tank through erosion;
 - h. Repeated and prolonged inundation by floodwaters resulting in leakage of sewage;
 - i. Water quality testing of adjacent and nearby waters that reveals a private sewage system as the source of contamination.
- 6) “Good Operating Condition” means a state in which the private system, upon inspection, is determined to function in a sanitary manner, prohibits the discharge of untreated or partially treated sewage onto the ground surface, into surface water, or into groundwater, and allows building plumbing to discharge properly.
 - 7) “Grease Trap” means an interceptor tank used to trap grease and oils from kitchen waste. If the tank is not plumbed so that the remaining liquid enters the septic tank or a drainfield, it is in violation of this chapter and chapter 91.02.
 - 8) “Improved Property” means any property located within the corporate limits of the Town of James Island upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structures sewage and/or industrial waste shall be, or may be, discharged and accepted by the JIPSD at any time.
 - 9) “Inspection Recommended by SCDHEC” includes: locating septic system and uncover access holes, opening the inspection port to check that internal slabs or tees (baffles) are in good condition, check if the effluent filter (if included) needs to be cleaned, flushing your toilets, checking for signs of sewage or wastewater backup, measuring scum and sludge layers, identifying any leaks, inspecting mechanical parts if there are any, recommending tank cleaning (pumping) if needed, checking the ground over the drainfield for sogginess or ponding, and recommending a drainfield inspection if needed.
 - 9) “Licensed Contractor” means an individual who has been approved by SCDHEC

to inspect private sewage systems.

- 10) “Owner” means any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- 11) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.
- 12) “Premises Accessible to the Sewerage System” means any improved property when the public sewer abuts, bounds or is adjacent to such improved property.
- 13) “Private Sewerage System” means a septic tank and its associated septic and lateral lines, pipes, vault, and drainfield located in whole or in part on private property intended to be used for the conveyance, storage, treatment, or disposal of sewerage, whether an on-site disposal system or engineered specialized on-site sewage system.
- 14) “Proof of Inspection” means a written, whether electronic or physical, dated statement which include the name, address and findings of a licensed contractor having performed an inspection under such licenses.
- 15) “Public Sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority. It shall also include sewer within or without the Town limits, which serve one or more persons and discharge into the JIPSD sewerage system.
- 16) “Sanitary Sewer” means a sewer which carries sewage and/or authorized industrial wastes and to which storm, surface and ground waters are not intentionally admitted.
- 17) “Septic Tank” means a watertight receptacle that receives the discharge of sewage from a building sewer and is designed and constructed to permit the deposition of settled solids, the digestion of the matter deposited and the discharge of the liquid portion into a leaching system (such as a drainfield).
- 18) “Sewage” means wastewater, or any substance that contains any of the waste products or excretions of other discharge from the bodies of human beings or animals.
- 19) “Sewer” means a pipe conduit for carrying sewage, industrial waste or storm or surface water.
- 20) “Sewerage System or Sewerage Facility” means all facilities owned and/or

operated by JIPSD, which are used for collecting, pumping, transporting, treating, and disposing of sewage and industrial waste.

21) “Town” means the Town of James Island, Charleston County, South Carolina.

C) General Sanitary Regulations

- 1) Prior to the issuance of a certificate of occupancy, the owner of any premises accessible to the sewerage system located within the Town of James Island is required at the owner’s expense to install suitable toilet facilities therein, and to connect such facilities directly with the sanitary sewer in accord with the provisions of this ordinance, and the requirements of the JIPSD and SCDHEC.
- 2) It shall be the responsibility of the property owner to ensure that the private sewage system is operated and maintained according to its designed use and capacity.
- 3) The property owner shall maintain the private sewage system so that it is accessible for inspection and maintenance.
- 4) The property owner shall protect all parts of the private sewage system so that it is protected from vehicular traffic and parking.
- 5) The property owner shall protect all parts of the private sewage system from erosion and prolonged inundation.
- 6) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- 7) When a public sewage system is not available for the premises, which is defined as beyond 300 feet from the foundation of the building premises containing a toilet to be so connected, the building sewer shall be connected to a private sewerage system complying with the provisions of the regulations imposed by JIPSD and SCDHEC. Any tree removal required for compliance shall be performed in accordance with Chapter 153 et. al. of the Town Code.
- 8) The owner of any improved property shall maintain the private sewage system in good operating condition and repair as needed; the building drain, drainfield septic tank, and building sewage lateral connecting lines to the public sewer, at the owner’s expense, and shall remove all trees, shrubs, tree and shrub roots and other obstructions to the building drain and sanitary sewage system Any tree removal required for compliance shall be performed in accordance with Chapter 153 et. al. of the Town Code.
 - a) In the event of a complaint or upon notice by the Town, the Town Code Enforcement Officer may inspect the sanitary sewerage system in its

entirety to determine the need for maintenance, or repair, including the proximity of the building premises to the public sewer.

- b) All private sewerage systems must receive an inspection as recommended by SCDHEC by a licensed contractor every 3 years, and the owner thereof shall provide documentation of such inspection upon request by the Town Code Enforcement Officer within 10 calendar days of such request. Property owners shall provide all requested and known information about the private sewage system to the Town and the contractor to facilitate locating and accessing the condition of the system.
 - c) Failure to timely provide acceptable documentation of inspection as referenced in subsection C(8)(b) evidencing an inspection of the private sewerage system within 3 years prior to such request, or within 10 days after such request, shall entitle the Town to require an inspection through a licensed contractor. Should the owner fail to provide proof of an inspection within 30 calendar days, the Town may perform an inspection through a licensed contractor at the owner's expense.
 - d) In the event such inspection reveals a failed system, in whole or in part, the Town shall require the owner to perform such repairs or maintenance as may be called for from such inspection, at owner's expense, within 60 calendar days of the earlier of the mailing of or personal receipt of such notice. If the repair(s) are such that 60 days is not sufficient time to complete the repair(s), evidence of the scheduled repair(s) shall be presented to the Town and timeline for repair(s) must be approved by the Town Code Enforcement Officer.
- 10) In the event the owner has documentation or other acceptable proof of an acceptable inspection with the time prescribed in subsection C(8)(b), yet the Town Code Enforcement Officer has reason to believe a baseline or other additional inspection is warranted, the Town may perform such inspection as is required in the Town's discretion at the Town's expense, and impose the necessity of repair or maintenance at the homeowner's expense in accord with and pursuant to subsection C(8)(a) and (d).
- D) In the event the owner fails to comply with the directive(s) of the Town Code Enforcement Officer after notice pursuant to Town of James Island Code, Chapter 91.05 the provisions of §91.06 shall apply, and any appeal of such directive(s) shall be in accord with section §91.08.

First Reading: August 19, 2021

Second Reading: October 20, 2021

W W Woolsey

Mayor Bill Woolsey

Liane W. Simonis

Attest: Town Clerk

Adopted: October 20, 2021