

STATE OF MAINE
PLUMBING CODE, PART II
Private Sewerage Disposal Regulations
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Maine Plumbing Code, Part II—Private Sewage Disposal Regulations
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RECOMMENDATION TO LOCAL GOVERNMENTS

It is recommended that the local communities require a plumbing permit be obtained for the private sewage disposal system which will serve a building before a building permit is issued for that building's construction or alteration. Such a requirement will often eliminate the hardship to an owner of investing in a structure and then not having an adequate, economical means of sewage disposal.

This is a minimum code addressing the engineering aspects of private sewage disposal. It is imperative that this code be accompanied by local zoning and/or lot size restrictions or ordinances to address the unique situations which most communities have.

CHAPTER 1

DEFINITIONS

- 1.1 **ALTERNATE PLUMBING INSPECTOR (API)** — Alternate Plumbing Inspector means the appointed municipal official in each incorporated municipality authorized to act for the LPI in his absence or when he is not able to serve.
- 1.2 **APPLICANT** — Applicant means a person, owner, or his authorized agent responsible for the completion of Application for Private Sewage Disposal Permit.
- 1.3 **APPLICATION FOR PRIVATE SEWAGE DISPOSAL PERMIT** — Application for Private Sewage Disposal Permit means an application kit furnished by the Department which, when fully completed, will document the feasibility of the proposed system for the denial or issuance of a permit from the LPI.
- 1.4 **BLACK WASTE WATER** — Black Waste Water means waste water containing human excrement, feces, and/or urine.
- 1.5 **BUILDING DRAIN** — The building drain is that part of the lowest piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning eight (8) feet outside the building wall.
- 1.6 **BUILDING SEWER** — The building sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
- 1.7 **CERTIFICATE OF APPROVAL** — Certificate of Approval means a printed form furnished by the Department, the issuance of which by the LPI, means the proposed system has complied with all local ordinances and the Plumbing Code.
- 1.8 **CESSPOOL** — A cesspool is a lined excavation in the ground which receives the discharge of a drainage system or part thereof, so designed as to retain the organic matter and solids discharging therein, but permitting the liquids to seep through the bottom sides.
- 1.9 **CHEMICAL TOILET** — Chemical toilet means (1) A commode chair in which a pail containing a chemical solution for deodorizing and liquefying fecal matter is placed immediately beneath the seat. (2) A non-water-carriage toilet arranged to discharge fecal matter directly into a deodorizing and liquefying chemical solution contained in a watertight tank.
- 1.10 **CODE** — The word "code" or "this code" unless otherwise indicated, shall refer to all rules and regulations adopted by the Department pursuant to Title 22, Sect. 42(3).
- 1.11 **COMMUNITY SEWERAGE SYSTEM** — Community Sewerage System means a private sewage disposal system designed to handle over 2000 gallons per day.

- 1.12 **DEPARTMENT** — Department means the State of Maine Department of Health and Welfare.
- 1.13 **DISTRIBUTION BOX** — Distribution Box means a device with openings to accommodate separate disposal lines which evenly distributes liquid waste to separate portions of the subsurface absorption area.
- 1.14 **DIVERSION BOX** — Diversion Box means a device which provides for alternating use of one-half of the subsurface absorption area.
- 1.15 **DOSING** — Dosing means to discharge predetermined volumes of liquid waste into a subsurface absorption area by pumping or siphons.
- 1.16 **DOSING CHAMBER** — Dosing Chamber means a receptacle for retaining liquid waste until pumped or siphoned to the subsurface absorption area.
- 1.17 **DRAINAGE DITCH** — Drainage Ditch means a man made trench designed to receive the runoff from precipitation only. It receives little or no water from springs and no long continued supply from melting snow or other sources.
- 1.18 **FLOOD PLAIN** — Flood Plain means: the area described by the perimeter of the probable limiting flood, the portion of a river valley which has been covered with water when the river overflowed its banks at flood stage. The plain in most instances has been built up by alluvium deposited by the stream.
- 1.19 **GRAY WASTE WATER** — Gray Waste Water means all domestic liquid wastes exclusive of Black Waste Water.
- 1.20 **GPD** — GPD means gallons per day.
- 1.21 **GROUND WATER** — Ground Water means subsurface water occupying the saturation zone, from which wells and springs are fed. In a strict sense the term applies only to water below the water table.
- 1.22 **HOLDING TANK** — Holding Tank means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of sewage at a site approved by the Department of Environmental Protection.
- 1.23 **HUMAN WASTE** — Human Waste means all excrement and urine from the human body.
- 1.24 **IMPERVIOUS LAYER** — A soil or soil layer that because of a very slow permeability, causes a downward percolating water or effluent from above to spread laterally over the top of the impervious layer rather than to continue to percolate downward. See perched water table.
- 1.25 **INDIVIDUAL SEWERAGE SYSTEM** — Individual Sewerage system means a private sewage disposal system designed to handle less than 2000 gallons per day of sewage.
- 1.26 **INDUSTRIAL WASTES** — Industrial Wastes shall mean waste liquids from manufacturing processes.

- 1.27 **INTERMITTENT STREAM** — An Intermittent Stream means a watercourse that falls into either of the following categories:
- (a) A stream that has flow as a direct result from precipitation only and not the position of the ground water table.
 - (b) A stream that flows as a result of surface runoff, which occurs for a period of not more than three months of the year.
- 1.28 **LOCAL PLUMBING INSPECTOR (LPI)** — Local Plumbing Inspector means the appointed municipal official in each incorporated municipality charged with implementing the municipal plumbing ordinance or, where no such ordinance is in force, to carry out the duties required by Title 22, Section 42 and the Maine Plumbing Code promulgated thereunder.
- MAXIMUM GROUND WATER TABLE** — Maximum Ground Water Table means the highest elevation of ground water than can be expected to occur.
- 1.29 **MOTTLING** — Mottling means a zone of chemical oxidation and reduction activity and appearing as splotchy patches of red, brown, orange and gray.
- 1.30 **NORMAL HIGH WATER MARK OF INLAND WATERS** — Normal High Water Mark of Inland Waters means that line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil, rock, or the vegetation due to the prolonged action of the water.
- 1.31 **NUISANCE** — Nuisance includes, but is not limited to:
- (1) Any public nuisance known at common law or in equity jurisprudence.
 - (2) Whenever any work regulated by this code is dangerous to human life or is detrimental to health and property.
 - (3) Inadequate sewage disposal system.
 - (4) Any unsanitary condition existing in any plumbing system or private sewage disposal system.
- 1.32 **OBSERVATION HOLE** — Observation Hole means a hole excavated at the site of a proposed subsurface absorption area to observe and evaluate the soil profile.
- 1.33 **OTHER STRUCTURES** — Other structures means any building with plumbing fixtures installed that is not a single family dwelling.
- 1.34 **PERCHED GROUNDWATER** — Groundwater that is separated from the main body of groundwater by an impervious layer.
- 1.35 **PERENNIAL STREAM** — A perennial stream means a watercourse that falls into either of the following categories:
- (a) A stream that flows as a result of the position of the groundwater table, either seasonally or permanently.
 - (b) A stream that flows as a result of surface runoff and occurs more than three months a year.
- 1.36 **PERMEABILITY** — Permeability means the property of a material that permits appreciable movement of water through it when it is saturated and the movement is actuated by hydrostatic pressure normally encountered in natural subsurface water.

- 1.37 **PERMIT (FORM 200)** — Permit means a printed form furnished or approved by the Department, the issuance of which by the LPI authorizes a person to proceed with the installation of plumbing and/or a private sewage disposal system.
- 1.38 **PERSON** — Person means a natural person, his heirs, executors, administrator or assignees and shall also include a firm, corporation, municipal or quasimunicipal corporation or governmental agency. Singular includes plural and male includes female.
- 1.39 **PLUMBING FIXTURES** — Plumbing Fixtures are approved type installed receptacles, devices or appliances which are supplied with water or which receive liquid or liquid borne wastes and discharge such wastes into the drainage system to which they may be directly or indirectly connected. Industrial or commercial tanks, vats and similar processing equipment are not plumbing fixtures, but may be connected to or discharged into approved traps or plumbing fixtures when and as otherwise provided for elsewhere in this code.
- 1.40 **STATE PLUMBING CODE** — State Plumbing Code means the Maine Plumbing Code.
- 1.41 **PRIVATE SEWAGE DISPOSAL SYSTEM** — Private Sewage Disposal System means a treatment tank with the effluent discharging into a subsurface absorption area, or such other facilities as may be permitted under the procedures set forth elsewhere in this code.
- 1.42 **PRIVATE SEWER** — Private Sewer means a sewer privately owned and used by one or more properties.
- 1.43 **PRIVY** — Privy means a facility used for the direct disposal of human waste into a vault or pit.
SEALED VAULT PRIVY — Sealed Vault Privy means a privy which retains human waste in a holding tank.
OPEN PIT PRIVY — Pit Privy means a privy placed over a pit in the soil.
- 1.44 **PUBLIC SEWER** — Public Sewer means a common sewer controlled by a governmental agency or public utility.
- 1.45 **REDUCTION** — Reduction means a condition or state of the soil associated with water saturated conditions. It results from organic acids acting on iron when a lack of oxygen exists and is characterized by a gray or gray mottled appearance of the soil.
- 1.46 **SEASONAL HIGH WATER TABLE** — Seasonal high water table means that point where free or perched water persists for a long enough period so as to cause mottling or reduction.
- 1.47 **SEWAGE** — Sewage means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution. For the purposes of this Code the term sewage shall include industrial wastes.
- 1.48 **SEWER** — A pipe or conduit that carries wastewater or drainage water.
- 1.49 **SHALL** — The word "shall" is a mandatory term.
- 1.50 **SINGLE FAMILY DWELLING** — Single Family Dwelling means a building designed to be used as a home, is the only dwelling

located on the land parcel, and is inhabited by persons of a closely related family.

- 1.51 **SUBSURFACE ABSORPTION AREA** — Subsurface Absorption Area means any system for disposing of the liquid from a treatment tank on or beneath the surface of the ground. It includes the following:
- DISPOSAL TRENCH** — Disposal Trench means a system of shallow trenches into which treatment tank effluent is discharged for seepage into the soil.
 - DISPOSAL BED** — Disposal Bed means a system of shallow beds into which treatment tank effluent is discharged for seepage into the soil.
 - LEACHING CHAMBER** — Leaching Chamber means a system of concrete receptacles into which treatment tank effluent is discharged for seepage into the soil.
 - DISPOSAL MOUND** — The Mound means an elevated disposal area into which treatment tank effluent is discharged for seepage into the soil.
 - EVAPORATION-TRANSPIRATION BED** — Evaporation-Transpiration Bed means a system of shallow beds, into which treatment tank effluent is discharged for evaporation and transpiration into the atmosphere when conditions are favorable.
- 1.52 **SUBSURFACE SOIL** — Subsurface Soil means soil at a sufficient depth below the surface to be relatively free of humus and large amounts of organic matter and usually denoted as the B and C soil horizons.
- 1.53 **TREATMENT TANK** — Treatment Tank means a watertight tank designed to retain sewage for a sufficient period of time to provide satisfactory bacterial decomposition of the solids. Such tanks include:
- SEPTIC TANK** — A septic tank is a watertight receptacle which receives the discharge of a drainage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system meeting the requirements of this code.
 - AEROBIC TREATMENT TANK** — Aerobic Treatment Tank means a treatment tank incorporating a means of introducing air into the sewage so as to provide aerobic biochemical stabilization through a period of detention before allowing the liquid to be discharged to a subsurface absorption area.
- 1.54 **UNIFIED CLASSIFICATION** — The Unified Classification System is based on identification of soils according to their texture and plasticity and their performance as engineering construction material. In this system soil material is divided into 15 classes: 8 classes are for coarse grained material (GW, GP, GM, GC, SW, SP, SM, SC), 6 for fine grained material (ML, CL, OL, MH, CH, OH), and 1 for organic material (Pt).
- 1.55 **UNSANITARY** — Contrary to principles known to promote or safeguard health.

- 1.56 **WASTE WATER** — See Gray Waste Water and Black Waste Water.
- 1.57 **WATER BODY** — Water Body means a surface depression containing a pool of water. The term water body includes, but is not limited to, natural and artificial lakes and ponds.
- 1.58 **WATER COURSE** — Water Course means a channel created by action of surface water and characterized by the lack of terrestrial vegetation and by the presence of a bed, devoid of topsoil, containing water borne deposits or exposed soil parent material or bedrock, the waters of which flow or may flow either continually or intermittently. See also: Perennial Stream, Intermittent Stream, Drainage Ditch.
- 1.59 **WATER TABLE** — Water Table means the upper surface of the zone of saturation (groundwater).

CHAPTER 2
ADMINISTRATION

SEC. 2.1 SCOPE

When a public sewer is not available and the sewage disposal system is not licensed by the Department of Environmental Protection (Title 38, §413, as amended) sewage disposal shall be by an approved private sewage disposal system constructed and installed as provided in the Code.

SEC. 2.2 PERMIT REQUIRED

The installation of any private sewage disposal system constitutes either the installation of an individual sewage system or a community sewerage system and requires a permit prior to beginning the installation of the system. For purposes of this section the installation of an individual sewage system or community sewerage system shall include the initial installation, replacement, alteration, or enlargement of any private sewage disposal system unless the Department determines that a permit is not required in a particular case.

SEC. 2.3 APPLICATIONS FOR PERMITS

(a) **REQUIREMENT** — Application for a permit to install a private sewage disposal system shall be made to the LPI (and the Department, if applicable), by the owner and/or the person performing or responsible for performing all labor in connection with the installation of the system and shall be made prior to any construction.

(b) **CONTENTS** — The application form shall require such information as the Department shall deem necessary and shall contain or be accompanied by the following information and data:

- (1) Name and address of the applicant and the owner.
- (2) Description of the lot upon which the system is to be installed and which the system will serve, including lot number and street address or location.
- (3) Detailed information showing the absorptive qualities, depth and type of soils involved, depth to the maximum groundwater table, depth to bedrock, and depth to refusal within 5 feet of the original surface.
- (4) Location of private and public water supplies and water courses and bodies within 300 feet of the proposed system.
- (5) Location and distance to any public or private sewer within 500 feet of the proposed system.
- (6) Detailed plans and specifications.
- (7) Such further information as may be required by the Department to insure the proposed construction, installations, replacement, alteration or enlargement complies with the regulations promulgated by the Department.
- (8) Where the applicant seeks to install a private sewage disposal system designed to treat 2000 or more GPD, written approval from the Department prior to issuance of permit by the LPI is required.

SEC. 2.4 ISSUANCE OF PERMITS

If the LPI determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code and Local Ordinances, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

SEC. 2.5 DENIAL AND REVOCATION OF PERMITS

A permit shall be denied or revoked by the LPI at any time for any one or more of the following reasons, which shall be incorporated into the written denial.

- (1) The proposed design fails to meet the requirements of this Code.
- (2) Soil or geological conditions fail to meet the requirements of this Code.
- (3) The sewage can be feasibly and legally discharged into a public sewerage system.
- (4) Documentation shows that the proposed system fails to adequately protect the public health and minimize pollution.
- (5) Applicant has failed to properly complete the Application For A Private Sewage Disposal Permit Form.

SEC. 2.6 FEES

Applicants shall pay a fee in accordance with the following fee schedule.

Any person who shall commence any work for which a permit is required by this Code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, unless the LPI is satisfied that such work was an emergency. In all such emergency cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

TABLE 2-1

FEE SCHEDULE —

Individual Sewerage Disposal System (each)	\$ 25.00
Community Sewerage Disposal System (each)	\$100.00

The fee structure below applies if single components are replaced or altered. If all components are replaced or altered the maximum fee shall be as above.

Replacement and/or alteration of —

Treatment tank (each)	\$ 10.00
Holding tank (each)	\$ 20.00
Privies, compost toilets (each)	\$ 10.00
Subsurface absorption system (each)	
Individual Sewerage Disposal System	\$ 20.00
Community Sewerage Disposal System	\$ 50.00

SEC. 2.7 INSPECTION AND TESTING

(a) INSPECTIONS —

- (1) **Scope** — All new plumbing work and such portions of existing systems as may be affected by new work, or any changes, shall be inspected by the LPI to insure compliance with all the requirements of this Code and to assure that the installation and construction of the private sewage disposal system is in accordance with approved plans.
- (2) **Advance notice** — It shall be the duty of the person doing the work authorized by the permit to notify the LPI orally or in writing that said work is ready for inspection. Such notification shall be given not less than two (2) working days before the work is to be inspected.
- (3) **Responsibility** — It shall be the duty of the holder of a permit to make sure that the work will stand the test prescribed before giving the notification.
- (4) **Retesting** — If the LPI finds that the work will not pass the test, necessary corrections shall be made and the work shall then be resubmitted for test or inspection.
- (5) **Test** — Water tests shall be conducted in the presence of the LPI or of his duly appointed representative where required.
- (6) **Corrections** — Notices of correction or violation shall be written by the LPI and may be posted at the site of the work or mailed or delivered to the permittee or his authorized representative. Refusal, failure or neglect to comply with any such notice or order within ten working days of receipt thereof, shall be considered a violation of this Code, and shall be subject to the penalties set forth in the statutes.
- (7) **Approval** — Upon the satisfactory completion and final test of the drainage system, a certificate of approval shall be issued by the LPI to the permittee.
- (8) **Covering or Using** — No plumbing or drainage system, building sewer, private sewage disposal system or part thereof, shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in this Code.
- (9) **Uncovering** — Any drainage or plumbing system, building sewer, private sewage disposal system or part thereof, which is installed, altered or repaired, covered or concealed before being inspected, tested and approved, as prescribed in this Code, shall be uncovered for inspection after notice to uncover the work has been issued to the responsible person by the LPI.

(b) TESTING

- (1) **Responsibility** — The equipment, material and labor necessary for inspection or tests shall be furnished by the person to whom the permit is issued or by whom inspection is requested.
- (2) **Test** — When required by Table 4-2 or Section 2.7, the building sewer, treatment tank, holding tank and other devices shall be water tested to the point of connection with the subsurface absorption area.

SEC. 2.8 ALL WORK TO BE INSPECTED

All plumbing and drainage systems shall be inspected by the LPI to insure compliance with all the requirements of this Code.

SEC. 2.9 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

SEC. 2.10 CODE ENFORCEMENT

By authority of Title 22, Sect. 42(3), "Any person who violates (the code), or who violates a municipal ordinance adopted pursuant to Title 30, Sect. 3221 shall be punished by a fine of not less than \$100 nor more than \$500 for each offense. The Department or Municipality may seek to enjoin violations of said (code) or municipal ordinances."

Malfunctioning private sewage disposal systems, including septic tanks, cesspools, cisterns, dry wells, drainage beds, holding tanks, and the like, have become a menace to the health and general welfare of the citizens of this State, and are declared to be a nuisance.

Whenever brought to the attention of any agency of state or local government that any unsanitary conditions exist in any plumbing system or private sewage disposal system or that any construction or work regulated by this code is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or property, or otherwise in violation of these rules and regulations, the said (agency) may request an investigation by the Department of Health and Welfare or by the Local Plumbing Inspector who upon determining such information to be fact, may order any person using or maintaining any such condition or performing any such construction or work or responsible for the use, maintenance or construction thereof to discontinue the use, maintenance or construction thereof or to repair, alter, change, remove, or demolish the same as the Department or its assistant may consider necessary for the proper protection of life, health or property.

Every such order shall be in writing, addressed to the person using or maintaining any such condition or performing any such construction or work or responsible for the use, maintenance, or construction thereof, or to the agent of such person, and shall specify the date or time for compliance with such order.

Refusal, failure, or neglect to comply with any such notice or order shall be considered a violation of this code. Nothing contained herein shall prevent the Department from seeking to enjoin violations of this code prior to issuance of an order under this section.

When any plumbing system or private sewage disposal system is maintained or constructed in violation of this code or in violation of any notice issued pursuant to this section or where a nuisance, as defined in this code, exists in any building or on a lot on which a building is situated, the Department may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

CHAPTER 3

GENERAL PROVISIONS

SEC. 3.1 GENERAL

All sewage disposal systems shall be installed, replaced, altered or enlarged in accordance with this Code.

SEC. 3.2 SEWER REQUIRED

(a) **EVERY BUILDING WITH FIXTURES** — Every building in which plumbing fixtures are installed and/or every premises having drainage piping thereon shall have a connection to a public or private sewer, except as provided in subsections (b) and (d) of this section.

(b) **NO PUBLIC SEWER** — When no public sewer, intended to serve any lot or premises, is available in any thoroughfare or right of way abutting such lot or premises, drainage piping from any building or works shall be connected to an approved private sewage disposal system.

(c) **PUBLIC SEWER** — Within the limits prescribed by subsection (d) hereof, the rearrangement or subdivision into smaller parcels of a lot which abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels, shall connect to the public sewer.

(d) **PUBLIC SEWER NOT ACCESSIBLE** — The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

(e) **NO PERMIT** — No permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof, on any lot for which a connection with a public sewer is available.

(f) **CONNECTION TO PUBLIC SEWER** — On every lot or premises hereafter connected to a public sewer, all plumbing and drainage systems or parts thereof, on such lot or premises shall be connected with such public sewer.

Exception: Single family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to a public sewer may, when no hazard, nuisance or insanitary condition is evidenced and written permission has been obtained from the department, remain connected to such properly maintained private sewage disposal system when there is insufficient grade or fall to permit drainage to the public sewer by gravity.

SEC. 3.3 PROHIBITED

All sewage shall be disposed of by an approved method of collection, treatment and disposal. Sewage shall not be disposed of in any manner that will create a nuisance. It shall not be discharged into any abandoned or unused well, or into any crevice, sink hole, or other opening either