

## **The Code of Alabama 1975**

Title 22 HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL.

Chapter 26 SEWAGE COLLECTION, TREATMENT AND DISPOSAL FACILITIES.

### **Section 22-26-1**

#### **Insanitary sewage facilities menacing public health.**

It shall be unlawful and shall constitute a misdemeanor to build, maintain or use an insanitary sewage collection, treatment and disposal facility or one that is or is likely to become a menace to the public health anywhere within the state, including plumbing facilities, privies, septic tank systems, other private collection and disposal systems, sewer lines, public or private, municipal, community, subdivision or other treatment plant and disposal units, but excluding plumbing within structures located within the police jurisdiction of municipal corporations and regulated by the municipal corporation.

*(Acts 1969, No. 1127, p. 2089, §1.)*

### **Section 22-26-2**

#### **Authority of boards of health to require installation of connections with sanitary sewers, etc.; rules and regulations.**

The State Board of Health and/or county boards of health, acting through its duly authorized agents or employees, shall require every person, firm or corporation or municipal corporation, or agent thereof, owning or occupying property within the state, to install the type and number of sewage collection, treatment, and disposal facilities conforming to rules and regulations of the State Board of Health and/or county boards of health and require connection to a sanitary sewer conforming to rules and regulations of the State Board of Health and/or county boards of health where sanitary sewers are available and are not regulated by the municipal corporation, or to dispose of sewage in such sanitary manner as shall be approved by the State Board of Health. All required sewage treatment and disposal facilities shall conform in every respect with the specifications, rules, and regulations applying to these facilities made, adopted, and promulgated by the State Board of Health and/or county boards of health and shall be maintained as prescribed by the rules and regulations. No rule or regulation of the State Board of Health shall require the permitting or inspection by county government of any plumbing within structures.

*(Acts 1969, No. 1127, p. 2089, §2; Act 2016-305, §1.)*

### **Section 22-26-3**

#### **Approval of plans and specifications.**

All plans and specifications applying to sewage collection, treatment and disposal shall be first submitted to the State Board of Health and/or county boards of health for approval before construction. The said plans and specifications shall be approved if in conformance with said specifications, rules and regulations and the required permits for construction issued by the State Board of Health or its duly authorized agents or employees. No person, firm, corporation or municipal corporation shall begin

construction without said approval, and a violation of this section shall constitute a misdemeanor, punishable, on conviction, by a fine of not to exceed \$500.00.

*(Acts 1969, No. 1127, p. 2089, §4.)*

**Section 22-26-4**

**Permits for installation of plumbing within police jurisdiction of municipal corporations.**

The issuance of permits for the installation of plumbing within structures located within the police jurisdiction of municipal corporations, and the inspection and approval of same, shall be functions of municipal corporations.

*(Acts 1969, No. 1127, p. 2089, §5.)*

**Section 22-26-5**

**Permits for installation of plumbing outside jurisdiction of municipal corporations.**

Repealed by Act 2016-305, §2, effective May 10, 2016.

*(Acts 1969, No. 1127, p. 2089, §6.)*

**Section 22-26-6**

**Penalty for violations of chapter.**

Any person, firm, corporation or municipal corporation responsible for conforming or maintaining as required in this chapter and who fails to conform or maintain in violation of said specifications, rules and regulations shall be guilty of a misdemeanor, punishable, upon conviction, by a fine of not to exceed \$500.00.

*(Acts 1969, No. 1127, p. 2089, §3.)*

**Section 22-26-7**

**Certain land subdivided for single-family residences and not having access to public sewer not subject to subdivision regulations of State Board of Health.**

(a) Land subdivided for single-family residential purposes into lots of not less than three acres in size shall not be subject to the subdivision criteria and the rules and regulations imposed by the State Board of Health upon development where said lots do not have access to public sewer system where:

(1) There is a plat restriction that the land will not be further divided into parcels of less than three acres in size until such lots have access to a public sewer system;

(2) Where the bedrock elevation is of sufficient depth below ground elevation to install a septic tank of sufficient capacity, header line and adequate field line system leading from said septic tank;

(3) Where the standard, residential percolation test times shall not exceed 60 minutes per inch, without additional information; and

(4) Where the water table elevation is not within five feet of ground elevation.

(b) At such time that all such adjoining lots have access to a public sewer system, the property may be further subdivided into lots of less than three acres in size for residential and other purposes, provided the residences and other structures designed for human habitation on the property use such public sewer system.

(c) Where said land is subdivided into parcels containing any tracts five acres in size and larger, such tracts shall not be subject to the provisions of subdivision (3) of subsection (a) of this section.

*(Acts 1978, No. 776, p. 1133; Acts 1980, No. 80-399, p. 557.)*