

ORDINANCE NO. 10-09-23-B

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY  
CONCERNING ON-SITE SEWAGE AND SEPTIC DISPOSAL

WHEREAS, the Board of Commissioners of Hamilton County (“the County”) has a duty to ensure sewage and septic disposal, installation, and permitting promotes public health and safety; and,

WHEREAS, the Hamilton County Health Department is the responsible County department to ensure sewage and septic systems are in compliance with Indiana Code within the County’s jurisdiction; and,

WHEREAS, from time to time, the County needs to update and amend its ordinances concerning sewage and septic disposal; and,

WHEREAS, the County finds that it is desirous and necessary to update the County’s previous sewage and septic ordinance, which amendments are attached hereto and shall be effective upon the County’s adoption of this Ordinance.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

1. The updated sewage and septic disposal ordinance language (“Updated Ordinance”) is attached to this ordinance as “Attachment A” and is hereby incorporated by reference.
2. The Updated Ordinance shall be in full effect and force upon the County’s adoption of this ordinance and any fine shall be effective after the appropriate publication requirements are successfully met.
3. Any portions of any previous ordinances that are contrary to this Ordinance are hereby repealed.

ALL OF WHICH IS ORDINANED by the Board of Commissioners of Hamilton County this 9th day of October 2023.

BOARD OF COMMISSIONERS  
OF HAMILTON COUNTY

Christine Altman

Mark E. Heirbrandt

ATTEST:

Robin M. Mills, Auditor

1 **Sec. 16-20-2-4. On-site sewage disposal--Generally.**

2  
3 (a) The construction, repair, and administration of on-site sewage disposal systems shall  
4 conform to the Indiana Department of Health Rule 410 IAC 6-8.3 and Commercial On-Site  
5 Sewage Systems Rule 410 IAC 6-10. This section applies to any residential or commercial on-  
6 site system constructed in the county.  
7

8 (b) Every person who has a business which engages in the construction, installation, alteration,  
9 or repair of private sewage disposal systems in the county shall make application to and meet  
10 approval of the county health officer so as to be placed on a contractor registry.

11 (1) Contractor registration shall be granted for a term beginning January 1, and/or before  
12 applying for or installing an on-site sewage system and expire December 31 of the  
13 same year. Application shall be made by the contractor annually.

14 (2) Revocation of a contractor's registration: If the registered contractor has repeated  
15 violations of any provision of this ordinance or incorporated rules of the Indiana  
16 Department of Health, the Health Officer shall give written notice, in person or by  
17 certified or registered mail, of the alleged violation to the person to whom the  
18 registration was granted. Such notice shall include:

19 a. A statement of the alleged violation(s);

20 b. An Order allowing reasonable time to correct the violation(s).

21 If the violation is not corrected within the designated time, the Health Officer may  
22 suspend or revoke the registration.

23 (3) Re-instatement of registration: If registration is suspended, the registration can be  
24 reinstated by the Health Officer upon correction of the violations. If the registration  
25 is revoked, all requirements for becoming registered must be met prior to re-  
26 registration, including payment of the registration fee. Re-registration shall not occur  
27 until all outstanding violations are corrected to the satisfaction of the Health Officer.

28 (4) Any person affected by such notice issued by the Health Officer may request and  
29 shall be granted a hearing on the matter if the person files a written petition with the  
30 Health Officer no more than ten days after service of the notice.  
31

32 (c) If a public sewer is available and within 300 feet of the property line of any residential or  
33 business building or structure being served by a private sewage disposal system or privy, a direct  
34 connection shall be made to the sewer. (Code 2023, § 13-26-5-2-8)  
35

36 (d) Permits. No person shall construct, install, alter, or repair a private sewage disposal system  
37 without first having filed a written application and having obtained a written permit. To obtain a  
38 permit the owner of the proposed on-site sewage system must:

39 (1) Complete a soil profile analysis by a soil scientist registered with the Indiana Registry of  
40 Soil Scientists with a minimum of 3 acceptable soil borings completed in one continuous  
41 absorption field or a minimum of two soil borings in each absorption field when  
42 separated by a segment drain. Additional soil borings may be required if deemed  
43 necessary due to the required size of the absorption field, site specific conditions, or  
44 variations detailed on the soil report;

45 (2) Submit a written application provided by the Health Department;

46 (3) Submit scaled plans of sufficient clarity that it can be verified that the design of the  
47 residential and/or commercial on-site sewage system complies with the provisions of the  
48 rule;

49 (4) Provide house plans for new construction and/or expansion or remodeling; and

50 (5) Provide any other information deemed necessary by the Health Officer.

51 (6) The Health Department shall issue or deny an application for an on-site sewage system  
52 permit not later than thirty (30) business days after receiving a complete application for  
53 a permit. Notice shall be made in writing to the property owner.

- (7) The on-site sewage disposal permit shall contain the name and address of the person and/or owner to whom the permit is granted, the address for the location of the on-site sewage system, details including tank sizes, system type, depth and drainage, the issuance and expiration date; and other such pertinent data as may be deemed necessary by the Health Officer.
- (e) Reconnection to an existing on-site sewage disposal system.
- (1) Reconnection can be made provided the permit for the existing on-site sewage system can be provided and was compliant with the Residential On-Site Sewage Systems Rule at the time of issuance of the permit, with reconnection being the same or fewer number of bedrooms than the afore-mentioned permit, and an inspection of the on-site sewage system by a registered installer using the Indiana Onsite Wastewater Professionals Association (IOWPA) inspection form confirms the existing on-site sewage system is not experiencing signs of failure. If a permit cannot be located, a drawing documenting the on-site sewage system by the registered installer completing the inspection may be accepted in conjunction with the inspection.
- (2) Reconnection is not permissible if a permit cannot be located and/or the on-site sewage system cannot be documented as described above or if the on-site sewage system is determined by the registered installer to be experiencing signs of failure.
- (f) Easements. No portion of a private sewage disposal system may be located upon property other than the property upon which the sewage originates unless easements to that effect are recorded in the office of the county recorder.
- (f) A pre-installation meeting may be required with the Health Department and the installer prior to the start of installation of the on-site sewage system. All components of the on-site sewage system must be staked and identified prior to the pre-installation meeting.
- (g) Employee limitations. An employee of the county health department shall not design or complete the application for an on-site sewage disposal system.
- (h) If the private sewage disposal system has not been constructed, installed, altered, or repaired within two years from the date of the application, the permit that may have been issued is void.
- (i) Inspections. A person who constructs, installs, alters, or repairs a private sewage disposal system or installs a holding tank in the county shall notify the Health Officer at least 24 hours in advance as to when the work is ready for final inspection and before any underground portions are covered. The Health Department shall have two working days to accomplish the inspection.
- (j) Holding Tank in lieu of absorption field. Pursuant to IC 16-41-25-9 one or more holding tanks may be utilized to hold sewage until transported from the holding tank by a septage management vehicle.
- (1) Shall have a minimum holding capacity of 2,000 gallons or septic tank sizing required in the Residential On-Site Sewage Systems Rule 410 IAC 6-8.3 per the number of bedrooms in the dwelling or requirements of the commercial facility in the Commercial On-Site Sewage Systems Rule 410 IAC 6-10.1, whichever size is greater; and
- (2) May not have a capacity of more than ten thousand (10,000) gallons.
- (3) A holding tank used under this section must be:
- a. Designed and equipped so that septage can be cleanly and efficiently pumped from the tank into a septage management vehicle to be transported from the site of the tank;
- b. Equipped with a device that will produce an audio and visual alarm when the

- 107 septage in the tank reaches two-thirds (2/3) of the tank's capacity;  
108 c. Compliant with the requirements for a septic tank as defined in the current  
109 Residential On-Site Sewage Systems Rule and/or Commercial On-Site Sewage  
110 Systems Rule;  
111 d. Compliant with separation distances and installation practices for septic tanks as  
112 defined in the current On-Site Sewage Systems Rule and/or Commercial On-  
113 Site Sewage Systems Rule;  
114 e. Capped at the outlet at the time of installation to prevent the discharge of  
115 sewage beyond the holding tank; and  
116 f. Recorded to the parcel in the Office of the County Recorder.  
117 g. Permit for the holding tank is transferrable to subsequent property owners with  
118 future property owners being responsible for compliance and annual permit  
119 renewals.
- 120 (4) Permit. A holding tank described in this section may not be used to hold septage unless  
121 the tank owner has obtained a permit from the local health department. To obtain a  
122 permit the owner of the proposed holding tank must:
- 123 a. Enter into a written contract with an operator of septage management vehicles  
124 providing for the removal of septage from the holding tank at regular intervals;  
125 b. Provide a copy of the contract to the local health department; and  
126 c. Provide to the local health department copies of receipts or other records  
127 proving that the holding tank owner is regularly paying the septage management  
128 vehicle operator a fee for the removal of septage from the holding tank monthly  
129 or as pumping occurs.  
130 d. Submit written application provided by the Health Department along with the  
131 following:
- 132 i. A scaled drawing detailing the location of the holding tank;  
133 ii. Alarm specifications;  
134 iii. Any details pertinent to the application and permitting process.
- 135 (5) A permit issued to the owner of a holding tank may be suspended or revoked, or renewal  
136 of the permit may be denied, for:
- 137 a. A violation of this section;  
138 b. A condition stated in the permit; or  
139 c. A problem involving the holding tank or the operation of the holding tank that  
140 creates a risk of harm to human health or the environment.
- 141 (6) Permit period. A permit for a holding tank shall be granted for a term beginning January  
142 1, and/or before applying for or installing a holding tank and expire December 31 of the  
143 same year. Application shall be made by the property owner annually.
- 144 (7) Permit content. The holding tank permit shall contain the following:
- 145 a. The name and address of the person and/or owner to whom the permit is  
146 granted;  
147 b. The address for the location of the holding tank for which the permit is issued;  
148 c. The size of the holding tank;  
149 d. The issuance and expiration date; and  
150 e. Other such pertinent data as may be deemed necessary by the health officer.
- 151 (8) Holding tanks installed after June 30, 2023 and prior to approval of county ordinance by  
152 the Hamilton County Commissioners and the Technical Review Panel will be subject to  
153 the above stated requirements.

154 (Code 1992, § 16-19-3-4(a)—(e); Ord. No. 12-13-04-C, 12-13-2004; Ord. No. 10-23-06 -A, § 2, 11-13-  
155 2006)

156  
157 **Sec. 16-20-2-5. Same--Powers for inspection, enforcement, service of notice**  
158 **and orders.**

- 159
- 160 (a) The health officer, bearing proper credentials and
- 161 identification, shall be permitted to enter upon all properties
- 162 at proper times for the purpose of inspection, monitoring, or
- 163 both necessary to carry out section 16-20-2-4 and this
- 164 section.
- 165 (b) Whenever the Health Officer determines that there
- 166 are reasonable grounds to believe that there has been
- 167 a violation of any subsection of section 16-20-2-4 or
- 168 this section, the Health Officer shall give notice of
- 169 the alleged violation to the person responsible for
- 170 the violation and to any known agent of the person
- 171 as provided in this section.
- 172 (c) The notice described in subsection (b) of this
- 173 section shall:
- 174 (1) Be put in writing;
- 175 (2) Include a statement of the reasons why the notice is being
- 176 issued;
- 177 (3) Allow a reasonable time for the performance of any act
- 178 required by the notice; and
- 179 (4) Be served upon the owner and the owner's agent, if
- 180 applicable. The notice shall be deemed properly served if
- 181 it is served upon the owner and owner's by a copy mailed
- 182 to the owner's last known address.
- 183 (d) Any person affected by such notice issued by the Health
- 184 Officer may request and shall be granted a hearing on the
- 185 matter if the person files a written petition with the Health
- 186 Officer no more than ten days after service of the notice.
- 187 (e) Whenever the Health Officer finds that an emergency exists
- 188 which requires immediate action to protect the public health,
- 189 the Health Officer may issue an order reciting the existence
- 190 of the emergency and requiring that such action be taken as the
- 191 Health Officer deems necessary to meet the emergency.
- 192 (f) The Health Officer may file violations of section 16-
- 193 20-2-4 and this section by information and summons
- 194 on forms provided by and approved by the county
- 195 Board of Health.
- 196 (g) Penalties for violations are as follows:
- 197 (1) Any person who violates section 16-20-2-4 or this section
- 198 is subject to the penalty prescribed in this subsection. On
- 199 being found to have violated section 16-20-2-4 or this
- 200 section, the violator shall be punished for each offense
- 201 with a civil penalty not to exceed \$2,500.00.
- 202 (2) Any person violating section 16-20-2-4 or this section

203 becomes liable to the county health department for any  
204 expense, loss, or damage occasioned by reason of the  
205 violation.

206 (Code 1992, § 16-19-3-4(f)—(m); Ord. No. 12-13-04-C, 12-13-2004; Ord.  
207 No. 10-23-06 -A, § 2, 11-13-2006)

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