

ORDINANCE NO. 10-23-23-A

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY
AMENDING ORDINANCE NO. 10-09-23-B
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 Indiana State Health Department’s Technical Review Panel reviewed Ordinance 10-09-23-B and requested a few amendments; and,

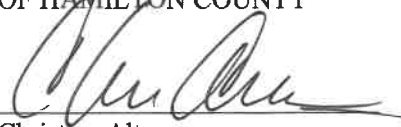
WHEREAS, the County finds that it is desirous and necessary to update the County’s previous sewage and septic ordinance, which amendments are attached hereto, and shall be effective upon the County’s adoption of this Ordinance.

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

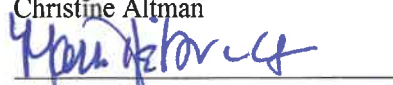
1. The updated sewage and septic disposal ordinance language (“Updated Ordinance”) is attached to this ordinance as “Attachment A” and is hereby incorporated by reference.
2. The Indiana State Health Department’s Technical Review Panel’s requested amendments are incorporated in Attachment A.
3. The Updated Ordinance shall be in full force and effect upon the County’s adoption of this ordinance and any fine shall be effective after the appropriate publication requirements are successfully met.
4. Any portions of any previous ordinances and Ordinance No. 10-09-23-B that are contrary to this Ordinance are hereby repealed.

ALL OF WHICH IS ORDINANED by the Board of Commissioners of Hamilton County this 23rd day of October, 2023.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY



Christine Altman

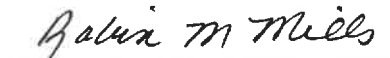


Mark E. Heirbrandt



Steven C. Dillinger

ATTEST:


Robin M. Mills, Auditor

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

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

(b) Every person who engages in the construction, installation, alteration, or repair of on-site sewage systems in the county shall make application to and meet approval of the county health officer so as to be placed on a contractor registry.

- (1) Contractor registration shall be granted for a term beginning January 1, and/or before applying for or installing an on-site sewage system and expire December 31 of the same year. Application shall be made by the contractor annually.
- (2) Revocation of a contractor's registration: If the registered contractor has repeated violations of any provision of this ordinance or incorporated rules of the Indiana Department of Health, the Health Officer shall give written notice, in person or by certified or registered mail, of the alleged violation to the person to whom the registration was granted. Such notice shall include:
 - a. A statement of the alleged violation(s);
 - b. An order allowing reasonable time to correct the violation(s).If the violation is not corrected within the designated time, the Health Officer may suspend or revoke the registration.
- (3) Re-instatement of registration: If registration is suspended, the registration can be reinstated by the Health Officer upon correction of the violations. If the registration is revoked, all requirements for becoming registered must be met prior to re-registration, including payment of the registration fee. Re-registration shall not occur until all outstanding violations are corrected to the satisfaction of the Health Officer.
- (4) Any person affected by such notice issued by the Health Officer may request and shall be granted a hearing on the matter if the person files a written petition with the Health Officer no more than ten days after service of the notice.

(c) If a public sewer is available and accessible within 300 feet of the property line of any residential or commercial building or structure being served by an on-site sewage system or privy, a direct connection shall be made to the sewer.

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

- (1) Commission a soil scientist registered with the Indiana Registry of Soil Scientists to complete a minimum of three acceptable soil borings in one continuous absorption field or a minimum of two soil borings in each absorption field when separated by a segment drain. Additional soil borings may be required for multiple bed systems or if deemed necessary due to the required size of the absorption field, site specific conditions, or variations detailed on the soil report;
- (2) Submit a written application provided by the Health Department;
- (3) Submit scaled plans of sufficient clarity that it can be verified that the design

of the residential and/or commercial on-site sewage system complies with the provisions of the rule;

- (4) Provide house plans for new construction and/or expansion or remodeling; and
 - (5) Provide any other information deemed necessary by the Health Officer.
 - (6) The Health Department shall issue or deny an application for an on-site sewage system permit not later than thirty (30) business days after receiving a complete application for a permit. Notice shall be made in writing to the property owner.
 - (7) The on-site sewage system 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 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) 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 system.
- (h) If the on-site sewage system has not been constructed, installed, altered, or repaired within two years from the date of the issuance of the permit, the permit that may have been issued is void.
- (i) Inspections. A person who constructs, installs, alters, or repairs an on-site sewage 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) Sewage holding tank(s) shall have a total 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 septage in the tank reaches two-thirds (2/3) of the tank's capacity;
 - c. Compliant with the requirements for a septic tank as defined in the current Residential On-Site Sewage Systems Rule and/or Commercial On-Site Sewage Systems Rule;
 - d. Compliant with separation distances and installation practices for septic tanks as defined in the current On-Site Sewage Systems Rule and/or Commercial On-Site Sewage Systems Rule;
 - e. Capped at the outlet at the time of installation to prevent the discharge of sewage beyond the holding tank; and
 - f. Recorded to the parcel in the Office of the County Recorder.
 - g. Permit for the holding tank is transferrable to subsequent property owners with future property owners being responsible for compliance and annual permit renewals.
 - (4) Permit. A holding tank described in this section may not be used to hold septage unless the tank owner has obtained a permit from the local health department. To obtain a permit the owner of the proposed holding tank must:
 - a. Enter into a written contract with an operator of septage management vehicles providing for the removal of septage from the holding tank at regular intervals;
 - b. Provide a copy of the contract to the local health department; and
 - c. Provide to the local health department copies of receipts or other records proving that the holding tank owner is regularly paying the septage management vehicle operator a fee for the removal of septage from the holding tank monthly or as pumping occurs.
 - d. Submit written application provided by the Health Department along with the following:
 - i. A scaled drawing detailing the location of the holding tank;
 - ii. Alarm specifications;
 - iii. Any details pertinent to the application and permitting process.
 - (5) A permit issued to the owner of a holding tank may be suspended or revoked, or renewal of the permit may be denied, for:
 - a. A violation of this section;
 - b. A condition stated in the permit; or
 - c. A problem involving the holding tank or the operation of the holding tank that creates a risk of harm to human health or the environment.
 - (6) Permit period. A permit for a holding tank shall be granted for a term beginning January 1, and/or before applying for or installing a holding tank and expire December 31 of the same year. Application shall be made by the property owner annually.
 - (7) Permit content. The holding tank permit shall contain the following:
 - a. The name and address of the person and/or owner to whom the permit is granted;

- b. The address for the location of the holding tank for which the permit is issued;
- c. The size of the holding tank(s);
- d. The issuance and expiration date; and
- e. Other such pertinent data as may be deemed necessary by the health officer.

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

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

- (a) Neither an officer or employee of a local health department may enter property on which a residential onsite sewage system is located for the purpose of inspecting the residential onsite sewage system if, not more than one hundred eighty (180) days before the date of the inspection, the owner or occupant of the residence served by the residential onsite sewage system and:

- (1) a septic system installer or inspector registered with the county in which the residential onsite sewage system is located;
- (2) an onsite sewage system technician; or
- (3) an Indiana professional engineer registered under IC 25-31-1; state in a writing transmitted to the local health department, that the residential onsite sewage system is functioning properly.

- (b) An officer or employee of a local health department may not enter property on which a residential onsite sewage system is located for the purpose of inspecting the residential onsite sewage system unless the owner or occupant of the residence served by the residential onsite sewage system is given notice of the inspection by first class mail addressed to the residence at least seven (7) days before the day of the inspection.

- (c) Subject to subsection (d), if a manufacturer of a residential onsite sewage system requires inspection of the system multiple times a year, an owner of the property on which a residential onsite sewage system is located may request an officer or employee of a local health department to inspect the residential onsite sewage system located on the owner's property, but the inspection may only occur if the owner of the residential onsite sewage system invites the inspector to the property.

- (d) An advance notice to the owner or occupant of the residence is not required under subsection (b) in an urgent situation caused by a malfunction of the residential onsite sewage system that creates a clear and immediate danger to the public's health, safety, or property.

- (b) Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any subsection of section 16-20-2-4 or this section, the Health Officer shall give notice of the alleged violation to the person responsible for the violation and to any known agent of the person as provided in this section.

- (c) The notice described in subsection (b) of this section shall:
- (1) Be put in writing;
 - (2) Include a statement of the reasons why the notice is being issued;
 - (3) Allow a reasonable time for the performance of any act required by the notice; and
 - (4) Be served upon the owner and the owner's agent, if applicable. The notice shall be deemed properly served if it is served upon the owner and owner's agent by a copy mailed to the owner's last known address.
- (d) Any person affected by such notice issued by the Health Officer may request and shall be granted a hearing on the matter if the person files a written petition with the Health Officer no more than ten days after service of the notice.
- (e) Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, the Health Officer may issue an order reciting the existence of the emergency and requiring that such action be taken as the Health Officer deems necessary to meet the emergency.
- (f) The Health Officer may file violations of section 16-20-2-4 and this section by information and summons on forms provided by and approved by the county Board of Health.
- (g) Penalties for violations are as follows:
- (1) Any person who violates section 16-20-2-4 or this section is subject to the penalty prescribed in this subsection. On being found to have violated section 16-20-2-4 or this section, the violator shall be punished for each offense with a civil penalty not to exceed \$2,500.00.
 - (2) Any person violating section 16-20-2-4 or this section becomes liable to the county health department for any expense, loss, or damage occasioned by reason of the violation.

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