

Ordinance 1967 - 2

First reading Aug 7, 1967

AN ORDINANCE REGULATING THE INSTALLATION, CONSTRUCTION,
MAINTENANCE AND OPERATION OF PRIVATE SEWAGE DISPOSAL
SYSTEMS IN CLOSELY BUILT UP AREAS AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

Be it ordained and enacted by the Board of Commissioners of Floyd County,
Indiana, as follows:

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms
used in this ordinance shall be as follows:

- SECTION 101: "Closely built-up areas" shall mean and include any areas
situated outside the corporate limits of any city or town upon
which areas are located either residential or business buildings,
provided that the term shall not apply to tracts of land consisting
of ten acres or more, and provided further that it shall not include
any tract of land which is used for farming or agricultural purposes.
- SECTION 102: "Sewage" shall mean any combination of human excreta and
and waste water from water closets, laundries, sinks, bathing
facilities, and other objectionable waste waters.
- SECTION 103: "Public sewer" shall mean a sewer constructed, installed,
maintained, operated and owned by a municipality or a taxing
district established for that purpose. A county sewer installed
for the purpose of carrying surface water run-off and sub-soil
drainage shall not be considered a public sewer under this
definition.
- SECTION 104: "Sewer" shall mean a pipe or conduit for carrying sewage.
- SECTION 105: "Combined sewer" shall mean a sewer receiving both surface
water run-off and sewage.
- SECTION 106: "Sanitary sewer" shall mean a sewer which carries sewage
and to which storm, surface and ground waters are not
intentionally admitted.
- SECTION 107: "Sewage disposal system" shall mean any arrangement of
devices and structures used for receiving, treating, and
disposing of sewage.
- SECTION 108: "Private sewage disposal system" shall mean any sewage
disposal system not constructed, installed, maintained, operated
and owned by a municipality or a taxing district established
for that purpose.
- SECTION 109: "Person" shall mean any individual, firm or corporation.

ARTICLE II
PRIVATE SEWAGE DISPOSAL SYSTEMS

- Section 201: Where a public sanitary or combined sewer is not available, all persons owning or leasing property in closely built-up areas shall comply with the following provisions of this ordinance for private sewage disposal systems.
- Section 202: It shall be unlawful for any person to place, deposit, or permit to be deposited in an insanitary manner upon public or private property within the County of Floyd, State of Indiana, or in any area under the jurisdiction of said County, any human excrement or sewage.
- Section 203: At any business building situated within the County of Floyd, State of Indiana, where there is installed a sewage disposal system which is not connected to a public sewer system, and no public sewer system is available, there shall be established, installed or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S. E. 13 of the Indiana State Board of Health or in such other manner as approved by the Indiana State Board of Health. Copies of said Bulletin S. E. 13 are herewith incorporated by reference as part of this section and two copies are filed in the office of the County Auditor and County Health Officer for public inspection.
- Section 204: Any privy situated within the County of Floyd, State of Indiana, shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Any privy shall be located properly to protect water supplies from contamination.
- Section 205: All private residential sewage disposal systems and privies shall be installed, constructed and maintained in an approved manner as described in Bulletins S. E. 8 and 11 of the Indiana State Board of Health, copies of which are herewith incorporated by reference as a part of this section and two copies filed in the office of the County Auditor and County Health Officer for public inspection.
- Section 206: The installation of any other private residential sewage disposal systems not described in Indiana State Board of Health Bulletins S. E. 8 and 11 of mechanical, chemical, or other means shall be approved by the Floyd County Health Officer after the Board of County Commissioners has filed the requirements, plans and specifications of such device or system in the office of the Auditor and County Health Office of Floyd County; said requirements, plans, and specifications must bear the written approval of the Indiana State Board of Health.

- Section 207: Should any defect exist or occur in any private sewage disposal system or privy which would cause said sewage disposal system or privy to fail to meet the requirements in Section 203, Section 204 and Section 205 of this ordinance, and cause an insanitary condition, the defect shall be corrected upon order in writing from the County Board of Health stating a period of time for such correction to be made by the owner or agent of the owner. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section 601 of this ordinance.
- Section 208: Wherever a public combined or sanitary sewer becomes available and is within 50 feet of the property line of the residential or business property, served by a private sewage disposal system or privy, situated within the County of Floyd, State of Indiana, a direction connection shall be made to said sewer provided however that said public sewer system makes necessary easement to the property, and any septic tanks, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner if an unsafe and insanitary condition exists.
- Section 209: Whenever a new business building or subdivision is developed in an area where a public combined or sanitary sewer is available, a connection shall be made to said sewer if such connection can be made at a reasonable cost.
- Section 210: After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner, agent of the owner, of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. The minimum time limit of said order to comply shall be not less than 60 days. Said order shall be served on the owner or agent of the owner.

ARTICLE III PERMITS AND INSPECTION

- Section 301: Due to poor permeability of the soil in the jurisdiction of this ordinance, the minimum gallowage of septic tanks shall be 1,000 gallons and minimum footage of absorption beds shall be 300 feet.
- Section 302: Before commencement of construction of any building or private residence where a private sewage disposal system or privy is to be installed or where any alteration, repair or addition of an existing private sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by Floyd County, Indiana, which application shall state conformance with Section 206 of this ordinance. A permit and inspection fee of \$1.00 shall be paid to the County Treasurer at the time the application is filed.

Section 303: A permit for a private sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the County Health Officer as it relates to this ordinance. He, or his agent, shall be allowed to inspect the work at any stage of construction; and, in any event, the applicant for the permit shall notify the County Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the County Health Officer.

Section 304: The application for a permit shall be posted in a conspicuous place at or near the building site where the sewage disposal system is under construction. The notice should be plainly visible.

ARTICLE IV POWERS FOR INSPECTION

Section 401: The County Health Officer or his agent bearing proper credentials and identifications shall be permitted to enter upon all properties after proper notification for purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this ordinance.

Section 402: Where the literal application of this ordinance would cause undue hardship, an exception may be granted by the Board of County Commissioners in the following manner:

The owner shall make application to the Health Officer for such exception. After an investigation the Health Officer shall present such written application to the Board of Commissioners with his recommendation attached thereto.

Exceptions may be granted by the Board of County Commissioners when it is found that reasonable safety and sanitation is assured, and such orders may be conditioned in such a manner as to achieve that end. Such conditions may include restrictions not generally specified by this ordinance.

ARTICLE V NOTICES

Section 501: Any person found to be violating any provision of this ordinance may be served by the County Board of Health or the duly appointed Health Officer, with a written order stating the nature of the violation and providing a time lime for satisfactory correction thereof.

ARTICLE VI
ENFORCEMENT

Section 601: Any violation of any of the provisions of this ordinance shall be deemed a nuisance and the Floyd County Attorney shall file suit to abate this nuisance as all other nuisances are abated.

ARTICLE VII
VALIDITY

Section 701: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 702: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

ARTICLE VIII
ORDINANCE IN FORCE

Section 801: This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Section 802: Passed and adopted by the Commissioners of Floyd County, State of Indiana, on this 4th day of September, 1967.

Richard E. Trull
Raymond L. L...
Vincent H. ...

ATTEST:

Joseph E. Bates
Auditor, Floyd County, Indiana