

ON-SITE SEPTIC SYSTEM ORDINANCE OF GRANT COUNTY 2019 - 10

An Ordinance pertaining to and regulating the design, construction, maintenance, installation and operation of on-site septic systems located within Grant County, Indiana, providing the issuance of permits thereof, installer certification, and providing penalties for the violation thereof.

Be it ordained by the Board of Commissioners of Grant County that this ordinance is adopted as follows:

SECTION 1. TITLE

This ordinance and all ordinances supplemental or amendatory hereto shall be known as the On-site Septic System Ordinance of Grant County, Indiana and may be cited as such and will be referred to herein as "this ordinance".

SECTION 2. PURPOSE

The purpose of this ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of on-site sewage septic systems and to otherwise promote public safety, welfare and protection of the environment.

SECTION 3. AUTHORITY

The Health Officer of Grant County, as hereafter defined, and the Health Officer's agent(s) and representative(s) are hereby authorized to issue permits, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this ordinance, and are otherwise authorized to perform all actions necessary for the administration and enforcement of the ordinance.

SECTION 4. ADOPTION OF REGULATIONS BY REFERENCE

- A. The regulations of the Indiana State Department of Health as found in Title 410 IAC 6-8.3 Residential On-Site Sewage Systems Rule hereby incorporated by reference in this ordinance and shall include any later amendments to those regulations as the same published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein. Copies of 410 IAC 6-8.3 et. seq. are available and on file in the office of the Grant County Health Department.

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KATHY D. FOX, RECORDER
GRANT COUNTY, INDIANA
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BY AUDITORS OFFICE

- B. The regulations of the Indiana State Department of Health as found in Title 410 IAC 6-10.1 Commercial On-site Sewage Systems are hereby incorporated by reference in this ordinance and shall include any later amendments to those regulations as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein. Copies of 410 IAC 6-10.1 et. seq. are available and on file in the office of the Grant County Health Department.

SECTION 5. DEFINITIONS

In addition to or otherwise supplement those definitions contained in 410 IAC 6-8.3 et seq. which is incorporated herein by reference this ordinance shall include the definitions below:

- A. Bedroom: "Bedroom" means either any room:
- a. in a residence that the local health department and the owner agree could be occupied for the purpose of sleeping and contains:
 - i. an area of seventy (70) square feet or more;
 - ii. at least one (1) operable window or exterior door for emergency egress or rescue; and
 - iii. for new construction, a closet; or
 - b. declared by the owner, by recorded affidavit supplied to the local health department, that will be occupied for sleeping, and that the owner further agrees within the affidavit not to occupy any additional rooms for the purpose of sleeping or otherwise represent to others that any room, beyond the number specified in the affidavit, may be utilized for sleeping without approval of the local health department.
- A "bedroom" may include those rooms designated as dens, studios, offices, or libraries if such rooms otherwise meet the above definition.
- B. Residence: one or two-family dwelling, built as a single structure, used or intended to be used for a permanent or seasonal human habitation for sleeping one (1) or two (2) families.
- C. Installer: for purposes of this ordinance, installer is any person engaged in the construction and installation of residential or commercial septic system in Grant County.
- D. Certified Installer: An installer who passes a written proficiency examination conducted by the Grant County Health Department and maintains certification through retesting OR is IOWPA certified.
- E. Registered Installer: A certified installer who registers with the Grant County Health Department.
- F. Commercial Facility: any building or place not used exclusively as a residence. Commercial facilities include, but are not limited to, office buildings, manufacturing facilities, multi-family residences (apartments, townhouses, or condominiums) motels, restaurants, school facilities, church facilities, child care facilities, long-term care facilities, hospital facilities, correctional facilities, state facilities, mobile home parks, campground, and subdivisions.
- G. Local Health Department (LHD): A county, city or area health department formed in accordance with Indiana Code 16-20.
- H. County Board of Health: the Grant County Health Board as referred to in IC 16-20.3.

- I. Health Officer: the executive officer of the local health department
- J. Onsite Septic System (OSS): all equipment and devices necessary for proper collection, storage, treatment and on-site treatment of sewage from a residence or commercial facility, and shall include, but it not limited to, septic tanks, pipes, treatment devices, diverter devices, distribution boxes, dosing tanks, effluent pumps, grease traps, controls, alarms, valves, soil absorption fields, dispersal areas, surface diversions, and subsurface perimeter drains, temporary sewage holding tanks, and sanitary privies. A system for the treatment and soil absorption of sewage as defined in state rules governing sewage disposal for structures not connected to sanitary sewer.
- K. Residential on-site sewage system failure : 410 IAC 6-8.3-33 "Residential on-site sewage system failure" means a residential on-site sewage system that exhibits one (1) or more of the following:
 - a. The on-site sewage system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential plumbing fixtures.
 - b. Effluent discharge exceeds the absorptive capacity of the soil resulting in ponding, seepage or other discharge of the effluent to the ground surface or to surface waters.
 - c. Effluent is discharged from the on-site sewage system causing contamination of a potable water supply, ground water or surface waters.
- L. Person: any individual, partnership, co-partnership, corporation, company, firm, association, society, holding company, trust, trustee, estate, school corporation or district, unit of government, any other legal entity, or its or their successors or agent.
- M. Public water supply: a system which provides piped water for human consumption to at least fifteen (15) service connections or at least twenty-five (25) people sixty (60) days out of the year.
- N. Sanitary Privy: a device, using a watertight vault, located, constructed and maintained for the sanitary collection and storage of human excrement.

SECTION 6. INSTALLER REQUIREMENTS

- A. Any certified and registered installer engaged in the installation of an on-site septic system in Grant County must provide proof of bond for no less than thirty thousand dollars (\$30,000)
- B. Any certified and registered installer engaged in the installation of on-site sewage disposal systems in Grant County must submit to the Grant County Health Department a certificate of liability insurance issued by a company registered in Indiana. The liability policy shall be sufficient to indemnify persons for whom faulty work may be performed for a minimum of one million dollars (\$1,000,000) with a two million dollar (\$2,000,000) umbrella.
- C. A certified and registered installer engaged in the construction of OSS in Grant County shall be knowledgeable of all laws, rules, technical specifications and ordinances of both the State of Indiana and Grant County governing OSS.
 - a. The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications and ordinances before becoming certified by passing a written proficiency examination conducted by the Health Department OR provide documentation of IOWPA certification.

- b. The examination will be reviewed as needed to determine its applicability to current laws, rules and technical specifications.
 - c. A score of 85% or higher is considered passing. If the applicant fails to pass the applicant may retake the examination no earlier than one (1) month following the examination date.
 - d. The fee for the examination under this section 6 is per Grant County Ordinance §36.02 Fee Ordinance
- D. Renewal of certification is required every two years.
- E. Registration will be required for all certified installers prior to installation of OSS in Grant County. Installers wanting to register will be required to meet the requirements of section 6 A, B and C of this ordinance.
 - a. Registration applications will be provided by the Grant County Health Department.
 - b. Registration must be renewed annually
 - c. The fee for registration under this section 6 is per Grant County Ordinance §36.02 Fee Ordinance.
- F. A certified and registered installer shall be on the site during the critical construction phases of the installation process which include setting tanks, pump, alarm (when required), distribution box (when required), one (1) lateral trench, plowing and sand installation (when required), pressure test and final cover. An installer shall also be on the site when the health department visits the site for inspection. Said certified and registered installer shall be deemed responsible for the installation. An installer may supervise other construction workers as necessary to assist in the installation.
- G. No onsite sewage system permit will be issued to an individual homeowner wanting to install his/her own onsite sewage system unless the homeowner meets the criteria in this ordinance and is approved to perform the installation by the Health Department.

SECTION 7. SYSTEM REQUIREMENTS

Where a sanitary sewer system is not available within three hundred (300) feet of the property line, all persons owning, leasing, or otherwise occupying property shall comply with 410 IAC 6-8.3 et. seq. and 410 IAC 6-10-1 et. seq. and the following provisions of this ordinance for an on-site septic system.

- A. No person shall cause or contribute to a health hazard or water pollution by disposing of any organic or inorganic matter from a dwelling or residential on-site septic system into surface water, groundwater or onto the ground surface of Grant County.
- B. The point source discharge of sewage, treated or untreated, from a residence or its associated on-site septic system, to surface water, groundwater, or the ground surface is prohibited
- C. Before the start of any construction at the site, the location of the soil absorption, dispersal area, and any areas designated future expansion of the soil absorption field shall be staked and protected from compaction by vehicles and construction equipment.
- D. Soil absorption fields shall not be constructed during periods when the soil is sufficiently wet, at the surface, or at the depth of installation, to exceed its plastic limit. The plastic limit of a soil is

exceeded when the soil can be rolled between the palms of the hands to produce threads one-eighth (1/8) inch in diameter that do not break apart or crumble.

- E. Connection to an existing on-site septic system shall be permitted if the following conditions are met:
 - a. The connection will not exceed the system design load based on sizing requirements of 410 IAC 6-8.3 or 410 IAC 6-10.1.
 - b. The existing system has not malfunctioned.
 - c. The existing system has been permitted and approved by the Health Officer or his/her designated agent or representative, and the applicant has possession of a record of the permitted system which shows the system dimension.
 - d. If the existing system shall fail, there is sufficient space for system replacement.
 - e. In the event that a system enlargement is proposed, the enlargement will bring the existing system into compliance with the minimum standards of Rule 410 IAC 6-8.3 or 410 IAC 6-10.1.
- F. No privy shall be permitted for a residence. All other privies shall comply with Indiana State Department of Health Bulletin S.E. 11. Bulletin S.E. 11 is herein incorporated by reference as part of this section and two copies shall be filed in the office of the Grant County Health Department for public inspection. Self-contained chemical toilets will not require a pit.
- G. Should an on-site septic system fail, the failure shall be corrected by the owner(s) of the property served by such system within the time limit set by the Health Officer.
- H. The Grant County Health Department shall be permitted to enter upon all properties at reasonable times to ensure compliance with this ordinance, 410 IAC 6-8.3 et. seq. to inspect facilities, equipment or records; investigate allegations; determine soil characteristics; conduct appropriate tests; and collect samples.
- I. Whenever a public sanitary sewage disposal system becomes available and is within three hundred (300) feet of the property line upon which a building is located and that building is used as a dwelling or business building and is served by an on-site septic system or approved privy, a direct connection of the building sewer shall be made to said sanitary sewer. Any existing septic tanks, vaults, and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner. The direct connection to a sanitary sewage system shall be made within one hundred eighty (180) days of issuance of the order for connection.
- J. Whenever a new business building or dwelling is to be constructed in an area where a sanitary sewage system is currently available, a connection shall be made to the sanitary sewer.

SECTION 8. PERMITS

- A. Before commencement of construction, alteration or repair of an on-site septic system, the owner or his/her designated agent shall apply in writing to the Grant County Health Department for a written permit. The application for such permit shall be made on a form provided by the Grant

County Health Department. The application shall be supplemented by any plans, specifications and any other information deemed necessary by the County Health officer. Such application shall include pertinent information as required in 410 IAC 6-8.3 and 410 IAC 6-10.1, previously incorporated herein by reference, and expressly stating the owner will at all times comply with the standards set out in this ordinance. The on-site septic system permit issued by the Grant County Health Department must be obtained prior to application for a building permit. For a Commercial On-Site Septic System Permit the application shall include a copy of the approval issued by the Indiana State Department of Health and a copy of the project design plans. No permit will be issued if it is determined the issuance of such a permit would violate or otherwise be inconsistent with the provisions of State or Federal statute, or Grant County Ordinance.

- B. Drawings shall be to scale on grid paper and contain:
 - a. Property lines
 - b. elevations
 - c. trees
 - d. structures
 - e. separation distances from structures, pools, property lines, sidewalks, creeks, ponds, wells etc.
 - f. attached pump curve and pump information for dosing systems
 - g. attached complete materials list
 - h. type of system being installed:
 - 1. chamber
 - 2. stone and pipe
 - 3. elevated sand mound/sand lined system
 - 4. gravity flow subsurface trench
 - 5. flood dosed subsurface trench
- C. The septic system site shall have the system flagged off in order for the Grant County Health Department to verify placement of the system within the boring areas.
- D. Installation of an on-site septic system shall not begin until a permit from the Grant County Health Department has been obtained.
- E. A certified and registered installer shall notify the Grant County Health Department no less than two (2) working days prior to starting installation of an OSS.
- F. The fee for any permit under this Section 8 is per Grant County Ordinance §36.02 Fee Schedule.

SECTION 9. INSPECTIONS

- A. No construction of the on-site septic system may take place if the system site is disturbed or altered after the on-site soil analysis evaluation. No system shall be constructed in a site that has fill material added, or by compaction, scraping, cutting, or the removal of soil, until a new soil analysis has been conducted. Site limitations require designing the on-site septic system to address the demands of the site in accordance with the rules established in 410 IAC 6-8.3 et. seq., 410 IAC 6-10.1 et. seq. and the Grant County On-Site Septic System Ordinance.

- B. The owner or agent of the owner shall request an inspection by the Grant County Health Department at least two (2) working days before any portion of the on-site septic system is covered in accordance with rules established in 410 IAC 6-8.3 et. seq. If the Grant County Health Department cannot attend the inspection for any reason photographs will be accepted only at the Health Department instruction.
- C. The Grant County Health Department shall inspect plowing and sand placement on elevated sand mound and sand lined systems.
- D. The Grant County Health Department shall inspect:
 - a. residential sewer pipe
 - b. septic tank baffle and effluent filter
 - c. dosing tank baffle and dosing pump float system, breakaway flange, lifting mechanism, water tight injunction box.
 - d. alarm with test
 - e. separate circuits for pump and alarm
 - f. effluent sewer pipe
 - g. d-box and connections
 - h. header pipes or force main
 - i. pressure test on elevated sand mound and pressure distribution system
 - j. at least one (1) lateral finger that is uncovered
 - k. end caps on all lateral finger pipe ends
 - l. perimeter or interceptor drain depth and stone depth
- E. The Grant County Health Department will not approve an on-site sewage system installation that has been covered prior to final inspection. The distribution box, at least one lateral finger, the tank and the dosing tank (if required) must be visible at all times before and including final inspection. If weather makes this not possible, arrangements must be made with the Grant County Health Department Environmental Division for photos of each component to be submitted in lieu of a physical final inspection. If the contractor deems it necessary for public safety to cover part of the system before inspection, the contractor will then be required to uncover it for inspection.

SECTION 10. PETITION FOR REVIEW

- A. The County Board of Health shall hear appeals incidental to the issuance, revocation, modification, and denial of on-site septic system permits, within forty-five (45) days following the date of receipt of an issued permit, permit modification, notice of permit revocation or notice of permit denial, any person aggrieved by such actions files a petition for review concerning such action with the Board.
- B. A petition for review shall state:
 - a. The name, address and telephone number of the person making the request.
 - b. Identify the interests of the petitioner which is affected by the permit issuance, revocation, modification or denial.
 - c. Identify any persons whom the petitioner represents.
 - d. State with particularity the reasons for the request.

- e. State with particularity the issues proposed to be considered.
 - f. Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of law and 410 IAC 6-8.3 et. seq., 410 IAC 6-10.1 et. seq., the Technical Specification, or this Ordinance governing such On-site septic system permits.
- C. The procedures established in I.C. 4-21.5, the Administrative Procedure and Orders Act shall apply to the conduct of the hearing.
 - D. The Grant County Health Officer may appoint the Environmental Health Specialist as his/her agent to receive applications and fees, conduct inspections, and issue permits as required.

SECTION 11. ENFORCEMENT

- A. Any person found to be in violation of any provisions of this Ordinance or the applicable rules and regulations of the Indiana State Department of Health shall be served with a written order whether in person or by certified or registered mail by the Grant County Board of Health, The Grant County Health Officer, or designated agent. This order shall state the nature of the violation and provide a reasonable time limit, unless the Health Officer deems an emergency exists, not to exceed 30 days, for the correction of any violation of this ordinance.
- B. The Health Officer may issue an order to stop work when:
 - a. Construction of on-site septic system has begun without a permit.
 - b. Construction of an on-site septic system is in violation of the permit issued.
 - c. Any other conditions exist that may result in the revocation of a permit, listed in Section 8 of this ordinance.
- C. Any property owner, or other person in lawful possession of said real estate who shall continue any violation of this Ordinance beyond the time limit provided for correction of any violations of this Ordinance or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect, or refuse to obey any lawful order given by the Grant County Health Officer shall be fined in accordance with Grant County Ordinance §36.02 Fee Schedule.
- D. All fines are to be paid within 90 days upon notification. Notification of fines will be made by certified mail. Fines shall be deposited into the Health General Fund

SECTION 12. REMEDIES

The Health Officer may bring actions in the Grant County Circuit Court or Superior Court of Grant County for mandatory and injunctive relief for the enforcement of and to secure compliance with any order or orders made by the Health Officer or to otherwise provide for the enforcement of this Ordinance. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs, and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Health Officer may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this Ordinance including, but not limited to, reasonable attorney's fees.

SECTION 13. SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

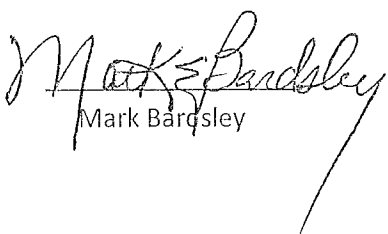
SECTION 14. EFFECTIVE DATE

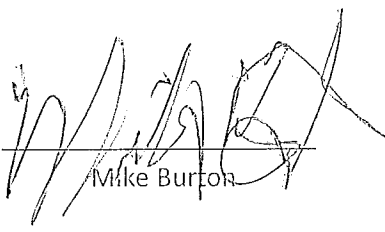
This Ordinance shall apply to all Grant County, Indiana, after its adoption and approval by the Commissioners as stated herein and any publication as required law and shall be effective November 1, 2019.

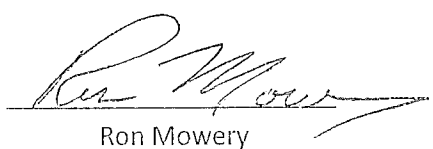
SECTION 15. REPEALER

The provisions of Grant County On-Site Sewage Disposal Ordinance 2016-2 are hereby superseded by this Ordinance.

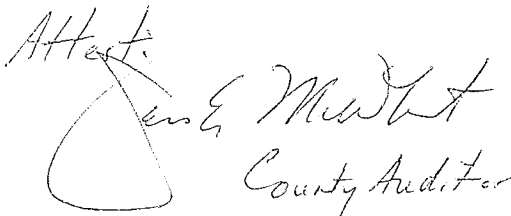
Passed and adopted by the Commissioners of Grant County, State of Indiana, on this 21st day of October 2019.


Mark Barsley


Mike Burton


Ron Mowery

This document prepared by David Glickfield.

Attest:

County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

