

ORDINANCE NUMBER: 2023-05

THE ON-SITE SEWAGE DISPOSAL ORDINANCE OF BLACKFORD COUNTY

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

Be it ordained by the Board of Commissioners of Blackford 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 Amended On-Site Sewage Disposal Ordinance of Blackford County 2021 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 disposal systems and to otherwise promote public safety and welfare and protection of the environment.

SECTION 3. AUTHORITY

The Health Officer of Blackford County, as hereafter defined, and the Health Officer's agent(s) and representative(s) are hereby authorized to issue permits, installer certifications, 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 Sewage Disposal Systems 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 Blackford County Department of Health and the Blackford County Auditor.
- B. The regulations of the State Department of Health as found in Title 410 IAC 6-10 Commercial On-Site Wastewater Disposal 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 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 Blackford County Department of Health and the Blackford County Auditor.

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 following definitions:

410 IAC 6-8.3-6 "Bedroom" defined:

Section 6.: "Bedroom" means either room:

- (1) In a residence that the local health department and the owner agree could be occupied for the purpose of sleeping and contains:
 - (a) an area of (70) seventy square feet or more;
 - (b) at least one (1) operable window or exterior door for emergency egress or rescue; and
 - (c) for NEW CONSTRUCTION, a closet; or
- (2) declared by the owner, by record of affidavit supplied by the local health department, that will be occupied for sleeping, and 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 the approval of the local health department.

410 IAC 6-8.3-7 "Bedroom equivalent" defined: "Bedroom equivalent" means any jetted bathtub with an occupancy of greater than one hundred twenty- five (125) gallons.

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, childcare facilities, long-term care facilities, hospital facilities, correctional facilities, state facilities, mobile home parks, campgrounds, and subdivisions.

Health Board: the Blackford County Health Board as referred to in IC 16-20.

Health Department: the Blackford County Health Department.

Installer: for the purposes of this ordinance, installer is any person engaged in the construction and installation of residential or commercial sewage disposal system in Blackford County.

On-site sewage disposal system: all equipment and devices necessary for proper collection, storage, treatment and on-site disposal of sewage from a residence or commercial facility, and shall include, but is 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.

On-site sewage disposal system failure: discharge of effluent to the ground surface, or to surface, or to surface waters; existing systems refuses to accept sewage at rate of design application thereby interfering with normal use; discharged effluent causes contamination of potable water supply, ground water, or surface water.

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.

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.

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 (2) families.

Sanitary privy: a device, using a watertight vault, located, constructed and maintained for the sanitary collection and storage of human excrement.

SECTION 6. INSTALLER CERTIFICATION

Effective January 1, 2002 no person shall construct, install, replace, alter, or repair any part of any on-site sewage disposal system in Blackford County unless the person is certified by the Blackford County Health Department.

- A. Any installer engaged in the installation of an on-site sewage disposal system in Blackford County must register with the Blackford County Health Department. The application shall be accompanied by a certificate of liability issued by a company registered in Indiana. The liability policy shall be sufficient to compensate the property owner in the event of insufficient or faulty work performed by the contractor.
- B. The cost for registration shall be determined by the payment schedule of the Blackford County Health Department.
- C. Every person engaged in the installation of on-site sewage disposal systems in Blackford shall be knowledgeable of all laws, rules, regulations, technical specifications of the State of Indiana and ordinances of Blackford County governing on-site sewage disposal systems.
- D. Installers registration shall be valid for a term of one year beginning January 1, and expiring December 31, of the same year and shall be renewed annually. The registration shall bear the name of the registered installer, the expiration date and fee paid. Registrations shall NOT be prorated to the date of the registration.
- E. If a registered installer has repeated violations of any provision of this ordinance or the applicable rules or technical specifications of the department, the Blackford County Health Officer may revoke the appropriate registration. If registration is revoked, the requirements for being re-registered shall include payment of a new registration fee. An installer who has been re-registered shall be on probationary status for a period of one (1) year.
- F. If registration is revoked, the installer shall be advised in writing of the basis of the revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a hearing.
- G. Contractors constructing, installing, repairing, replacing, or altering any on-site sewage disposal system who are not registered in Blackford County shall be deemed in violation of this ordinance. A person who is in violation of this ordinance shall be fined for the first offense no more than \$1,000.00, for the second offense not more than \$2,500.00. Each violation of this ordinance shall constitute a separate violation.
- H. A fee for installer registration shall be submitted prior to the issuance or renewal of registration.

- I. A property owner as described in Section 5 is exempt from the installer registration fee.

SECTION 7 SYSTEM REQUIREMENTS

Where a sanitary sewer system is not available within 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 sewage disposal 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 sewage disposal system into surface water, groundwater or onto the ground surface of Blackford County.
- B. The point source discharge of sewage treated or untreated, from a residence or its associated on-site sewage disposal 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 field, dispersal area, set aside area (if applicable), and any areas designated for 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:
 1. The connection will not exceed the system design load based on the sizing requirements of 410 IAC 6-8.3 or 410 IAC 6-10.
 2. The existing system has not malfunctioned.
 3. The existing system has been permitted and approved by the Health Officer or the designated agent or representative, and the applicant has possession of a record of the permitted system which shows the system dimensions.
 4. If the existing system shall fail, there is sufficient space for system replacement.
 5. 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.
- F. All 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 Blackford County Auditor and Blackford County Health Department for public inspection. Self-contained chemical toilets will not require a pit.
- G. Should an on-site sewage disposal fail, the failure shall be corrected by the owner(s) of the property served by such system within the time limit set by the Blackford County Health Officer.
- H. The Blackford 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. With a (7) seven-day notice by mail before the testing etc.

- I. Whenever a public sanitary sewage disposal system becomes available and is within 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 sewage disposal 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 system shall be made within 60 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 sewage disposal system, the owner or his designated agent shall apply in writing to the Blackford County Health Department for a written permit. The application for such a permit shall be made on a form provided by the Blackford 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 6-10-6, previously incorporated herein by reference, and expressly stating the owner will always comply with the standards set out in this ordinance. The On-site Sewage Disposal System Permit issued by the Blackford County Health Officer must be obtained prior to application for a building permit. For a Commercial On-Site Sewage Disposal Permit the application shall include a copy of the permit 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 stature, or Blackford County ordinance.
- B. No on-site sewage disposal system shall serve more than one (1) single dwelling or business. No permits will be issued for multiple family units served by an on-site sewage disposal system unless permitted by 410 IAC 6-10-1 et. Seq.
- C. A permit for the installation of an on-site sewage disposal system shall be void if work has not been completed within two (2) years of date of issuance. When a permit has expired or been revoked, the work shall not commence or resume unless a new application and fee have been submitted and a new permit issued.
- D. The permit shall be posted in a conspicuous place and be plainly visible from the public thoroughfare.
- E. No part of an on-site sewage disposal system for a residence shall be located closer than twenty-five (25) feet to a surface drain tile, stream, ditch, or surface water drain or closer than fifty (50) feet to a lake, pond, or reservoir. The rules and regulations of the local drainage board will apply for any legal ditch or drain. Construction of an on-site sewage disposal system must include a minimum separation distance of fifty (50) feet from any potable water source.

- F. The owner or designated agent shall comply with the requirements for obtaining an on-site sewage disposal system permit prior to the following:
1. The start of construction, or the placement, of a residence that will not be connected to a public sanitary sewage system at the time of occupancy.
 2. The start of any construction of a residential on-site disposal repair or alteration.
 3. The start of construction of any replacement, reconstruction or expansion of a residence which will increase the number of bedrooms.
 4. The start of construction of any commercial facility which will not be connected to a public sanitary disposal sewage system at the time of occupancy.
 5. Replacing or adding a residence to an existing system that may be obsolete due to age or condition.

SECTION 9. PETITION FOR REVIEW/APEAL

- A. The County Board of Health shall hear appeals incidental to the issuance, revocation, modification, and denial of on-site sewage disposal system permits, within fifteen days (15) 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 action files a petition for review concerning such action with the Board.
- B. A petition for review shall state: 1. The name, address and telephone number of the person making the request; 2. Identify the interests of the petitioner which is affected by the permit issuance, revocation, modification, or denial; 3. Identify any persons whom the petitioner represents; 4. State with particularity the reasons for the request; 5. State with particularity the issues proposed to be considered; 6. Include proposed terms or conditions which, in the judgement of the petitioner, would be appropriate to carry out the requirements of law and 410 IAC 6-10-1 et. Seq., 410 IAC 6-8.3 et. Seq., The Technical Specification, or this Ordinance governing such on-site sewage disposal 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 Blackford County Health Officer may appoint the Environmental Health Specialist as the agent to receive applications and fees, certify septic system contractors, conduct inspections, and issue permits as required.
- E. No construction of the on-site sewage disposal system may take place if disposal 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 sewage disposal 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 Blackford County Sewage Disposal Ordinance.

SECTION 9. INSPECTIONS

- A. The owner or agent of the owner shall request an inspection by the Blackford County Health Department at least two (2) working days before any portion of the on-site sewage disposal system is covered in accordance with rules established in 410 IAC 6-8.3 et Seq.

SECTION 10. ENFORCEMENT

- A. Any person found to be in violation of any provision of this Ordinance or the applicable rules and regulations of the Indiana State Department of Health shall be served with a written order either in person or by certified or registered mail by the Blackford County Board of Health, the Blackford 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: 1. Construction of on-site sewage disposal system has begun without a permit. 2. Construction of an on-site sewage disposal system is in violation of the permit issued. 3. Any other conditions exist that may result in the revocation of a permit, as 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 Blackford County Health Officer shall be punished for the first offense by a fine of not more than \$1,000.00; for the second and each subsequent offense not more than \$2,500.00. Each day a violation of this Ordinance continues shall constitute a separate offense. 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 11. REMEDIES

The Health Officer may bring actions in the Blackford Circuit Court or Superior Court of Blackford 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, cost, and expenses provided in 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 12. 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 13. EFFECTIVE DATE

This Ordinance shall apply to Blackford County, Indiana, as of the date from and after its adoption, approval by the Commissioners as stated herein and any publication as required by law.

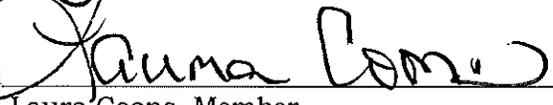
SECTION 14. REPEALER

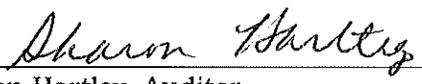
The provisions of Blackford County Private Sewage Disposal Systems Ordinance (1970, 02/04/2022) are hereby superseded by this Ordinance.

APPROVED THIS 7th DAY OF August, 2023 BY THE BOARD OF COMMISSIONERS OF BLACKFORD COUNTY

Signed 
John Lancaster, President

Signed 
John Oxley, Vice President

Signed 
Laura Coons, Member

ATTEST:
Signed 
Sharon Hartley, Auditor