

ORDINANCE NO. 2011-04

ON-SITE SEWAGE DISPOSAL SYSTEMS

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

BE IT ORDAINED by the Board of Commissioners of Huntington 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 Sewage Disposal Ordinance of Huntington County, 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 Huntington County, as hereinafter defined, and the Health Officer's agents and representatives 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 this ordinance.

Section 4. ADOPTION OF REGULATIONS BY REFERENCE.

A. The regulations of the Indiana State Department of Health found in Title 410 IAC 6-8.2, Residential Sewage Disposal Systems, are 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. (H.I.) Copies of 410 IAC6-8.2et seq. are available and on file in the office of the Huntington County Board of Health and the Huntington County Auditor. Deviations from Title 410 IAC 6-8.2 shall be followed in those areas highlighted in red on the Map of the Wabash-Erie Channel Showing Generalized Depth to Bedrock and Related Features by Tony Fleming, Indiana Geological Survey, dated February, 1995, and amendments thereto as follows:

1. Sec. 56(a) & 56(b) Water supply well separation distance increased to one hundred (100) feet.

2. Sec. 68(a) On-site soil evaluation shall be provided by a professional soil scientist using a soil pit.

Sec. 68(b) Soil profile information shall be recorded to a depth of seven (7) feet or

until a layer is encountered which cannot be readily penetrated, whichever is shallower.

3. Sec. 70(a)(3) The trench bottom will be at least sixty (60) inches above any bedrock. Sec. 70(b)(3) & (c)(2) The trench bottom will be at least forty-eight (48) inches above any bedrock.

4. Sec. 71(4) There is no bedrock within forty-eight (48) inches from the ground surface.

5. Additionally, shallow down slope observation wells are required to monitor the operation of the system and to test groundwater quality.

Copies of the Map of the Wabash-Erie Channel Showing Generalized Depth to Bedrock and Related Features, and amendments thereto are available on file in the office of the Huntington County Board of Health and the Huntington County Auditor.

B. The regulation 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 published in the Indiana Register of the Indiana Administrative Code with the effective dates as fixed herein (H.I.). Copies of 410 IAC6-10et seq. are available and on file in the office of the Huntington County Board of Health and the Huntington County Auditor.

Section 5. DEFINITIONS.

A. DEFINITIONS. Definitions contained in 410 IAC 6-8.2et seq. include the following:

AASHTO	NSF
ABS	Operating permit
ANSI	Owner
ASTM	Perimeter drain
Commissioner	Person
Construction permit	PVC
Densic material	Residential drain
Department	Residential on-site sewage system failure
Design Daily Flow or DDF	Residential outbuilding
Distribution box	Residential sewer
Drainage way	Sanitary sewerage system
Fill	SDR
Foundation drain	Seasonal high water table
INDOT	Segment drain
Interceptor Drain	Septic tank
NEMA	Soil absorption

NRCS	Soil absorption system
Soil horizon	Start of construction
Soil loading rate	Subsurface drainage system
Soil profile analysis	Technology new to Indiana or "TNI"
Soil scientist	

B. SUPPLEMENTAL DEFINITIONS. In addition to or to otherwise supplement those definitions contained in 410 IAC 6-8.2et seq. Which is incorporated herein by reference this ordinance shall include the following definitions:

BEDROOM: means either any room:

(1) In a residence that the local health department and the owner agree could be occupied for the purpose of sleeping and contains an area of seventy (70) square feet or more, at least one (1) operable window or exterior door for emergency egress or rescue, and, for new construction, a closet; or

(2) 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.

BEDROOM EQUIVALENT: Means any jetted bathtub with a capacity of greater than one hundred twenty-five (125) gallons.

BOARD: Shall include and means the Huntington County Board of Health.

BUSINESS BUILDING: Means that building or structure utilized primarily for a commercial establishment including, but not limited to, office buildings, apartments, condominiums, motels, mobile home parks, churches, campgrounds, schools, hospitals, nursing homes, subdivisions, restaurants, etc. at locations where such facilities may be approveable.

COMMERCIAL ON-SITE WASTEWATER DISPOSAL FACILITY: Means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of wastewater from other than one-or-two family dwellings.

DWELLING or residence: Means any house or place used or intended to be used as a place of seasonal or permanent human habitation or for sleeping for one (1) or two (2) families, and any associated outbuildings that are for the private use of the owner.

HEALTH DEPARTMENT: Means the Huntington County Health Department.

HEALTH OFFICER: Shall include and also means the Health Officer of Huntington County.

ON-SITE SEWAGE DISPOSAL SYSTEM: Means any sewage disposal facility not owned by a municipality or sanitary district where the effluent is treated on the lot and shall include, but is not limited to, residential sewers, grease traps, septic tanks, dosing tanks, soil absorption systems, experimental treatment processes, perimeter drains, temporary sewage holding tanks, and sanitary vault privies. On-site systems include both residential and commercial disposal systems.

PUBLIC WATER SUPPLY: Means a system which provides piped water for human consumption to at least fifteen (15) service connections or at least twenty-five (25) people at least sixty (60) days out of the year.

RESIDENTIAL ON-SITE SEWAGE DISPOSAL SYSTEM: Means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from:

(1) a one (1) or two (2) family dwelling; or

(2) Two single family dwellings on the same property with a combined DDF of less than seven hundred fifty (750) gallons per day.

Included within, but not limited to, the scope of this definition are residential sewers, septic tanks, soil absorption systems, temporary sewage holding tanks, and sanitary vault privies.

SANITARY VAULT PRIVY: Means a privy so located, constructed, and maintained;

1. That users do not contact waste matter deposited;
2. That flies, insects, rats and other animals cannot gain access to the privy interior or vault;
3. That surface or ground water cannot enter the vault;
4. That the waste material in the privy cannot contaminate a water supply, stream, or body of water;

5. That odors are minimized both inside and outside the privy structure.

Section 6. SYSTEM REQUIREMENTS: Where a sanitary sewer system is not available within 300 feet, all persons owning, leasing, or otherwise occupying property shall comply with 410 IAC 6-8.2 et seq. and 410 IAC 6-10 et seq. and the following provisions of this Ordinance for an on-site sewage disposal system.

A. No person shall throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of Huntington County, or cause, permit, or suffer to be thrown, run, drained, allowed to seep or otherwise disposed into such waters, any organic or inorganic matter from an on-site sewage disposal system that would cause or contribute to a health hazard or water pollution.

B. Connection to an existing soil absorption system may 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 6-8.2 or 410 IAC 6-10. Approval for connection to a commercial building must be obtained from the Indiana State Department of Health.
2. The existing system has not failed.
3. The existing system has been permitted and approved by the Health Officer, and the applicant has possession of a record of the permitted and approved system which shows all 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 must bring existing system into compliance with the minimum standards of 410 IAC 6-8.2 or 410 IAC 6-10.

C. No privy shall be permitted for a residence except on a temporary basis and then only by special permit. All such 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 are filed in the office of the Huntington County Auditor and Huntington County Board of Health for public inspection. In the case of self-contained chemical toilets, no pit will be required.

D. Should an on-site sewage disposal system fail, the failure shall be corrected by the owner or occupant of the property served by such a system within the time limit set by the Health

Officer.

E. Whenever a public sanitary sewage system becomes available and is within 300 feet of the property line or property upon which a building situated with Huntington County, Indiana, is located, and that building is used as a dwelling or business building and is served by an on-site sewage disposal system or privy, a direct connection of the building sewer shall be made to said sanitary sewer. Exceptions identified below may require connection to the public sanitary sewage system:

- a. The public sanitary service within 300 feet of the property line passes the property and said property is not a member of a Rural Wastewater District, and
- b. The existing on-site sewage disposal system is determined to be in failure or new construction on said property is planned then a direct connection shall be made.
- c. Any septic tanks, vaults, and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner in compliance with Indiana State Department of Health guidelines.
- d. The direct connection to a sanitary system shall be made within 180 days of the issuance of orders of connection.

F. Whenever a new business building or dwelling is to be constructed in an area where a sanitary sewage system is available as provided in the above paragraph, a connection shall be made to the sanitary sewer according to plans submitted for approval prior to construction of any such project.

Section 7. Permits

A. Application

1. Before the commencement of construction, alteration or repair of an on-site sewage disposal system, the owner or his agent shall apply in writing to the Huntington County Health Officer for a permit to construct, alter or repair an on-site sewage disposal system, which application shall set out the date of the intended construction, alteration, or repair, topographic and soil characteristic information as well as other information required in 410 IAC 6-8.2-52 and 410 IAC 6-10-6, previously incorporated herein by reference, and expressly stating that the owner has

complied and will at all times comply with the standards set out in this ordinance. The Sewage Disposal Permit issued by the 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 notice issued from 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 410 IAC 6-8.2 et seq., and Federal or State statute or regulation and any ordinance of Huntington County, or would otherwise be reasonably expected to cause or contribute to an unsanitary condition, an unacceptable probability of groundwater contamination or construction of an on-site sewage disposal system with an unacceptable risk of failure.

2. In accordance with IC 16-41-25-1(a), the Health Department shall issue or deny, in writing to the owner or agent, a residential on-site system construction permit within forty-five (45) days of receipt of an application and plan submittal.
3. A permit for the installation of an on-site sewage disposal system, whether issued prior to or after the adoption of this Ordinance, shall lapse and be void if work has not been completed within one year after its issuance. When a permit has expired or has been revoked, the work on the on-site disposal system shall not commence or resume unless a new application and fee have been submitted and a new permit has been obtained.
4. The permit shall be available to regulatory authorities at or near the dwelling or facility where the on-site sewage disposal system is under construction.
5. No part of an on-site sewage disposal system for a residence shall be located closer than 25 feet to a surface water drain tile, running stream or surface water drain. The rules and regulations of the drainage board will apply for any legal ditch or drain. All parts of the system must be kept at least 50 feet from any water well.
6. Because of the hazards regarding potential ground water contamination of wells through the development of subdivisions, parcels and other divisions of land for developments, the Health Officer may, at the Health Officer's discretion, decline to issue a

permit for the on-site sewage disposal system is said system may cause or contribute to a health hazard or any unsanitary condition. Those factors to be considered by the Health Officer in making a determination to issue or decline to issue a permit include soil and geological conditions, the depth of the water table and the quantity of water available, evidence of any contaminants existing in the water supply, and the number of existing or anticipated on-site sewage disposal systems located within the general area in which the proposed on-site sewage disposal system is to be built.

Section 8. INPECTIONS.

A. The board, its agent, or the Health Officer or his or her agent shall be permitted to enter upon all properties for purposes of inspection, observation, measurement, sampling and testing necessary to insure compliance with this Ordinance and to verify no on-site sewage disposal system has failed.

B. No construction of the on-site sewage disposal system may take place if the on-site sewage disposal system site is disturbed or altered after the on-site evaluation by the addition of fill material (other than construction necessary for the on-site sewage disposal system itself) or by cutting, scraping, compaction or the removal of soil, until a new evaluation has been conducted and a modified permit has been issued. In the event the on-site inspection indicates site limitations, either arising from topography or soil characteristics, the site owner or his agent is responsible for designing a residential or an on-site sewage disposal system which addresses the demands of the site in accordance with rules established in 410 IAC 6-8.2 et seq., 410 IAC 6-10 et seq. and this Ordinance.

Section 9. PETITION FOR REVIEW.

A. The Huntington County Board of Health shall hear appeals incidental to the issuance and revocation of permits if, within 15 days following the date of receipt of an issued permit, permit modification, notice of permit denial or notice of permit revocation, 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 (if applicable) of the person making the request;
2. Identify the interests of the petitioner which is affected by the issuance, denial, modification or revocation;
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 judgment of the petitioner, would be appropriate to carry out the requirements of law and 410 IAC 6-10 et seq. or 410 68.2 et seq. governing such permits.

C. The procedures established in I.C. 4-21.5, the Administrative Procedure and Orders Act, shall comply to the conduct of the hearing.

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 County Board of Health or the County Health Officer. 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. Any person who shall continue any violation of this Ordinance beyond the time limit provide 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 Health Officer shall be punished for the first offense by a fine of \$100.00. Each day a violation of this Ordinance continues shall constitute a separate offense for which a separate fine may be levied.

C. Application of this Ordinance or any part of this Ordinance is intended to be consistent with 410 IAC 6-8.2 et seq. and 410 IAC 6-10 et seq. Any inconsistency in the direct application of this Ordinance with said regulations shall be resolved in favor of enforceability of those regulations.

D. To the extent the provisions of 410 IAC 6-10 et seq. and 410 IAC 6-8.2 et seq. are inconsistent with each other then that interpretation provided by 410 IAC 6-10 et seq. shall apply for on-site sewage disposal systems serving business buildings and that interpretation provided by 410 IAC 6-8.2 et seq. shall apply for on-site sewage disposal systems serving residences.

Section 11. REMEDIES. The Health Officer may bring actions in the Huntington Circuit Court or Superior Court of Huntington County for mandatory and injunctive relief for the enforcement or 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 maybe 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.

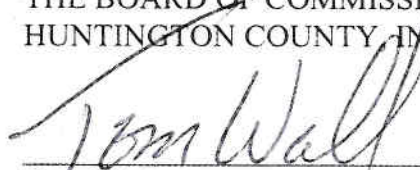
Section 12. SERVERABILITY. Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 13. EFFECTIVE DATE. This Ordinance shall apply to all of Huntington County, Indiana, as of the date from and after its adoption and approval by the Commissioners as stated herein and any publication as required by law.


Section 14. REPEALER. The provisions of Ordinance No. 1-1965 are hereby superseded by this Ordinance.

Dated this 18th day of April, 2011.

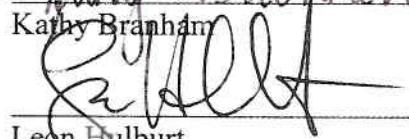
THE BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA



Tom Wall



Kathy Branham



Leon Hulburt

ATTEST:



Cindy Yeiter, Auditor of Huntington County