

TITLE V: PUBLIC WORKS

CHAPTER 50: WATER

SECTION

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PRIVATE WATER WELLS

§ 50.01 PRIVATE WATER WELLS.

- A. No person shall place, install, or permit the installation of a private water well in an unsanitary or unsafe manner within the county.
- B. No private water well shall be installed which does not conform to all rulings of the Health Officer issued under this subchapter.
- C. If any defect exists or occurs in any private water well which could cause that private water well to contaminate an existing aquifer or the groundwater, the owner or occupant shall correct the violation immediately.
- D. If the owner or occupant of any property, or his or her agent, receives a written order from the County Board of Health or Health Officer, he or she shall comply with the provisions of the order and perform all acts required by the order within the time limit set forth in that order. The order shall be served on the owner or occupant of the property, or his or her agent, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of this subchapter and any order issued under this subchapter.

(ORD. PASSED 2-7-1994) PENALTY, SEE § 50.99

§ 50.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ANNULAR SPACE. The space between the exterior of the well casing and the natural formation in a drilled well.

AQUIFER. Any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

CASING. A pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.

COUNTY. Those unincorporated areas which are under the jurisdiction of the Health Officer and not incorporated cities or towns, except as provided for under authority of I.C. 16-20.

HEALTH OFFICER. The County Health Officer, or a duly authorized representative.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality of his, her, or its legal representative or agent.

PRIVATE WATER WELLS. Any water well, including those serving geothermal heat pump systems, constructed to provide water to one- or two-family dwellings, totally or in part. Among those wells specifically excluded from this definition are those which serve commercial, public, or agricultural needs. Also excluded from this definition are all wells constructed, installed, maintained, operated, and owned by a municipality or a taxing district established for the purpose of providing water.

(ORD. PASSED 2-7-1994)

§ 50.03 PERMITS AND INSPECTIONS.

- A.** Private water wells shall be located in accordance with the distances shown in the table below (minimum horizontal separation distances from private water wells):

Location	Distance
Concrete agricultural waste pits	50 ft.
Dwelling, or other structure	5 ft.
Earthen agricultural waste pits	200 ft.
Lake, pond, river, stream, or open public ditches	25 ft.
Landfills (presently or previously licensed or permitted by the state)	600 ft.
Permanently fixed above-ground storage tanks for fuel or chemicals 300 gallons or more	25 ft.
Sanitary sewage lagoons	300 ft.
Septic tanks	50 ft.
Sewage absorption systems in soils where aquifers are in danger of contamination	100 ft.
Sewage absorption systems in soils where aquifers are not in danger of contamination	50 ft.
Side, rear, or front lot lines	5 ft.
Underground storage tanks for fuel or chemicals	50 ft.

- B.** Private water well casings shall be a minimum of two inches in diameter.
- C.** Private water wells shall not be placed in below grade well pits.
- D.** The cap of the private water well shall be visible and securely attached. Minimum well depth shall be not less than is necessary to enter a satisfactory aquifer, in the discretion of the Health Officer. Single suction lines must be 50 feet from septic tanks and sewage absorption systems.
- E.** No annular space may exist. Materials and designs for sealing must conform to the standards of the State Department of Natural Resources.
- F.** Pitless adaptors shall be required on each new private water well as in accordance with the requirement of the State Department of Natural Resources.
- G.** All new water wells shall be properly disinfected at the time of installation.

- H. The owner of any building or private residence where a private water well is to be installed, or the replacement of an existing private water well is planned, shall obtain a temporary permit signed by the County Health Officer before any construction begins. The owner shall apply for a permit on a form provided by the county. The applicant shall supplement the application with plans, specifications, and other information deemed necessary by the Health Officer. The applicant shall pay a permit and inspection fee as set by the County Board of Commissioners from time to time, and as established under I.C. 16-46, to the County Health Department at the time the application is filed. The fee shall be accounted for and paid into the County Health Fund. The installation or repair of well lines, screens, pump, pressure tanks, and the like are exempted unless a new well is also installed.
- I. The Health Officer shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Health Officer when the work is ready for final inspection. The Health Officer shall make the inspection within two working days of the receipt of notice from the applicant. Upon approval, a final permit for a private water well shall become effective after an the inspection is completed to the satisfaction of the Health Officer. This permit is to be retained by the owner.
- J. A copy of any well log, as required by the State Department of Natural Resources for licensed well drillers, shall be submitted to the County Board of Health within 45 days from the date that the private water well was installed.
- K. The Health Officer shall, upon the request of the applicant, sample and test the new private water well for total coliform, nitrate/nitrogen, and any other substances as deemed necessary by the Health Officer. The applicant may employ private water laboratory personnel to conduct the required test under the direction of the County Health Department. The Health Officer may, in any event, conduct tests deemed necessary by the Health Officer. All final sample results must be within acceptable primary standards, as established by the United States Environmental Protection Agency for Public Drinking Water Sources. If necessary, additional water testing shall be the responsibility of the individual property owner.
- L. All water tests shall be run according to the most recent standard methods for the examination of water and wastewater, as established by the State Department of Health. These test results will be provided, in writing, to the County Health Department within 45 days from the date of well completion. The failure of a private water well to meet any of these primary water quality standards will constitute grounds for rejection of the private water well by the Health Officer.
- M. The applicant will post the permit in a conspicuous place at, or near, the building where the private water well is under construction. The notice shall be plainly visible from the public thoroughfare nearest this building.
- N. Where the installation of a private water well is required for a dwelling constructed before the enactment of this subchapter, the owner, or agent of the owner, must first obtain a written permit signed by the Health Officer. The provisions of this subchapter relating to private water well design, installation, and location shall not apply to existing dwellings. Such installations shall be made in accordance with the best judgment of the Health Officer.
- O. Subdivisions designed to utilize private water wells, the plans for which were duly recorded in the Office of the County Recorder prior to the date of this subchapter, are exempt from the provisions of this subchapter regarding location, and may be located in accordance with the best judgment of the Health Officer.
- P. The private well permit is valid for a term of one year from the date of issue, unless otherwise voided by the Health Officer.
- Q. In cases of extreme emergency, and when the County Board of Health is not open for public business, a private water well may be installed without first obtaining a local permit; provided, that the property owner, or his or her agent, obtains a local private well permit within the next two business days.

R. The private water well must meet all other requirements of this subchapter.

(ORD. PASSED 2-7-1994)

§ 50.04 POWERS FOR INSPECTION.

The Health Officer will be permitted to enter upon all properties at any reasonable and proper time to inspect, observe, measure, sample and test to carry out the provisions of this subchapter. The Health Officer shall, upon request, produce and display identification. The permittee will furnish the Health Officer with copies of documents and reports of the well upon request.

(ORD. PASSED 2-7-1994)

§ 50.05 NOTICES.

The Health Officer will serve any person found to be violating any provision of this subchapter with a written order stating the nature of the violation and providing a time limit for its satisfactory correction.

(ORD. PASSED 2-7-1994)

§ 50.06 DISCLAIMER.

Because of many interrelating factors contributing to the failure of a private water well, acceptance of a private water well does not imply approval, and it cannot be considered as a guarantee by the Board of Health of successful potability or operation. The Health Officer's signature merely signifies that, as of the date of signing, the private water well meets the County Board of Health's minimum standards. The Health Officer's signature makes no other representations.

(ORD. PASSED 2-7-1994)

§ 50.07 APPEALS.

Any directive or order issued by the County Health Officer which either denies or revokes the issuance of a private water well permit, or which rejects the final approval of a permitted well, shall be in writing and certified by the Health Officer. A person who receives such a directive may, within ten days after its receipt, appeal the directive, or order, to the County Board of Health. If the decision of the County Board of Health is adverse to the property owner, or his or her agent, he or she may appeal that decision to the County Circuit or Superior Court as provided by law in other civil actions.

(ORD. PASSED 2-7-1994)

§ 50.99 PENALTY.

- A. Any person who violates any provision of this subchapter will be deemed to have committed a subchapter violation, and upon conviction shall be fined up to \$500. The Health Officer shall assess the fines, and the County Attorney shall assist the Health Officer with all legal procedures under this subchapter. Each day a violation continues after the expiration of the time set forth in any order issued under this subchapter for abating unsafe conditions and completing improvements, as ordered by the Health Officer, constitutes a separate violation.
- B. Any person violating any provision of this subchapter will be liable to the county for any expense, including attorney fees, loss, or damage suffered by the county due to that violation.
- C. Nothing in this subchapter shall be deemed or construed to bar, abridge, or limit in any way any existing legal or equitable remedies for the abatement, or injunction, of a private or public nuisance.

(ORD. PASSED 2-7-1994)

TITLE V: PUBLIC WORKS

CHAPTER 51: SEWAGE

SECTION

PRIVATE SEWAGE DISPOSAL SYSTEMS

51.01 PRIVATE SEWAGE DISPOSAL SYSTEMS

51.02 DEFINITIONS

51.03 PERMITS AND INSPECTIONS

51.04 POWERS FOR INSPECTION

51.05 NOTICES

51.99 PENALTY

PRIVATE SEWAGE DISPOSAL SYSTEMS

§ 51.01 PRIVATE SEWAGE DISPOSAL SYSTEMS.

- A. Where a public sanitary or combined sewer is not available, all persons owning or leasing property on closely built-up areas shall comply with the following provisions of this subchapter for private sewage disposal systems.
- B. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the county, or in any area under the jurisdiction of said county, any human excrement or sewage.
- C. At any business situated within the county 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 State Department of Health as contained in Bulletin SE 13, or in such other manner as approved by the State Department of Health. Copies of said Bulletin SE 13 are herewith incorporated by reference as part of this subchapter, and two copies filed in the Office of the County Auditor and Health Officer for public inspection.
- D. Any privy situated within the county shall be of the sanitary type, and shall be constructed and maintained in a clean condition so that insects, reptiles, and animals cannot enter the vault. Any privy shall be located properly to protect water supplies from contamination.
- E. Every private residential disposal system and privy shall be installed, constructed, and maintained in accordance with 410 I.A.C. 6-8.3. Two copies of 410 I.A.C. 6-8.3 are on file at the County Auditor's office for public inspection, and are incorporated by reference into this subchapter. The Health Officer may establish the minimum capacity of any septic tank to be installed in a closely built-up area, and the minimum number of square feet of any absorption field, or trench, to be constructed in a closely built-up area. The Health Officer's ruling shall be based upon the size of the building to which the septic tank is to be attached, the size of the lot to which the absorption field or trench is to be constructed, and the percolation rate, seasonal high water table, and other soils information about that lot. No septic system shall be installed which does not conform to all the rulings of the Health Officer issued under this subchapter.
- F. The installation of any other private residential sewage disposal systems not described in the State Department of Health Bulletins SE 8 and 11 of mechanical, chemical, or other means may be approved by the County Health Officer after the County Board of Commissioners has filed the requirements, plans, and specifications of such device, or system, in the office of the County Auditor and County Health Officer. Said requirements, plans, and specifications must bear the written approval of the State Department of Health.

- G. Should any defect exist or occur in any private sewage disposal system or privy which would cause said sewage system to fail to meet the requirements in divisions (B), (C), (D), and (E) above, and cause an unsanitary condition, the defect shall be corrected immediately by the owner. Failure to do so shall be a violation of this subchapter, and the violator shall be subject to the penalties prescribed in § 51.99.
- H. Wherever a public combined sewer, or sanitary sewer, becomes available, and is within 200 feet of the property line of the residential or business property served by a private sewage disposal system or privy situated within the county, a direct connection shall be made to said sewer, and any septic tanks, seepage pits, outhouses, privy pits, and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.
- I. 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 cost as deemed reasonable by the Health Officer.
- J. After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner of the property shall comply with the provisions of this subchapter as set forth in said order, and within the time limit included therein. Said order shall be served on the owner.

(ORD. PASSED 2-7-1994) PENALTY, SEE § 51.99

§ 51.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

BUILDER, CONTRACTOR, OR SUB-CONTRACTOR. Any individual holding a valid contractor's permit, and being compensated for such services by the applicant. This contractor's permit is to be issued by the Health Officer.

COMBINED SEWER. A sewer receiving both surface water run off and sewage.

HEALTH OFFICER. The County Health Officer, or his or her authorized representative.

JURISDICTION. This subchapter shall apply to all private sewage disposal systems which are not connected to a public sewer within the county.

OCCUPANT. Owner, leasee, sub-leasee, tenant, sub-tenant, life-tenant, and guardian or trustee for the aforementioned. This term shall not include a guest or any minor children who reside on the premises.

OWNER. The person, or persons, who hold the fee simple estate in the land, the trustees of the land in trust, the life tenant of land under life estates, the contract seller under sales contracts, and other persons who have a legal or equitable interest in the land.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his, her, or its legal representative or agent.

PRIVATE SEWAGE DISPOSAL SYSTEM. Any sewage disposal system not constructed, installed, maintained, operated, and owned by a municipality or a taxing district established for that purpose. Examples of common

PRIVATE SEWAGE DISPOSAL SYSTEMS shall include, but not be limited to, the following: Sewer; combined sewer; sanitary sewer; privy; commode; septic tank; septic feeder system; seepage pits, and the like.

PUBLIC SEWER. Any 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.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEPTIC TANK CLEANER. Any person who, for hire or not, is engaged in the business of cleaning out septic tanks, dry wells, or other sewage disposal systems and disposing of their contents. This person must be licensed by the State Department of Health.

SEWAGE. Any combination of human excreta and wastewater from water closets, laundries, sinks, bathing facilities, and other non-purified wastewaters.

SEWAGE DISPOSAL SYSTEM. Any arrangement of devices and structures used for receiving, treating, and disposing of sewage.

SEWER. A pipe conduit for carrying sewage.

UNSANITARY MANNER OF SEWAGE DISPOSAL or UNSANITARY CONDITION. Shall mean, but not be limited to, the following:

1. The seepage of sewage from a septic tank, sewer, or tile into a culvert, creek, stream, ditch, or river;
2. Allowing sewage to be stored in an insecure septic tank that allows insects, reptiles, or animals access; or
3. The installation of a septic system in ground that is unsuited for sewage protection.

(ORD. PASSED 2-7-1994)

§ 51.03 PERMITS AND INSPECTIONS.

- A. 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 any existing private sewage disposal systems is planned, the owner or occupant shall first obtain a written permit signed by the Health Officer. On all new septic systems, a soil survey must be done by an ARCPAC Soil Scientist registered by the State Department of Health and must accompany the application.
 1. This application for a septic permit shall be made on a form provided by the County Health Department, which application must be supplemented by any plans, specifications, and other information as is deemed necessary by the Health Officer. A permit and inspection fee, as set by the County Board of Commissioners, is paid to the County Health Department at the time the application is filed. Failure by the owner to obtain the necessary permit shall be a violation of this subchapter, and the violator shall be subject to the penalties prescribed in § 51.99.
 2. In addition, it shall be the duty of all builders, contractors, or sub-contractors who are to install, alter, or make additions to any new, or existing, private sewage disposal systems to ascertain by a verbal inquiry and visual inspection that the owner or occupant has acquired the necessary permit before construction or alteration has begun. If the builder, contractor, or sub-contractor fails to ascertain that the owner has the necessary permit, and the owner in fact does not have the necessary permit, then the builder, contractor, or sub-contractor shall be subject to the penalties set out in § 51.99.
- B. A permit for a private sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer.
 1. He or she, or his or her 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 Health Officer when the work is ready for final inspection, and before any underground portions are covered.
 2. The inspection shall be made within two working days of the receipt of notice by the Health Officer.
- C. The application for a permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction.
 1. The notice shall be plainly visible from the public thoroughfare serving the building.

- D. The application permit for the installation of a private sewage disposal system, whether issued prior to, or after, the adoption of this subchapter, shall lapse and be void if work has not been started within a year and completed within 60 days.
- E. All abandoned septic and dry well tanks shall be removed from the ground, or shall be opened and filled with an inert material approved by the Health Officer.

(ORD. PASSED 2-7-1994)

§ 51.04 POWERS FOR INSPECTION.

- A. The Health Officer, or his or her agent, bearing identification shall request permission to enter upon all property at reasonable time for inspection, observation, measurements, sampling, and testing necessary to carry out the provisions of this subchapter.
- B. If entry permission is not granted, or is not granted in a timely manner, the owner's, or occupant's, permit shall be deemed to be ineffective, and the owner will be in violation of § 51.03(A) and subject to the penalties of § 51.99.

(ORD. PASSED 2-7-1994)

§ 51.05 NOTICES.

Any person violating any provisions of this subchapter 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 limit for satisfactory correction thereof.

(ORD. PASSED 2-7-1994)

§ 51.99 PENALTY.

Any person found to be violating any provision of this subchapter shall be punished for the first offense by a fine of not more than \$500; for the second offense, by a fine of not more than \$1,000; and for the third and each subsequent offense, by a fine of not more than \$2,500. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the duly appointed Health Officer of the county, shall constitute a distinct and separate offense.

(ORD. PASSED 2-7-1994)

TITLE IX: GENERAL REGULATIONS

CHAPTER 90: HEALTH AND SANITATION

SECTION

90.01 LEAF BURNING, BUILDING MATERIALS ON COUNTY ROADS

90.02 ACCUMULATION OF GARBAGE, RUBBISH

90.99 PENALTY

§ 90.01 LEAF BURNING, BUILDING MATERIALS ON COUNTY ROADS.

- A.** The County Highway Superintendent has determined the burning of leaves and building materials on asphalt pavement causes severe damage to the pavement surface and is also a safety hazard to vehicular traffic that may accidentally travel into the open fire. Now, therefore:
- B.** Any open fires within five feet of a road pavement edge is prohibited;
- C.** Violators are subject to a maximum fine of \$750 for each incident; and
- D.** Violators shall be required to pay the county for all costs involved to make the pavement repairs, including reasonable attorney's fees.

(ORD. 2014-005, PASSED 6-16-2014) PENALTY, SEE § 90.99

§ 90.02 ACCUMULATION OF GARBAGE, RUBBISH.

- A.** Regulations. It shall be unlawful for any person to cause, or to allow to be caused, unsightly, unsafe, or unhealthy accumulation, or scattering, of garbage or rubbish upon his or her property, or property occupied by said person, within the county. Any such accumulation, or scattering, of garbage or trash is, and hereby declared to be, a public health nuisance.
 - 1.** All garbage and receptacles for the collection of garbage shall be kept enclosed and shall be removed from the premises in a timely fashion.
 - 2.** If so ordered by the Health Officer, the trash and rubbish may be covered at the site with sanitary fill. Otherwise, all garbage and rubbish must be hauled to a sanitary landfill in accordance with I.C. 13-30-2-1.
- B.** Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

COUNTY. The County of Pulaski, Indiana, and those unincorporated areas which are under the jurisdiction of the County Health Officer and not incorporated cities or towns, except as provided for under authority of I.C. 16-20.

GARBAGE. Rejected food wastes, including every waste accumulation of animal, fruit, or vegetable matter used, or intended, for food, or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables, but specifically excludes livestock waste.

HEALTH OFFICER. The County Health Officer, or his or her authorized representative.

PERSONS. Any individual, partnership, co-partnership, firm, company corporation, association, joint-stock company, trust, estate, or municipality, or his, her, or its legal representative or agent.

RUBBISH. Ashes, cans, metalware, broken glass, crockery, sweepings, boxes, furniture, appliances, cardboard, paper cartons, containers, or litter of any kind, and all similar matter.

SANITARY FILL. The placement of garbage and rubbish in an especially prepared trench, or its equivalent, with the material being thoroughly compacted and covered with at least two feet of compacted fresh earth.

VECTOR. Any living animal capable of harboring and transmitting microorganisms from one animal to another animal or human, specifically including in said definition rats, mice, rodents, mosquitoes, and flies.

- C.** Enforcement. The Health Officer shall enforce this section, shall exercise all discretion granted under this section, and shall assess penalties under § 90.99 hereof.

D. Powers of inspection.

1. The Health Officer shall be permitted to enter upon all properties at any reasonable time to inspect, observe, measure, sample, and test to carry out the provisions of this section.
2. The Health Officer shall, upon request, produce and display identification.

E. Notices. The Health Officer shall serve any person found to be violating any provisions of this section with a written order stating the nature of the violation and providing a time limit for its satisfactory correction.

(ORD. PASSED 2-7-1994) PENALTY, SEE § 90.99

§ 90.99 PENALTY.

- A.** Any person, firm, or corporation who violates any provision of § 90.01 shall be deemed to have committed a section violation and shall be fined \$300 for a first offense; all subsequent violations by the same violator will be fined \$750.
- B.** Any person who violated any provision of § 90.02 shall be deemed to have committed a section violation and, upon conviction, shall be fined not more than \$100 for the first violation, and not more than \$200 for the second, and each subsequent violation up to \$2,500. Each day a violation continues after the expiration of the time set forth in any order issued under § 90.02(E) for abating unsanitary conditions and completing improvements, as ordered by the Health Officer, constitutes a separate violation. The County Attorney shall assist the Health Officer with all necessary legal procedures under § 90.02.
 1. Any person violating any provision of § 90.02 shall be liable to the county for any expense, including attorney's fees, loss, or damage suffered by the county due to that violation.
 2. Nothing in § 90.02 shall be deemed, or construed, to bar, abridge, or limit in any way any existing legal or equitable remedies for the abatement of a private, or public, nuisance.

(ORD. PASSED 2-7-1994; ORD. 2014-005, PASSED 6-16-2014)