

ON-SITE SEWAGE DISPOSAL ORDINANCE

GRANT COUNTY HEALTH DEPARTMENT

Version Update: 2/1/94

ORDINANCE NO. 6-1994

AN ORDINANCE AMENDING THE GRANT COUNTY CODE OF 1984
BY UPDATING ITS PUBLIC HEALTH PROVISIONS

Whereas, numerous changes have been made and will continue to be made in the laws relating to the Public Health Code of Indiana and the rules and regulations promulgated pursuant to the Public Health Code; and

Whereas, Indiana Code (IC) 16-20-1-19 provides that local health officers shall enforce the health laws, ordinances, orders, rules and regulations of their own and superior boards of health;

Now, therefore, be it ordained by the Board of Commissioners of the County of Grant, State of Indiana, that the Grant County Code of 1984 (the Grant County Code) is amended as follows:

Section 1.

Title 16, Article 1, Chapter 3, Section 13 (16-1-3-13), Private Sewage Disposal Systems of the Grant County Code is amended so that it is as follows:

16-1-3-13. Private Sewage Disposal Systems:

- (a) Definitions: For the purpose of this Section of the Grant County Code:
- (1) "The State Board" means the Indiana State Department of Health.
 - (2) "This Section" means 16-1-3-13 of the Grant County Code.
 - (3) "The Indiana Health Laws" shall mean the following as amended from time to time:
 - a) Indiana statutes;
 - b) Promulgated bulletins of the State Board;
 - c) Promulgated rules of the State Board;
 - d) Orders of the State Board;
 - e) And the provisions of this Section.

The Indiana Health Laws include, but are not limited to the Public Health Code of Indiana (the Health Code) contained in Title 16, Article 20 of the Indiana Code (IC 16-20); Bulletin No. S. E. 11 (the Sanitary Vault Privy); Bulletin S. E. 13 (On-Site Water Supply And Wastewater Disposal For Public And Commercial Establishments); the Indiana State Board of Health Rule 410 IAC 6-8.1

(16-1-3-13) On-Site Sewage Disposal Systems

(Residential Sewage Disposal Systems); and the Indiana State Board of Health Rule 410 IAC 6-10 (Commercial On-Site Wastewater Disposal).

- (4) The definitions contained in the Indiana Health Laws shall also apply to this Section.
- (5) "The County Health Department" shall mean the Grant County Health Department.
- (6) "The County Health Officer" means the Grant County Health Officer, who is appointed by the Grant County Board of Health.
- (7) "The County Board of Health" means the Grant County Board of Health.
- (8) "A County Environmental Health Specialist" means any person employed by the Grant County Health Department in the position of Environmental Health Specialist or Environmental Sanitarian.

(b) Requirements for On-Site Sewage Disposal Systems:

- (1) All persons shall comply with the requirements of the Indiana Health Laws and failure to do so shall constitute a violation of this Section.

(c) Permits to Install On-Site Sewage Disposal Systems:
Permit Fees:

- (1) Before commencing construction of any public building, commercial business building, or private residence where an on-site sewage disposal system or privy is to be installed or where any alteration, repair of, or an addition to an existing on-site sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the County Health Officer or a County Environmental Health Specialist.
- (2) Before application for the written permit may be made, an accurate on-site evaluation of the proposed building site must be submitted to the County Health Department by the owner or the owner's agent. The information needed to evaluate a site may include (but is not limited to) the following: a) topographic information such as slope, drainage characteristics, well location(s), proposed or existing building sites, topography, and location of other major features or structures; and b) soil horizon characteristics such as the depth, color, structure, texture, and

(16-1-3-13) On-Site Sewage Disposal Systems

the approximate depth to seasonal high ground water as indicated by soil wetness characteristics. Septic system feasibility, location, and selection shall be based on the information obtained from the findings of this on-site evaluation. Each new building lot shall consist of an area at least one acre in size if public sewers are not available.

- (3) Prior to the issuance of a Permit, the owner or the owner's agent shall submit a set of pre-construction plans for review by the County Health Officer or a County Environmental Health Specialist. These plans shall include but are not limited to; lot dimensions, the location of all structures, wells, drainage characteristics, separation distances, and on-site sewage disposal system, including a cross section of the system.
- (4) Prior to the issuance of a Permit, the owner or the owner's agent may be required to submit any other information deemed necessary by the County Health Officer or a County Environmental Health Specialist before the application is approved. The County Health Department may require a direct soil profile observation by a soil scientist, using the guidelines set forth in the soil manuals, technical bulletins, and handbooks of the Soil Conservation Service.
- (5) The County Health Officer or a County Environmental Health Specialist shall review said application and pre-construction plans, together with all information accompanying the same, and if it is determined that this information is consistent with the provisions of the County Code then the County Health Department shall issue a septic installation permit. Otherwise, the application for a permit shall be denied and the County Health Department shall notify the owner or the owner's agent in writing of the reason or reasons for such denial. In any case, an application shall be denied if the information submitted is incomplete or inaccurate.
- (6) A Permit Fee of \$20.00 shall be paid to the County Health Department for deposit in the Grant County Health Fund at the time the septic permit is issued and signed.
- (7) If construction of the on-site sewage disposal system for which the permit was issued has not been completed within one year from the date of issuance, the permit shall automatically expire

(16-1-3-13) On-Site Sewage Disposal Systems

and become void.

- (8) An application or a permit for the construction, installation, alteration, addition to, or repair of an on-site sewage disposal system or privy shall not constitute final approval of such system until the same is completed to the satisfaction of the County Health Officer or a County Environmental Health Specialist. The County Health Officer, County Environmental Health Specialists, and persons rendering assistance to the County Health Department, shall be permitted to enter onto the property to inspect the work at any stage of construction; before any underground or above ground portions are covered. The owner or the owner's agent shall notify the County Health Department when the work is ready for final inspection. The final inspection shall be made within a reasonable time, not to exceed two (2) working days of receipt of notice to the County Health Department, excluding weekends, legal holidays, and days when the weather is unfit to make an inspection as reasonably determined by the County Health Department.
 - (9) Failure of any person to obtain a permit, meet the requirements of the permit, or to otherwise comply with the requirements of this Section shall constitute a violation of this Section.
- (d) Power For Inspection:
- (1) The County Health Officer, all County Environmental Health Specialists, and all other persons assisting the County Health Department bearing proper credentials and identification shall be permitted to enter upon all properties within Grant County, Indiana, at reasonable times for purposes of inspections, observations, measurements, sampling and testing necessary to carry out the provisions of this Section.
 - (2) The County Health Department may require any information or plans regarding an on-site sewage disposal system be sent to the Indiana State Department of Health for their review, prior to construction.
 - (3) The County Health Officer or a County Environmental Health Specialist may order the immediate suspension of any work, completed or in process or planned, that is in violation of any provisions of this Section. Such "stop work order" shall be posted at the construction site

(16-1-3-13) On-Site Sewage Disposal Systems

and confirmed by written notice to the owner or occupant of the premises, or to any person engaged in the performance of said work, or to a person causing said work to be done, or to the owner's agent. Failure to comply with such "stop work order" shall constitute a violation of this Section.

(e) Notices:

- (1) Any person in violation of any of the provisions of this Section shall be served a written notice by the County Health Officer or a County Environmental Health Specialist, or a law enforcement officer, or by certified mail return receipt requested, stating the nature of the violation and providing a time limit for satisfactory correction thereof.

(f) Appeals:

- (1) Appeals shall lie from any of the following decisions made or action taken by the County Health Officer or a County Environmental Health Specialist or any other employee of the County Health Department for:
 - (a) Denial of an application for a permit to construct, install, alter, add to, or repair an on-site sewage disposal system or privy;
 - (b) Prohibition or limitation of the use of an on-site sewage disposal system;
 - (c) A determination that work completed, in process or planned is in violation of any of the provisions of this Section, or that any other violation of the provisions of this Section exists.
- (2) An appeal may be filed with the County Board of Health by any person aggrieved or affected by any decision of the County Health Officer or a County Environmental Health Specialist or any other employee of the County Health Department within thirty (30) days of the making of such adverse decision or any right to appeal the decision shall be lost. The person appealing the decision shall specify the adverse decision appealed from and the grounds therefore. The County Health Officer or a County Environmental Health Specialist shall forthwith transmit to the County Board of Health copies of all of the papers constituting the record of the case. The County Board of Health,

(16-1-3-13) On-Site Sewage Disposal Systems

upon receipt of such notice and record, shall immediately select a reasonable time and place for the hearing of the appeal and shall give notice in writing to the appellant of the time and place thereof. The hearing of the appeal may be continued from time to time, but following the conclusion of the hearing, a decision on the appeal shall be rendered by the County Board of Health within twenty (20) days thereafter. Any person may appear and testify at such hearing, either in person or by counsel.

- (3) The County Board of Health shall hear and decide the appeal and in the case of an appeal, may overrule or modify the decision or determination of the County Health Officer, the County Environmental Health Specialist or the other employee of the County Health Department, whose decision is being appealed, if the County Board of Health determines that the matter was incorrectly decided. The County Board of Health cannot overrule or modify any decision that will allow the appellant to violate the Indiana Health Laws.
- (4) The concurring vote of a majority of the members of the County Board of Health shall be necessary to reverse or modify any determination or decision.

(g) Penalties:

- (1) Any person who violates any provision of this Section may be fined up to five hundred dollars (\$500) for the first violation, and up to one thousand dollars (\$1,000) for a second violation and up to one thousand dollars (\$1,000) for each subsequent violation. Each day after the expiration of the time limit to abate such conditions as ordered by the County Health Officer, or by a County Environmental Health Specialist shall constitute a distinct and separate offense.
- (2) The County Board of Health may employ an attorney for the County Health Department to seek any legal remedy available against any person who violates any provision of this Section. Such legal remedies may include an ordinance violation action for the assessment of a fine and filing for temporary and/or permanent injunctive relief. In all such actions the County Health Department may recover from a violator of this Section any attorney's fees incurred by the County Health Department in enforcing this Section.

(16-1-3-13) On-Site Sewage Disposal Systems

(h) Validity:

- (1) All provisions of the County Code in conflict herewith are hereby repealed.
- (2) The invalidity of any part of this Section, shall not affect the validity of any other part of this Section.

(i) Ordinance In Force:

This Ordinance amending 16-1-3-13 of the County Code shall become effective 30 days after adoption.

Adopted, this 14th day of MARCH, 1994.

The Board of Commissioners of the County of Grant, State of Indiana:

<u>Richard B. Puckett</u>	<u>Philip M. Rybolt</u>	<u>Mildred Lawson</u>
Richard Puckett	Philip M. Rybolt	Mildred Lawson

Attest: Jay K. Walters
Jay K. Walters, Grant County Auditor