

SEPTIC ORDINANCE for BROWN COUNTY, INDIANA

(DATE)

RESOLUTION

By the Board of Commissioners of Brown County, Indiana, as follows:

It is the desire of the Brown County Board of Health to amend the Ordinance No. 97-875 in regard to the construction, maintenance, and operation of private sewage disposal systems so as to include all areas throughout Brown County and providing penalties for violation thereof;

It is hereby ordained by the commissioners of Brown County that Ordinance No. 97-875 be amended to read as follows:

ARTICLE I

DEFINITIONS

Unless the context and Rule 410 IAC 6-8.2, specifically indicates otherwise, the meaning of terms used in this amended ordinance shall be as follows:

Section 101: “Bedroom” means any room that may be advertised as, reasonably implied to be, reasonably perceived as or potentially easily converted to a bedroom. An incomplete list of examples of such rooms includes: rooms that have a closet, rooms that are adjoined to a hallway, rooms that may be (but need not be) in close proximity to other bedrooms, rooms that may be equal to or approximate to size of other bedrooms, and rooms that may be (but need not be) adorned with or adjacent to a bathroom.

Section 102: “Health Officer” means the Brown County Health Officer or his agent.

Section 103: “Holding Tank” means a septic tank or equivalent that allows sewage to be held and NOT discharged into the soil, surface water, or ground water.

Section 104: “Private Sewage Disposal System” means any sewage disposal system not constructed, installed, maintained, and operated and owned by a municipality or a taxing district established for that purpose.

Section 105: “Privy” means a sewage disposal facility without running water that is constructed to ensure that it is fly-tight, rodent-free, and sanitary for the disposal of body wastes. Privy includes, but not limited to, an outhouse.

Section 106: “Public/Semi-Public Sewage Disposal Systems” means any type of facility that serves the public in general, and does not conform to the listed definitions of: Residential Sewage Disposal System or Dwelling as contained in Rule 410 IAC 6-8.2, Residential Onsite Sewage Disposal Systems .

Section 107: “Public Sewer” means 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.

Section 108: “Registered Septic Contractor” or “Registered Septic Installer” means a person who has passed the Brown County Health Department’s septic test or is IOWPA certified and has paid the annual septic installer’s fee.

Section 109: “Septic Permit” means the written approval by a local health department for the installation of a residential or commercial on-site sewage disposal system.

Section 110: “Sewage” means the water carried waste derived from ordinary living processes.

Section 111: “Sewage Disposal System” means pipes or chambers laid in a system of trenches or beds into which the effluent from the septic tank is discharged for soil absorption.

ARTICLE II

PRIVATE SEWAGE DISPOSAL SYSTEMS

Section 201: Where a public sewer is not available, all persons owning or leasing property shall comply with the following provision of this ordinance for private sewage disposal systems.

Section 202: 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 Brown County, Indiana or in any area under the jurisdiction of said county any human excrement or sewage.

Sewage 203: At any business building or private or semi-private dwelling situated within Brown County, Indiana which is not connected to a public sewer system and for which no public sewer system is available, there shall be a private sewage disposal system installed or constructed and maintained which shall comply with the standards of the Indiana State Department of Health as contained in Rule 410 IAC 6-8.2 or in such other manner as approved by the Indiana State Department of Health. Business buildings standards will also include Bulletin S.E. 13 and 410 IAC 6-10. Copies of the said Rule 410 IAC 6-8.2, 410 IAC 6-10 and Bulletin S.E. 13 are incorporated by reference as part of this section and two copies are filed in the county auditor office and county health office for public inspection.

Section 204: No privy, portable toilets, or composting toilets may be used as a primary or permanent septic disposal for a dwelling.

Section 205: The installation of any other private residential sewage disposal systems not described in Indiana State Department of Health Rule 410 IAC 6-8.2, of mechanical, chemical or other means may be approved by the Brown County Health Officer after plans and specifications bearing the written approval of the Indiana State Department of Health have been received.

Section 206: Should any defect exist or occur in any private sewage disposal system or **existing** privy which would cause said sewage disposal system or privy to fail to meet the requirements in Rule 410 IAC 6-8.2, 6-10, or Bulletin S.E. 11 and 13 and cause unsanitary conditions, the defect shall be corrected immediately by the owner or agent of the owner. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section 1001 of this ordinance.

Section 207: Whenever a public sewer becomes available and is within 300 feet of the property line of the residential or business property served by a private sewage disposal system or privy situated within the county of Brown, state of Indiana, a direct connection may be made to said sewer and any septic tanks, seepage-pits, outhouses, privy pits and similar disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

Section 208: Whenever a new business building or subdivision is developed in an area where a public sewer is available, a connection shall be made to that sewer if such connection can be made at a reasonable cost.

Section 209: After receiving an order in writing from the County Health Department, or duly appointed Health Officer; the owner, agent of the owner, the occupant, or agent of the occupant of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. Said order shall be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an owner.

Section 210: If a proposed subdivision of more than **four (4)** residences, or equivalent, is proposed, the subdivision must **connect to a** centralized sewage disposal system, cluster system, or treatment facility. (Does not apply to Cordry Sweetwater Conservancy District.)

Section 211: If a house or mobile home has burnt down, destroyed by an act of nature, removed or dismantled by the owner or agent of the owner, the septic system must meet the most updated septic system requirements before another house or mobile home is placed on the property.

Section 212: Before a private residence is remodeled, added-on, expanded, constructed, or altered, the floor plans of the proposed residence must be reviewed by the Brown County Health Department. If the alterations include a bedroom by Brown County Health Department's bedroom definition, the septic system must be updated to existing state and county codes.

Section 213: Pipe-and-gravel, chamber systems, mounds, tire chip systems and Presby systems are the only systems allowed to be installed in Brown County. Exceptions are state-approved experimental systems. Gravelless pipe systems are not allowed.

Section 214: Five (5) feet of solid Schedule 3034 pipe is required at the discharge end of the subsurface drain.

Section 215: Any current dwelling located in a flood plain in which there is a failed or no septic system, or where the septic system must be upgraded or increased in size, must install an elevated Presby or mound only. The bottom of the septic pipe must be 12" above the 100-year flood plain.

Section 216: If the installation deviates from the drawing, contractor's information sheet or specification sheet, the septic contractor must contact the Brown County Health Department for approval prior to installing the deviated portion of the septic system. If the Brown County Health Department is not contacted prior to installing the deviated portion of the septic system, the septic system will not be approved by the Brown County Health Department and shall not be used.

Section 217: All drawings and contractor's information sheets must reflect what has been installed prior to final approval by the Brown County Health Department.

Section 218: The elevation readings must be identified on drawings. Drawings without elevation readings will not be approved.

Section 219: For each dwelling, 500 square feet of subsurface absorption field for each bedroom with a minimum of 1000 square feet is required for soils with a soil loading rate of .3 or greater. Six hundred square feet of subsurface absorption field per bedroom is required for .25 soil loading rate. Presby systems shall be configured on state-approved guidelines. Additional square footage may be required as a result of the Soil Evaluation Report.

Section 220: A sewage disposal system must be installed prior to construction above ground level or a mobile home being placed on the property. This requirement may be waived by the Health Officer or his agent on a site-by-site basis. In such cases, the soil absorption area must be protected from vehicle traffic or anything that could cause compaction. Approval for a waiver must go through the health department and it must be signed by the environmental health specialist. A newly-constructed dwelling cannot be occupied until the septic permit is signed and an occupancy permit issued.

Section 221: Holding tanks will be approved in writing by the Brown County Health Department on a case-by-case basis for a temporary period only and must be equipped with a functioning alarm.

Section 222: The Brown County Health Department is not responsible for contracting an Indiana Registered Soil Scientist.

Section 223: Each property owner must obtain a Soil Evaluation Report with three soil borings per septic site. At least one of the three soil borings must be located within the soil absorption field or bed with the other two within 20' of the proposed area.

Section 224: A riser shall be at least 30 inches in diameter must be placed over an access opening in the top of the tank, and must be at least 1 ½" above ground level.

Section 225: All trench systems shall have five (5) feet of non-perforated pipe measured from the header trench to each absorption trench. This five (5) feet does not count for the calculation of a system's absorption area.

Section 226: Septic pits and/or dry wells are not permitted as sewage treatment systems.

Section 227: The distribution box must be coated with an asphaltic coating, with the exception of plastic distribution boxes, and contain speed levelers on each outlet pipe. Speed levelers are not required on Presby systems if the distribution box is used as a velocity reducer.

Section 228: Buildings, foundations, slabs, garages, patios, barns, outbuildings, aboveground and belowground swimming pools, retaining walls, roads, driveways, parking areas, decks, fences and paved sidewalks must be a minimum of 25' from absorption fields if it is located downslope from such absorption field without a perimeter drain.

Section 229: Trenches and beds must be on contour.

Section 230: Subsurface drains cannot be backfilled with sand.

Section 231: The following situations will require a septic system that meets or surpasses current standards and codes:

- The removal and/or replacement of a residential dwelling with a mobile home, double-wide, manufactured home, stick-built home, or any other type of residential dwelling regardless of the number of bedrooms.
- A change in use of a commercial structure to a residential dwelling, or vice versa.
- The addition of a bedroom to a residential dwelling.
- A change to a residential dwelling in which the number of bedrooms, or rooms that can be perceived as a bedroom, are more than what is listed on the property card and for which the septic system is not the appropriate size for the year which the house was built.
- An outbuilding (garage, shed, barn, etc) in which a shower, sink and toilet is added will be considered as a "bedroom" and the septic system must to be sized to accommodate such an addition.
- A dwelling in which a septic system was illegally installed or not approved by the Brown County Health Department.

Section 232: In repair situations only, if no other site is available, a Presby system can be installed at the same location as the old septic system. In such cases, the old septic system must be removed and Spec 23 sand added to fill the void. The Registered Septic Contractor must do all of the following:

- Allow the absorption field to dry completely.
- Remove the old septic pipe.
- Loosen the soil in smeared areas, such as trench walls and bottoms.
- Add Spec 23 sand up to original contour of the land.
- Begin Presby beds as stated in the manual.

Section 233: The low vent and high vent (if a high vent must be added) must include rodent guards at the outlet.

Section 234: On a high vent, a 4' solid pipe or other durable and stable structures are required for stability. Trees and other unstable structures are not acceptable.

Section 235: The septic tank shall not be placed more than 20' from the dwelling without the approval of the health department.

Section 236: The septic pipe from the house to the septic tank shall not contain bends of 90 degrees or more.

Section 237: The septic installer must perform a proper plasticity test in the area of the bed most likely to hold water (eg: the shadiest area, a dip in the area, etc). If the plasticity test shows the following, the installer must comply with the actions shown:

- Definitely dry – the installer can continue with installation of the septic system
- Debatable, borderline or “just dry enough to install” – the installer must contact the health department to make the determination
- Too wet to install – the installer must wait until the soils are dry enough as determined by a plasticity test

If a septic system is installed in wet conditions, the septic system installation will be put on hold until the soils are dry enough to determine the amount of damage.

Section 238: Subsurface drains must be at least 6 inches wide and include a swale near the interceptor and perimeter drains on the upslope side.

Section 239: The maximum distance a subsurface drain may be from an absorption field is 10 feet unless a greater distance is approved by the health department.

Section 240: If subsurface drains are filled with stone to the new surface, the state-mandated geotextile fabric must be placed in the drain trench at 6 inches below the new surface.

ARTICLE III

PUMP-AND-HAUL

Section 301: A holding tank must be pumped and checked for integrity by a licensed septic pumper. If the integrity of the tank is not sufficient to function properly, a new tank is required.

Section 302: An alarm must be installed and properly functioning. The alarm may be tested by the Brown County Health Department to ensure that it is continually functioning. The alarm must be visible, audible and located outside so it can be tested.

Section 303: Water usage reports are required to be sent to the Brown County Health Department for the last two months and concurrently during pump-and-haul.

Section 304: Pump-and-haul receipts are required to be sent to the Brown County Health Department concurrently with pump-and-haul.

ARTICLE IV

PERMITS AND INSPECTIONS

Section 401: Prior to construction of any building or private residence in which a septic system is required or is to be altered, the owner or agent of the owner shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by the County Health Department and said application shall be supplemented by any plans,

specifications and other information required by this ordinance, other applicable law or regulation, or deemed necessary by the County Health Officer. After submittal of plans, specifications, and other information; said plans shall be reviewed prior to issuance of a permit. A permit and inspection fee shall be paid at the time the application is filed.

Section 402: A sewage disposal system shall not become active until the Sewage Disposal System Permit is signed for backfill approval by an environmental health specialist.

Section 403: The County Health Officer or his agent, shall be allowed to inspect the work at any stage of construction; and, in any event, the installer shall notify the County Health Officer or his agent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two working days, weather permitting, of receipt **from the registered septic contractor** of the said notice by the County Health Officer **or his agent**. **The registered septic contractor may** be required to uncover any improperly covered up work to allow inspection.

Section 404: The permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

Section 405: Before commencement of construction of any public or semi-public building or establishing a recorded subdivision, all plans and specifications must be submitted to the Indiana State Department of Health for review and letter or approval. Upon receipt of letter of approval, a local construction permit must be obtained.

Section 406: A septic permit is required for all work on septic systems except for adding speed levelers to the distribution box, cleaning the septic tank, repairing the line from the house to the tank, changing or adding a filter, and adding more soil over the absorption field. Other exceptions are at the discretion of the health department.

Section 407: Additional soil cover (if required) and seeding and strawing over the absorption field is the responsibility of the Registered Septic Contractor and will be required prior to final approval by the Brown County Health Department.

Section 408: All permits issued for construction of a private sewage disposal system are valid for a period of one (1) year from date of issue. All construction must be completed within the one year period. Otherwise, applicants must reapply for a new permit and pay another permit fee.

Section 409: **Inspection** requests must include the permit number. The permit must be available on site. Failure to have the permit on site will cause a postponement of the inspection.

Section 410: The Brown County Health Department has the authority to administer a stop-work order and the septic installer shall not continue any work until the stop-work order has been lifted.

Section 411: A septic site must be cleared of heavy, dense brush enough so that all flags can be easily found. Heavy, dense brush must be removed but the ground must not be altered or disturbed by means such as scraping, removing trees, etc. If the septic site is not cleared of heavy, dense brush, the site evaluation will be postponed until the area is cleared and a re-inspection fee will be incurred. If the ground is disturbed, a new septic site may be required.

Section 412: For site evaluations, the septic system must be flagged with a flag at the beginning and a flag at the end of each trench or bed, and a flag approximately every 20' along each finger or upper and lower edge of each bed.

Section 413: If a site evaluation results in the denial of final approval by an environmental health specialist, the decision must be reviewed by another EHS and the Health Officer. The reviewing EHS and Health Officer may affirm, overturn or modify the decision of the first EHS, and they may attach such additional conditions as they deem necessary for final approval.

Section 414: At least one inspection port is required in the subsurface drain for septic inspection. If a port is not installed for inspection, a final inspection will not occur nor will the septic system be approved. If re-inspection is made necessary due to the absence of an inspection report, a re-inspection fee will be incurred for any subsequent inspection.

Section 415: If a property has a gate or other device restricting access, the gate or device must be unlocked for a site evaluation. If it is locked, a re-inspection fee will be incurred for any subsequent inspection caused by the locked gate or device.

ARTICLE V

REGISTRATION FOR INSTALLERS

Section 501: Any person engaged in or intending to engage in the installation or repair of sewage disposal systems within Brown County shall **submit an** application to the Health Officer to have his name placed on the County Register **and pay the annual Brown County contractor's fee prior to any septic system service within Brown County.**

Section 502: Upon receipt of the application, the County Health Officer or his **agent** will insure that the applicant is knowledgeable of state and county rules and requirements. The applicant will complete a written test of these requirements **and must score a minimum of 80% correct answers.** Upon satisfactory completion of this test, the County Health Officer will place the applicant's name on the register of persons engaged in the installation, construction, or repair of sewage disposal systems within Brown County. **If the applicant scores less than 80% correct answers, he/she can re-take the test after 30 days.**

Section 503: The County Health Officer or agent may remove the name of any person or firm from the register of persons engaged in the installation, construction, and repair of sewage disposal systems who has demonstrated inability or unwillingness to comply with these rules and requirements. The individual or firm so removed may reapply after a **one year** period by demonstrating the ability **and** willingness to comply with state and county requirements. **If after reapplying, the individual or firm continues to demonstrate unwillingness or the inability to comply with the state and county rules and requirements, the individual or firm may be permanently removed from installing, constructing and repairing of sewage disposal systems in Brown County.**

Section 504: A registered septic contractor must be on-site during the septic installation and inspections. If the registered septic contractor is not on-site during the septic installation and inspections, no other inspections or contractor services may be performed for 90 days from the date the absence of the required septic contractor is made known to the health department.

Section 505: If a contractor does not install a septic system for the period of one (1) year, his name shall be removed from the County Register. If a contractor wishes to have his name reinstated for septic system installation, he must contact the County Health Officer make a written request for said reinstatement and take/pass the written installer's test with a score of 80% correct answers or better.

Section 506: A registered septic installer can only install those systems that the installer is certified to install. A Presby, Technology New to Indiana (IAC 6-8.2, Section 48), or chamber system requires specialized certification. Proper certification is required prior to any person providing any septic services provided in Brown County.

ARTICLE VI

POWERS FOR INSPECTION

Section 601: The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurements, sampling, and testing necessary to carry out the provisions of this ordinance.

ARTICLE VII

VISUAL INSPECTIONS

Section 701: If the property owner or agent of the owner requests a visual inspection, the Brown County Health Department may require additional information on the septic system in order to provide an accurate and adequate inspection. If the Brown County Health Department does not have sufficient information on the current septic system on file, the requestor must hire a registered septic contractor to locate the septic system, prepare a drawing of the system and fill out a Septic System Information form.

Section 702: If a visual inspection is requested at a property vacant for two months or more a dye test on the septic system at the owner's expense will be required. An Environmental Health Specialist may be present for the dye test.

ARTICLE VIII

TOURIST HOMES AND BED & BREAKFASTS

Section 801: Visual inspections for proposed tourist homes and proposed bed & breakfasts are required. If the septic system does not meet current standards, the septic system must be upgraded to meet or exceed current standards.

Section 802: The size of the absorption field on a proposed tourist home will be determined by the maximum number of guests per Planning and Zoning's allotment at two people per bedroom.

ARTICLE IX

NOTICES

Section 901: Any person found to be violating any provisions of this ordinance may be served by the County Board of Health or the duly appointed Health Officer or his agent with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

ARTICLE X

PENALTIES

Section 1001: Any person convicted of violating any portion of this ordinance shall be punished for the first offense by a fine of **one thousand dollars (\$1,000)**; for the second offense by a fine of **two thousand, five hundred dollars (\$2,500.00)**; and for the third and each subsequent offense by a fine of **five thousand dollars (\$5,000.00)**. Each day after the expiration of a time limit set by the Board of Health, County Health Officer, or his agent for abating unsanitary conditions or completing improvements to abate such conditions constitute a separate offense.

ARTICLE XI

VALIDITY

Section 1101: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1102: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

ARTICLE XII

AMENDED ORDINANCE IN FORCE

Section 1201: This amended ordinance shall be in full force and effect from and after its passage, recording and publication as required by law.

Section 1202: Should any of the statutes providing the authority for this ordinance be replaced or amended by an Act of the Indiana Legislature, the statutory references herein shall be construed to refer to the statutes replacing or amended by that Act. Should said statutes be repealed, this ordinance shall remain in effect pursuant to Brown County's authority to enact ordinances under Indiana Home Rule statutes, in which case the references to statutory authority herein shall be deemed surplusage.

Section 1203: This ordinance supersedes the Brown County Indiana ordinance 1997-875. Upon this ordinance taking effect, Ordinance 1997-875 shall be void and no longer in effect.

_____ SO ORDAINED, this _____, 2012.

BOARD OF COMMISSIONERS OF BROWN COUNTY INDIANA

Mary Fouch, President

Darrell Kent, Vice President

John Kennard, Commissioner