

# HENDRICKS COUNTY BOARD OF COMMISSIONERS

PHYLLIS A. PALMER, PRESIDENT  
BOB GENTRY, VICE PRESIDENT  
DENNIS W. DAWES, MEMBER



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## NOTICE OF PUBLIC HEARING OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDRICKS, INDIANA

In accordance with IC 5-3-1-2(b), notice is hereby given that the Board of Commissioners of the County of Hendricks, Indiana will hold a Public Hearing during the Commissioners' Meeting on Tuesday, October 10, 2023 at 9:00 AM in the Commissioners' Meeting Room at the Hendricks County Government Center; 355 S. Washington Street, Suite 140 in Danville, Indiana for Ordinance No. 2023-28, Hendricks County Onsite Sewage System Ordinance, to amend Ordinance No. 2013-05 regarding onsite sewage systems.

A full copy of the proposed ordinance is available in the Hendricks County Commissioners' Office located at the Hendricks County Government Center, 355 S. Washington Street, Suite 100 in Danville, Indiana between the hours of 8:00 AM and 4:00 PM, Monday through Friday, excluding holidays and on the County's website at [www.co.hendricks.in.us](http://www.co.hendricks.in.us).

Hendricks County Government acknowledges its responsibility to comply with the American Disabilities Act of 1990. In order to assist individuals with disabilities who require special accommodations for participation in or access to County sponsored public programs, services and or meetings, please contact the Commissioners' Office at (317) 745-9221 at least forty-eight (48) hours before the scheduled program, services and/or meeting.

The Board of Commissioners of the County of Hendricks, Indiana

Phyllis A. Palmer, President  
Bob Gentry, Vice President  
Dennis W. Dawes, Member

## **ORDINANCE NO 2023- 28**

### **HENDRICKS COUNTY**

#### **ONSITE SEWAGE SYSTEM ORDINANCE**

##### **I. Definitions**

- A. In additions to the definitions in Rule 410 IAC 6-8.3 “Residential Onsite Sewage Systems” or Rule 410 IAC 6-10.1 “Commercial Onsite Sewage Systems”, the following definitions apply throughout this Ordinance.
1. “Board of Health” means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.
  2. “Certified Installer” means a person who holds an Installer Certificate by the Indiana Onsite Wastewater Professionals Association or by a certification entity recognized by the Health Officer.
  3. “Hearing” means a session in which witnesses are heard and testimony is taken.
  4. “Indiana Department of Health” means the state agency having authority to regulate onsite sewage systems.
  5. “Notice of Violation” means a written notification of a violation of this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1.
  6. “Order” means a written mandate a person is directed to obey.
  7. “Plot Plan” means a graphic representation certified by an engineer or a professional surveyor currently registered in Indiana, which identifies the topography, locations, current ground elevations and elevations of the proposed improvements.
  8. “Repair Installation” means the repair or replacement of any onsite sewage system component other than the replacement or expansion of a soil absorption field.
  9. “Rule 410 IAC 6-8.3” means an Indiana Department of Health regulation that establishes standards for residential onsite sewage systems and any amendments thereto.
  10. “Rule 410 IAC 6-10.1” means an Indiana Department of Health regulation that establishes standards for commercial onsite sewage disposal systems.
  11. “Staked” means a lathe stake or equivalent at each end of all proposed trenches or the four corners of the basal area and aggregate bed for a sand mound system.
  12. “Violation” means a breach of law.

##### **II. General Requirements**

- A. All residential onsite sewage systems shall be designed and installed in accordance with Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 except as stated below:
1. The minimum size of a new septic tank used in all installations shall be a minimum of one thousand (1000) gallons.
  2. An outlet filter shall be required for all installations.
  3. All subsurface drain system trenches installed shall be filled to within six (6) inches of final grade with aggregate which meets the minimum requirements of Rule 410 IAC 6-8.3- 59 and Rule 410 IAC 6-8.3-68, washed aggregate with a gradation in the range of INDOT Specifications 8-11, INDOT Specification 23 sand or equivalent and the final six inches to final grade with cover soil material.
  4. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an onsite sewage system, holding tank, or sanitary vault privy; a direct connection

shall be made to said sewer and the onsite sewage system, holding tank, or sanitary vault privy be abandoned according to Rule 410 IAC 6-8.3-90. An Onsite Wastewater Disposal System may be permitted if connection to sewer is cost prohibitive. Connection to sanitary sewer is considered "cost prohibitive." as evidenced by all of the following:

- a. three written cost estimates for sanitary sewer connection, and
  - b. a site-specific design for installation of a replacement system that meets all requirements of Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1.
  - c. three written estimates for construction of the designed system in (b) a Certified Installer, and
  - d. the lowest realistic cost estimate for connection to sanitary sewer is more than two and one half times the lowest realistic cost estimate for installation of the approved on-site wastewater disposal system.
5. All installations shall be completed by a Certified Installer.
  6. Any lot requiring approval utilizing the Hendricks County Subdivision Control Ordinance and being served by an onsite wastewater disposal system must provide a primary septic field location and may provide a secondary (future) septic field location. A soil profile analysis completed by a Soil Scientist must have three soil borings in the primary septic field location and one soil boring in the secondary septic field location which meet the requirements in Rule 410 IAC 6-8.3 and Rule 410 IAC 6-10.1. The secondary septic field must be a minimum of three thousand five hundred (3500) square feet, designated with an easement.

**B. Sewage Holding Tanks**

1. Sewage holding tanks shall meet the requirements of a septic tank and may be utilized in accordance with Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1 and IC 16-41-25-9 for up to one year.
2. Sewage holding tank(s) must be watertight, and constructed of durable material such as concrete, fiberglass, or polyethylene.
3. A sewage holding tank may be utilized due to a failed existing onsite wastewater disposal system by applying for an Onsite Sewage System Repair Permit. Pump receipts must be submitted to the Hendricks County Health Department within forty-eight (48) hours of the tank being pumped.
4. Temporary occupancy of a newly constructed residence utilizing a sewage holding tank maybe granted if the builder and/or the homeowner meet the following requirements:
  - a. Hold a valid Hendricks County Onsite Wastewater Disposal Permit
  - b. Apply for Hendricks County Sewage Holding Tank Permit.
  - c. Provide a satisfactory water sample result if the home is served by a groundwater well.
  - d. Agree to forward pump receipts to the Hendricks County Health Department within forty-eight (48) hours of tank being pumped.
  - e. Escrow funds for pumping the holding tank plus one hundred fifty percent (150%) of the construction cost for the incomplete onsite sewage system construction.
  - f. Have an Agreement and Escrow Agreement, drafted by the Hendricks County Health Department Attorney, and signed by the builder, homeowner, and Health Department Attorney.

**III. Permitting**

- A. The application for an onsite sewage system permit shall be made on a form provided by the Hendricks County Health Department. At all times, from the start of installation to the time of inspection, the approved plot plan and permit shall be available on site.

- B. Any deviation from the permit or approved plan must be approved by the Hendricks County Health Department prior to modification. An as-built plot plan showing the actual installation details including the unplanned modifications will be required before final approval.
- C. All Permits are valid for a period of two years after the date issued. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee.
- D. An existing Onsite Sewage Disposal Permit must be on file in the Hendricks County Health Department in order to apply for a repair permit except for the utilization of a sewage holding tank.
- E. The applicant shall provide the following:
  - 1. Residential Onsite Sewage System Permit
    - a. A signed application for an onsite sewage system permit.
    - b. Two copies of the plot plan prepared by an engineer, professional surveyor or architect currently registered in Indiana. The plot plan shall certify that the sewage system will comply with this Ordinance and Rule 410 IAC 6-8.3, , if properly constructed, operated and maintained.
    - c. A soil profile analysis prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field. The samples sites must be representative of the soils within the absorption field.
    - d. A floor plan of the proposed dwelling.
    - e. Confirmation that the proposed onsite sewage system has been staked, prior to the on site plan review by the Hendricks County Health Department.
    - f. If a recorded affidavit is supplied, it must be on a form provided by the Hendricks County Health Department that is signed by the owner, notarized and recorded with the Hendricks County Recorder's Office.
    - g. All appropriate fees outlined in the Hendricks County Ordinance for Collection of Fees.
    - h. Any additional information deemed necessary by the Health Officer.
  - 2. Residential Onsite Sewage System Repair Permit
    - a. A signed application for an onsite sewage system repair permit.
    - b. A drawing of the proposed repair, unless waived by the Hendricks County Health Department.
    - c. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
    - d. Any additional information deemed necessary by the Health Officer.
  - 3. Commercial Onsite Sewage System Permit
    - a. A signed application for an onsite sewage system permit.
    - b. A soil profile analysis prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field.
    - c. An approval letter and two copies of the approved plot plan from the Indiana Department of Health, or the Technical Specification Data Report, with two copies of the plot plan that meets the specified requirements, prepared by an engineer or architect currently registered in Indiana.
    - d. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
    - e. Any additional information deemed necessary by the Health Officer.

#### **IV. Approval**

The Health Officer or agent shall be allowed to inspect the work at any stage of installation. The

permittee shall notify the Health Officer or agent when the work is ready for final inspection and at least two working days before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the Health Officer or agent. The Health Officer or agent, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this Ordinance, and Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1. Final approval of the installation for an onsite sewage system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent.

## **V. Enforcement**

Whenever the Health Officer or agent determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.3, or Rule 410 IAC 6-10.1, the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, as hereafter provided. Such notice shall:

1. Indicate the date and location of the violation.
2. Clearly indicate the nature of the violation and the related ordinance citation.
3. Allow a reasonable time for the performance of necessary remediation.
4. Be properly served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:
  - a) Sent to the person directly.
  - b) Sent by registered mail to the last known mailing address of the person.
  - c) Posted in a conspicuous place in or about the property affected by the notice.
  - d) Other method of service authorized or required under the laws of this state.

Whenever the Health Officer or agent find that an emergency exists which requires immediate action to protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.3 and Rule 410 IAC 6-10.1 such order shall be effective immediately.

## **VI. Appeal Process**

Any person or persons affected by enforcement or permit denial issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department.

Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical but no later than thirty (30) days after receipt of request unless the Health Officer and the Appellant agree in writing to a later date.

Any notice served pursuant to Section V of this Ordinance shall automatically become an order if a written request for a hearing is not received within ten (10) calendar days after receipt of the Notice of Violation is served.

At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why the Notice of Violation should be modified withdrawn, or the permit should be issued. Additionally, the Health Officer or agent shall be given time to explain the circumstances of the Notice of Violation.

After such hearing, the Hendricks County Board of Health shall sustain, modify, or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1, have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order. If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the Chairperson of the Board of Health. The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

## **VII. Penalties**

Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

## **VIII. Unconstitutionality Clause**

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

## **IX. Repeal and Effective Date**

Any ordinance or parts of ordinances in conflict with this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 are hereby repealed. This Ordinance shall be in full force and effect from and after its passage and approved according to law.

Passed and adopted by the Board of Commissioners of Hendricks County on **DATE** \_\_\_\_\_

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Phyllis A. Palmer, President

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Bob Gentry, Vice President

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Dennis W. Dawes, Member

ATTEST: \_\_\_\_\_

Hendricks County Auditor

Approved by the Technical Review Panel, established by the Indiana Department of Health, on **Date** \_\_\_\_\_