

ORDINANCE NO 2024 - 22

HENDRICKS COUNTY

ONSITE SEWAGE SYSTEM ORDINANCE

Section A: Definitions

1. "Plot Plan" means a graphic representation certified by an engineer, a professional surveyor, or architect currently registered in Indiana, which identifies the topography, locations, easements, current ground elevations and elevations of the proposed improvements.
2. "Repair Installation" means the repair or replacement of any onsite sewage system component other than the replacement or expansion of a soil absorption field.
3. "Registered Installer" means any individual who performs any work in furtherance of construction, installation, replacement, alteration, or repair of any residential or commercial onsite sewage system.

Section B: General Requirements

1. All persons owning, leasing, or otherwise occupying property that has a residence, residential outbuilding or commercial facility with plumbing not connected to sanitary sewer shall comply with the requirements of Rules 410 IAC 6-8.3 et. seq., 410 IAC 6-10.1 et. seq., and/or Bulletin S.E. 11, 2021 version, as applicable, and the provisions of this ordinance for an on-site sewage system.
2. Any installation, repair, replacement, alteration or modification must be completed by a Registered Installer who shall be deemed responsible for the work. A Registered Installer must:
 - a. Apply to the Hendricks County Health Department for registration on a form provided by the department.
 - b. Provide proof of a valid Installer Certificate issued from the Indiana Onsite Wastewater Professionals Association (IOWPA) or another entity recognized by the Health Officer.
3. In the event of a residential or commercial on-site sewage system failure the residence, residential outbuilding, or commercial facility shall be required to make a connection to sanitary sewer, if the sanitary sewer is available within three hundred (300) feet of the affected property line and is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimated for installing an on-site sewage system to serve the residence, residential outbuilding or commercial facility.
4. In the event that a sewage holding tank is not operated in a safe and sanitary manner and in accordance with IC 16-41-25-9 and this ordinance, the Hendricks County Health Department may require the residence, residential outbuilding, or commercial facility to:
 - a. Connect to sanitary sewer if the sanitary sewer is available within three hundred (300) feet of the affected property line and is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimated for installing an on-site sewage system to serve the residence, residential outbuilding or commercial facility; or
 - b. Install an on-site sewage system with a soil absorption field in compliance with

Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 or connect to an existing system that has not failed.

5. Any lot subdivided after the adoption of this Ordinance, being served by an onsite sewage system, and requiring approval utilizing the Hendricks County Subdivision Control Ordinance, must be at least one and one half (1.5) acres and provide a soil absorption field area. A soil profile analysis prepared by a Soil Scientist consisting of at least three (3) sample sites in the area of the proposed soil absorption field is required. The sample sites must be representative of the soils within the absorption field and meet the requirements in Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1.
6. Sewage Holding Tanks
 - a. Sewage holding tanks must meet all requirements of a septic tank as defined in Rule 410 IAC 6-8.3 and Rule 410 IAC 6-10.1.
 - b. All permanent sewage holding tanks must hold at least three (3) times the design daily flow.
 - c. Pump receipts must be submitted to the Hendricks County Health Department within thirty (30) days of the tank being pumped.
 - d. All holding tanks shall be required to have an operating permit issued by the Hendricks County Health Department. Operating permits shall be renewed annually and are valid from January 1 to December 31 of the same year.

Section C: Permitting

1. At all times, from the start of installation to the time of inspection, the approved plan and permit shall be available on site.
2. Any deviation from the permit or approved plan must be approved in writing by the Hendricks County Health Department prior to modification. A Plot Plan showing the installation details including the unplanned modifications will be required.
3. All construction permits are valid for a period of two years after the date issued. After expiration of the permit, construction may not begin without reapplication, payment of the permit fee, and reissuance of a permit.
4. The applicant shall provide the following with their signed permit application:
 - a. Residential Onsite Sewage System Permit
 - i. Two copies of the Plot Plan.
 - ii. A soil profile analysis prepared by a Soil Scientist consisting of at least three (3) sample sites in the area of the proposed soil absorption field. The sample sites must be representative of the soils within the absorption field.
 - iii. A floor plan of the proposed/existing dwelling showing all doors, windows, closets, and walls.
 - iv. Confirmation that the proposed onsite sewage system has been staked or marked at each end of all proposed trenches, any bends, the four corners of the basal area for a sand-based system, and aggregate bed for an elevated sand mound system.
 - v. 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.
 - vi. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
 - b. Residential Onsite Sewage System Repair Permit

- i. An IOWPA inspection form completed by a Registered Installer may be required.
 - ii. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
- c. Sewage Holding Tank Permits
 - i. A Sewage Holding Tank Construction Permit requires:
 - 1. A signed application for an onsite sewage holding tank permit.
 - 2. A construction plan of sufficient clarity to show compliance with this ordinance.
 - 3. A copy of a written contract with an operator of a septage management vehicle providing for the removal of septage at regular intervals.
 - 4. 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.
 - 5. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
 - ii. An Operating Permit issuance or renewal requires:
 - 1. A signed application for an onsite sewage holding tank operating permit.
 - 2. An inspection report by a Registered Installer for verification of proper operation of the tank and alarm system.
 - 3. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
- d. Commercial Onsite Sewage System Permit
 - i. A signed application for an onsite sewage system permit.
 - ii. A soil profile analysis prepared by a Soil Scientist consisting of at least three (3) sample sites in the area of the proposed soil absorption field. The sample sites must be representative of the soils within the absorption field.
 - iii. An approval letter and two copies of the approved Plot Plan from the Indiana Department of Health, or the Technical Specification Data Report indicating the project has been delegated to the Hendricks County Health Department with two copies of the Plot Plan that meets the specified requirements.
 - iv. Confirmation that the proposed onsite sewage system has been staked or marked at each end of all proposed trenches, any bends, the four corners of the basal area for a sand-based system, and aggregate bed for a sand mound system.
 - v. All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.

Section D: Approval

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

Section E: Enforcement

1. 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:
 - a. Indicate the date and location of the violation.
 - b. Clearly indicate the nature of the violation and the related ordinance citation.
 - c. Allow a reasonable time for the performance of necessary remediation.
 - d. 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:
 - i. Sent to the person directly via first class mail;
 - ii. Sent by certified mail to the last known mailing address of the person;
 - iii. Posted in a conspicuous place in or about the property affected by the notice; or
 - iv. Other method of service authorized or required under the laws of this state.
2. Whenever the Health Officer or agent finds 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 alleviate 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.

Section F: 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 petitioner agree in writing to a later date.

Any notice served pursuant to Section E 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 or 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.

Section G: 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 as described in IC 16-20-1-26. Each individual day that a violation is in existence may be deemed a separate offense.

Section H: 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.

Section I: 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: June 25, 2024.

BOARD OF COMMISSIONERS

Phyllis A. Palmer

Phyllis A. Palmer, President

Bob Gentry

Bob Gentry, Vice President

Dennis W. Dawes

Dennis W. Dawes, Member

ATTEST: Nancy Marsh clk

Hendricks County Auditor

Approved by the Technical Review Panel on: _____