

ORDINANCE NO 2013- 05

HENDRICKS COUNTY

ONSITE SEWAGE SYSTEM ORDINANCE

I. Definitions

- A. In additions to the definitions in 410 IAC 6-8.3, the following definitions apply throughout this Ordinance.
1. "Affidavit Form" means a form provided by the Hendricks County Health Department that is signed by the owner, notarized and recorded.
 2. "Board of Health" means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.
 3. "Commercial" means any type of building other than a one or two family dwelling.
 4. "Hearing" means a session in which witnesses are heard and testimony is taken.
 5. "Health Officer" means the Health Officer having jurisdiction in Hendricks County Indiana.
 6. "Indiana State Department of Health" means the state agency having authority to regulate onsite sewage systems.
 7. "Notice of Violation" means a written notification of an ordinance violation.
 8. "Order" means a written mandate a person is directed to obey.
 9. "Plot Plan" means a graphic representation certified by an engineer, professional surveyor or architect currently registered in Indiana, which identifies the topography, locations, current ground elevations and elevations of the proposed improvements.
 10. "Repair Installation" means the repair or replacement of any onsite sewage system component other than the replacement or expansion of a soil absorption field.
 11. Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" means an Indiana State Department of Health regulation that establishes standards for residential sewage systems and any amendments thereto.
 12. Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" means an Indiana State Department of Health regulation that establishes standards for commercial onsite sewage disposal systems.
 13. "Soil Profile Analysis Report" means a written description and interpretation of the physical and chemical properties of a soil from sample sites. The written soil profile report must include a detailed soil profile description of the properties of the soil at each sample site. All sample sites must be evaluated and described in the soil profile report.
 14. "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.
 15. "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 "Residential Onsite Sewage Systems" 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:
 - a. Filled to within six (6) inches of final grade with aggregate which meets the minimum requirements of 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 (6) inches to final grade with cover soil material.
4. Temporary sewage holding tanks must be watertight, and constructed of durable material such as concrete, fiberglass, or polyethylene; that is equipped with both audible and visible alarms.
5. All designs for commercial onsite sewage systems must have approval from the Indiana State Department of Health, prior to installation. All designs and installations must be done in accordance with Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" and amendments unless specific written exemption is obtained from the Indiana State Department of Health.
6. 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.
7. The onsite sewage system shall be installed by a person, who is certified by the Indiana Onsite Wastewater Professionals Association or by a certification entity recognized by the Health Officer.

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 construction 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 one year after the date issued. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee. This reapplication procedure may be waived by the Hendricks County Health Department.
- D. 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, Residential Onsite Sewage Systems, if properly constructed, operated and maintained.
 - c) A soil profile analysis report 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) All appropriate fees outlined in the Hendricks County Ordinance for Collection of Fees.
 - g) 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 report 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 State 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 construction. 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. Permit Denial

Upon denial of a valid permit application, the applicant may request a hearing with the Hendricks County Board of Health. The request must be in writing and received with ten (10) calendar days after receipt of the denial. Upon receipt of a request of a hearing, the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided that IC 5-14-1.5-5(Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.

At such hearing, the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied. At the conclusion of the hearing, the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems". 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.

All proceedings of such hearing, including the findings and decision of the 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. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

VI. 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 “Residential Onsite Sewage Systems”, or Rule 410 IAC 6-10.1 “Commercial Onsite Sewage Systems”, 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.

Any person or persons affected by any such notice 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 after receipt of request hereof, provided that IC 5-14-1.5-5 (Open Door Law) is complied with. 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 such Notice of Violation should be modified or withdrawn. 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 “Residential Onsite Sewage Systems” or Rule 410 IAC 6-10.1 “Commercial Onsite Sewage Systems”, 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.

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.

Whenever the Health Officer, or his representative, 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 "Residential Onsite Sewage Systems" and Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" such order shall be effective immediately.

Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible in the manner provided in Section V. After such hearing, depending upon the findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.3 Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

VII. Penalties

Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" 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 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" 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 March 26th, 2013.