

Ordinance No. 2013-- 62

**AN ORDINANCE AMENDING THE JEFFERSON COUNTY CODE
REGULATING THE ENVIRONMENTAL HEALTH AND INSTALLATION,
CONSTRUCTION, MAINTENANCE, OPERATION AND REPAIR OF
RESIDENTIAL AND COMMERCIAL ON-SITE SEWAGE SYSTEMS IN
JEFFERSON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF.**

**Be it ordained and enacted by the Board of Commissioners of Jefferson
County, State of Indiana as follows:**

SECTION I:

The existing Title 16 Article 1 Chapter 3 is hereby repealed and replaced with this ordinance upon the effective date of this ordinance.

SECTION 11:

**This ordinance shall be designated Title 16, Article 1, Chapter 3, Section 1,
and following:**

**SECTION 1
DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(A): "Aeration Type Tank" shall mean any tank or device designed to receive and treat sewage by causing or inducing air to circulate or combine with the contents creating an aerobic bacterial condition to exist and must be connected to an appropriate lateral field.

(B): "Bedroom" means either any room:

(1) in a residence that the local health department and the owner agree could be occupied for the purpose of sleeping and contains an area of seventy (70) square feet or more, at least one (1) operable window or exterior door for emergency egress or rescue, and, for new construction, a closet; or

(2) declared by the owner, by recorded affidavit supplied to the local health department, that will be occupied for sleeping, and that the owner further agrees within the affidavit not to occupy any additional rooms for the purpose of sleeping or otherwise represent to others that any room, beyond the number specified in the affidavit, may be utilized for sleeping, without approval of the Jefferson County Health Department.

(C): "Board of Health" shall mean the Board of Health having jurisdiction in Jefferson County, State of Indiana.

(D): "Bulletin No. S. E. 11" shall mean Indiana State Department of Health Bulletin No. S. E. 11 entitled "The Sanitary Vault Privy" as up-dated or amended from time-to-time, and any bulletin or publication, which may hereafter be published by the Indiana State Department of Health as a supplement or successor to said Bulletin No. S. E. 11. Copies of said Bulletin No. S. E. 11, and of any supplemental or successor publication shall be on file in the office of the Jefferson County Health Department for public inspection during regular business hours.

(E): "Commercial On-site Sewage Systems" (Indiana State Department of Health Rule 410 IAC 6-10.1 shall mean all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of wastewater from other than one- or two-family dwellings. Included within, but not limited to, the scope of this definition are building sewers, grease traps, septic tanks, dosing tanks, absorption fields, perimeter drains, vault privies, and temporary wastewater holding tanks serving such facilities as apartment buildings, campgrounds, churches, commercial establishments, condominiums, medical facilities, mobile home parks, motels, office buildings, restaurants, and schools.

(F) "Commercial onsite sewage system failure" shall mean a commercial onsite sewage system that exhibits one or more of the following:

(1) The onsite sewage system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent is discharged from the onsite sewage system causing contamination of a potable water supply, ground water, or surface waters.

A failed residential onsite sewage system is a health hazard.

(G): "Distribution box" shall mean a structure designed to distribute effluent by gravity from a septic tank equally into the pipes of an absorption system connected thereto, and must be listed as an approved distribution box and meet construction standards by the Indiana State Department of Health 410 IAC 6-8.3-66

(H): "Existing System Verification" shall mean verification is issued in a situation where the on-site sewage system already exists and a new home or an addition is being connected into the established system.

(I): "Health Hazard" means any situation or state of events which poses a threat to the surrounding natural environment and adversely effects people's health and safety.

(J): "Health Officer" shall mean the Health Officer having jurisdiction in Jefferson County, State of Indiana, or the Health Officer's designated agent.

(K): "Indiana State Department of Health Rule 410 IAC 6-8.3, Residential On-site Sewage Systems" shall mean "Indiana State Department of Health Rule 410 IAC 6-8.3, Residential On-site Sewage Systems," as up-dated or amended from time-to-time, by the Indiana State Department of Health as a supplement or successor to "Indiana State Department of Health Rule 410 IAC 6-8.3, Residential On-site Sewage Systems." Copies of said "Indiana State Department of Health Rule 410 IAC 6-8.3, Residential On-site Sewage Systems," and of any supplemental or successor publication shall be on file at the Jefferson County Health Department for public inspection during regular business hours.

(L): "Installer" shall mean any person engaged in or intending to engage in the installation, construction or repair of on-site systems or equipment in Jefferson County.

(M): "Owner" shall mean the owner of a residential or commercial site or his or her agent.

(N): "Person" shall mean an individual, partnership, association, joint venture, syndicate, trust, firm, corporation, city, town, or other government department, bureau or agency, or any other entity recognized by law.

(O): "Privy" shall mean a fly tight and rodent proof structure designed for the disposal of human waste and must be properly constructed according to Indiana State Health Department Bulletin S.E. 11.

(P): "Public Sewer" shall mean any sewer terminating at a sewage treatment plant constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.

(Q): "Residential On-Site Sewage System" or "on-site system" shall mean temporary sewage holding tanks, sanitary vault privies, and all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a one (1) or two (2) family dwelling. Included within, but not limited to the scope of this definition, are residential sewers, septic tanks, soil absorption system, temporary sewage holding tanks, and sanitary vault privies.

(R) "Residential onsite sewage system failure" shall mean a residential onsite sewage system that exhibits one or more of the following:

(1) The onsite sewage system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent is discharged from the onsite sewage system causing contamination of a potable water supply, ground water, or surface waters.

A failed residential onsite sewage system is a health hazard.

(S): "Residential sewer" means the horizontal sewer pipe beginning two (2) feet outside the foundation of the residence or other structure.

(T): "Rule 410 IAC 6-10.1" governs construction, installation and modification of commercial on-site sewage systems.

(U): "Sanitary Sewer" shall mean a sewer or a system of sewers which convey sewage away from the lot on which it originates to a wastewater treatment facility owned and operated by an incorporated city or town, conservancy district, regional sewer district, or private utility.

(V): "Septic Tank" shall mean a water tight structure into which sewage is discharged for settling and solids digestion and must be listed as an approved septic tank and meet construction standards by the Indiana State Department of Health 410 IAC 6-8.3-60 and 410 IAC 6-8.3-61

(W): "Sewage" shall mean all water-carried waste derived from ordinary living processes.

(X): "Sewer" shall mean a pipe or conduit for carrying sewage.

(Y): "Soil Scientist" shall mean an individual registered as a professional soil scientist with the Indiana Registry of Soil Scientists (IRSS) as provided for under IC 25-31.5.

(Z): "Soil Survey" shall mean the actual soil analysis performed by a Registered Soil Scientist copies will be maintained in the office of the Jefferson County Health Department for public inspection during regular business hours for a period of three (3) years.

(AA): "Subdivision" shall mean divisions of any parcel of land shown as a unit or as contiguous units created for dwelling or building sites.

SECTION 2 RESIDENTIAL AND COMMERCIAL ON-SITE SEWAGE SYSTEMS

(A): Where a public sanitary or combined sewer is not available in Jefferson County, all persons owning or leasing property shall comply with Indiana State Department of Health Rule 410 IAC 6-8.3 and 410 IAC 6-10.1 including all provisions of Jefferson county Health Department Ordinance for on-site sewage systems.

(B): It shall be unlawful for any person to throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of Jefferson County, State of Indiana, or cause, permit, thrown, run, drained, allowed to seep, or otherwise disposed

into such waters, any organic or inorganic matter from a dwelling or residential sewage disposal system that would cause or contribute to a health hazard or water pollution.

(C): At any public, commercial or business building situated within the County of Jefferson, State of Indiana, where on-site systems may be approvable and where no public sewer system is available, said on-site systems as may be installed, constructed and maintained shall comply with the minimum requirements of Rule 410 IAC 6-10.1 or such other standards as may be adopted from time-to-time by the Indiana State Department of Health which standards are incorporated herein by reference. Plans and specifications for such on-site systems shall be submitted to the Indiana State Department of Health and, where required, to the Indiana Department of Environmental Management.

(D): A privy situated within the County of Jefferson, State of Indiana, shall be of the sanitary vault type and shall be installed, constructed, maintained and disposed of at least in accordance with the minimum standards set forth in Bulletin S.E. 11 as may be adopted from time-to-time by the Indiana State Department of Health which said standards are incorporated herein by reference. All privies shall be kept in a clean condition so that insects and rodents cannot enter the vault and shall be located properly to protect water supplies from contamination.

(E): All on-site systems shall be installed, constructed and maintained in a manner approved by the Jefferson County Health Department and in compliance with the minimum standards set forth in Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, or such other standards as may be adopted from time-to-time by the Indiana State Department of Health which said standards are incorporated herein by reference.

(F): The installation of any other on-site systems not described in Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, Bulletin S. E. 11, S. E. 13, and which operate by mechanical, chemical, or other means shall be approved in advance by the Indiana State Department of Health, the Indiana Department of Environmental Management (where required) and the Jefferson County Health Department.

(G): Should any sewage system failure exist or occur with any on-site system or privy and said system fails to meet the standards and requirements of Section 2 of this ordinance, the failure shall be corrected to the satisfaction of the Jefferson County Health Department without delay and within the shortest reasonable time by the owner or the occupant of the premises or their agents. Violations shall be subject to the penalties prescribed in Section 7 of this Ordinance.

(H): If and when a sanitary sewer approved by the Indiana Department of Health or Indiana Department of Environmental Management is available and within 300 feet of the property line of the residential or commercial property and the estimated cost of sewer construction and connection does not exceed one hundred fifty percent (150%) of the estimated cost of an on-site system, a direct connection shall be made to said sewer, and all septic tanks shall be abandoned in a safe and sanitary manner as approved by the

Jefferson County Health Department. Such direct connection shall be completed by the owner and/or the occupant of the premises or their agents within ninety (90) days after receipt of written notice ordering such action. Failure of the owner or the occupant to comply with the provisions of this Section shall constitute a violation of this Ordinance and the violator shall be subject to the penalties prescribed in Section 7 of this Ordinance.

(I): Notwithstanding any other provisions of this Ordinance, where a residence or commercial business is constructed within Jefferson County that will utilize an on-site system, the building site shall consist of an area not less than the lot size designated by the Jefferson County Zoning Board if public sewers are not available to serve such a residence or commercial business. Sewage from each such site shall be disposed of in accordance with the provisions as described in Section 2 of this ordinance. The provisions of Section 2(I) shall not be applicable to any subdivisions or lots platted before the effective date of this Ordinance, only if an on-site sewage system can be installed according to Indiana State Department of Health Rule 410 IAC 6-8.3, 410 IAC 6-10.1 and Jefferson County Health Department Ordinance

(J): Notwithstanding any other provisions of this Ordinance, the Jefferson County Health Department may limit or prohibit the use of an on-site system for residences or businesses in areas where the dispersal area of the lateral field may be affected by a sinkhole or areas 410 IAC 6-8.3, 410 IAC 6-10.1 that are seasonably wet, pond water, or which periodically flood during any part of the year, or in areas where the size or topography of the site, or where information contained in an evaluation by a soil scientist indicates a reasonable likelihood that an on-site system will not function properly and will dispose of sewage in an unsanitary manner in violation of the terms of this Ordinance.

SECTION 3

PERMITS TO INSTALL, PERMIT FEES AND INSPECTIONS, REGISTRATION OF INSTALLERS, PROOF OF LIABILITY INSURANCE

(A): BEFORE COMMENCEMENT OF CONSTRUCTION OF ANY PUBLIC, COMMERCIAL OR BUSINESS BUILDING OR PRIVATE RESIDENCE where an on-site system or privy is to be installed or where any alterations, repairs, or additions to an existing on-site system is planned, the owner SHALL FIRST OBTAIN A SOIL ANALYSIS BY A INDIANA REGISTERED SOIL SCIENTIST AND A WRITTEN PERMIT SIGNED BY THE JEFFERSON COUNTY HEALTH OFFICER OR HIS DESIGNEE. **The application for such permit shall be made on a form provided by the Jefferson County Health Department.** Said application shall be supplemented by ANY plans specifications and other information as is deemed necessary by the Jefferson County Health Department. A permit and inspection fee of one hundred dollars (\$100) shall be paid to the Jefferson County Health Department at the time the application is filed. This fee will cover the required trips to the site for onsite evaluation/inspection. The \$100.00 permit fee will be waived if construction is due to a rebuild resulting from a natural disaster, act of God, or destruction by fire.

(B): The Jefferson County Health Department shall examine said application, together with all information, and if the Jefferson County Health Department Representative determines, that the application is consistent with the provisions of this Ordinance, the Jefferson County Health Department Representative shall issue a permit. Otherwise, he/she shall deny such application and shall notify the applicant in writing of the reason for such denial. The permit SHALL BE POSTED PRIOR TO CONSTRUCTION in a conspicuous place near the building where the on-site system is under construction. The permit shall be plainly visible from the public thoroughfare serving the building.

(C): If the on-site system for which the permit was issued has not been constructed, installed, altered, or repaired within ONE YEAR from the date of issuance, the permit shall automatically expire and become void.

(D): A permit for the construction, installation, alteration or repair of an on-site system or privy SHALL NOT constitute final approval of such system until the same is completed to the satisfaction of the Jefferson County Health Department. The Jefferson County Health Department shall be notified by the owner/contractor BEFORE BEGINNING THE CONSTRUCTION OF THE ON-SITE SYSTEM, BEFORE ANY COMPONENTS OF THE ON-SITE SYSTEM ARE COVERED, AND WHEN THE WORK IS READY FOR FINAL INSPECTION. The final inspection shall be made within the shortest reasonable time, but not to exceed two (2) working days of receipt of notice to the Jefferson County Health Department excluding weekends, legal holidays, and days when the weather is unfit to make an inspection as reasonably determined by the Jefferson County Health Officer or his designee.

(E) Any home/property owner wishing to replace a home or make an addition to an existing home that does not have a septic permit on file with the Jefferson County Health Department may request existing system verification. The existing on-site sewage system **must meet the most updated septic system requirements. The application for such verification shall be made on a form provided by the Jefferson County Health Department.** A verification fee of fifty dollars (\$50.00) shall be paid to the Jefferson County Health Department at the time the application is filed. This fee will cover the required trips to the site for verification. If the existing system cannot meet the most updated septic system requirements an application for a permit to install or where any alterations, repairs, or additions to an existing on-site system is needed, the owner SHALL FIRST OBTAIN A WRITTEN PERMIT SIGNED BY THE JEFFERSON COUNTY HEALTH OFFICER OR HIS DESIGNEE as per Section 3 (A) of this ordinance. The \$50.00 verification fee will be waived if construction is due to a rebuild resulting from a natural disaster, act of God, or destruction by fire.

(F): The Jefferson County Health Department shall maintain a register of all persons engaged in or intending to engage in the installation, construction or repair of on-site systems or equipment within Jefferson County, State of Indiana.

(G): ANY PERSON ENGAGED IN OR INTENDING TO ENGAGE IN THE INSTALLATION, CONSTRUCTION OR REPAIR of on-site systems or equipment shall make application to the Jefferson County Health Department to have his/her name placed on the "List of Jefferson County Certified Installers." The application form shall contain the name and address of the firm or place of business such person is associated with, and such other information as the Jefferson County Health Department may reasonably require to aid them in the administration and enforcement of these regulations, or to help them determine whether there is any reason why they should not approve the application.

(H): Any new applicant for certification shall install their first septic system during Jefferson County Health Department business hours; demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances.

(I): Any person making application to have his/her name placed on the "list of certified installers to engage in the installation, construction and repair of on-site systems or equipment" shall submit with such application a fee of one hundred dollars (\$100) dollars per calendar year (January 1 through December 31) to the Jefferson County Health Department. Any person making application to have his/her name placed on the "list of certified installers to engage in the installation, construction and repair of on-site systems or equipment" after July 1st of a calendar year shall submit with such application a fee of \$50.00 for the remaining of the calendar year. Only one application need be submitted pursuant to Section 3 of this Ordinance.

(J): Upon acceptance of the applicant's registration, and conditioned upon the registrant's faithful compliance with this Ordinance and with rules and regulations which may from time-to-time be established by the Jefferson County Board of Health and the Indiana State Department of Health relating to the installation of on-site systems, sewage disposal devices or equipment, the applicant shall file a certificate of liability insurance with the Jefferson County Board of Health. The liability insurance policy shall be issued by a company authorized to do business in the State of Indiana. The liability policy shall insure all persons dealing with the Installer for general liability insurance and comprehensive coverage, including workman's compensation insurance, and to protect and indemnify persons for whom faulty work may be performed by the Installer. Said insurance shall be carried at a minimum amount of one hundred thousand dollars (\$100,000) per occurrence.

(K): The Jefferson County Health Officer or his/her designee may remove the name of any person from the "List of certified installer's for those engaged in the installation, construction and repair of on-site systems or equipment" who have demonstrated inability or unwillingness to comply with these regulations. Such person may have his name reinstated on said Register by the Jefferson County Board of Health after satisfactory demonstration of ability or willingness to comply with these regulations.

(L): All fees collected under the terms of this Ordinance shall be deposited into the Jefferson County Treasury and credited to the Jefferson County Health Fund for services rendered in enforcing this Ordinance.

(M): Homeowners wanting to install, repair, replace, or otherwise work on their onsite sewage system serving the property owner's place of residence shall be required to meet with the Jefferson County Health Department prior to any construction taking place. Construction may only take place during Jefferson County Health Department business hours.

(N): Failure of any person to obtain a permit or to register or to otherwise comply with the requirements of this Article III shall constitute a violation of this Ordinance and the violator or violators shall be subject to the penalties prescribed in Section 7 of this Ordinance.

SECTION 4 POWER FOR INSPECTION

(A): The Jefferson County Health Officer or his/her designee, bearing proper credentials and identification, shall be permitted to enter upon all properties subject to the provisions of this Ordinance at reasonable times for purposes of inspections, observations, measurements, sampling and testing necessary to carry out the provisions of this Ordinance.

(B): The Jefferson County Health Officer or his/her designee may compel an immediate stop to work by issuing a "Stop Work" order of work that has been completed or is in process or planned, that is in violation of any provisions of this Ordinance. Such "Stop Work" order shall be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person engaged in the performance of said work or any person causing said work to be done. Failure to comply with such "Stop Work" order of suspension shall constitute a violation of this Ordinance and the violator shall be subject to the penalties prescribed in Section 7 of this Ordinance.

SECTION 5 NOTICES

Any person in violation of any of the provisions of this Ordinance shall be served a written notice by the Jefferson County Health Officer or his/her designee stating the nature of the violation and providing a time limit for satisfactory correction thereof.

SECTION 6 APPEALS AND EXCEPTIONS

(A): Appeals shall lie from any of the following decisions made or action taken by the Jefferson County Health Officer or his/her designee:

- 1.) Denial of an application for a permit to construct, install, alter or repair an on-site system or privy;
- 2.) Failure to approve an application to have name placed on "List of certified installers for those engaged in the installation, construction and repair of on-site systems or equipment";
- 3.) Removal of name from "List of certified installers for those engaged in the installation, construction and repair of on-site systems or equipment";
- 4.) Prohibition or limitation of the use of an on-site system for any reason set forth in Section 2 of this Ordinance;
- 5.) A determination pursuant to Section 4 or Section 5 of this Ordinance that work completed, in progress or planned is in violation of any of the provisions of this Ordinance, or that any other violation of the provisions of this Ordinance exists.

(B): An appeal may be filed with the Jefferson County Board of Health within 10 days and must be in writing (unless the appellant obtains an extension from the Jefferson County Board of Health): If it is believed That the Jefferson County Health Officer or his/her designees decision has failed to correctly follow Indiana State Department of Health Rules or Jefferson County Code 16-1-3-6 as set forth in Section 6(A) above and shall specify the adverse decision appealed from and the grounds therefore. The Jefferson County Health Officer or his/her designee shall forthwith transmit to the Jefferson County Board of Health all of the papers in his office constituting the record of the case. The Jefferson County Board of Health, 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, the Jefferson County Board of Health shall render a decision on the appeal within twenty (20) days thereafter. Any person may appear and testify at such hearing, either in person or by counsel.

(C): The Jefferson County Board of Health shall hear and decide the appeal and may overrule or modify the decision or determination of the Jefferson County Health Officer or his/her designee if the Board determines that the Jefferson County Health Officer or his/her designee incorrectly decided the matter. As per Indiana State Department of Health Rules and Jefferson County Health Department: Environmental Health and Sewage Ordinance.

(D): The concurring vote of a majority of the members of the Jefferson County Board of Health shall be necessary to reverse or modify any determination or decision of the Jefferson County Health Officer or his/her designee, or to grant an exception hereunder.

SECTION 7

PENALTIES

(A): Any person, firm or corporation who shall violate any provision of this Ordinance shall be guilty of an infraction. On conviction the violator shall be punished by a fine of not more than twenty-five hundred dollars (\$2,500), and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Jefferson County Board of Health, or by the duly appointed Health Officer of Jefferson County, shall constitute a distinct and separate offense.

(B): The Jefferson County Board of Health shall also be entitled to seek any other legal or equitable remedy including a temporary restraining order, a preliminary or permanent injunction or other appropriate remedy available against any person, firm, or corporation who shall violate any provision of this Ordinance.

(C): The Jefferson County Board of Health shall be entitled to seek all legal fees, costs and expenses incurred during enforcement of this Ordinance

SECTION III:

All prior ordinances pertaining to the subjects treated in this amendment to the County Code shall be deemed repealed from and after the effective date of this ordinance; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance.

SECTION IV:

EFFECTIVE DATE. This ordinance shall be in full force and effect upon adoption, filing, recordation and publication as required by law.

**ADOPTED BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS,
JEFFERSON COUNTY, INDIANA, THIS 8 DAY OF March, 2013.**

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF JEFFERSON, STATE OF INDIANA

Tom Pietrykowski
Tom Pietrykowski, President

Mark Cash
Mark Cash, Member

Robert Little
Robert Little, Member

ATTEST:

Celeste G. Reed
Celeste G. Reed, Jefferson County Auditor

REV 3/4/13WEG