

HOWARD COUNTY ONSITE SEWAGE ORDINANCE
Ordinance No. 2006-BCC.23

The purpose of this ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of on-site wastewater disposal systems and to otherwise promote public safety and welfare and protection of the environment.

This ordinance regulates the location, installation, construction, maintenance, replacement and repair of all residential and commercial onsite wastewater systems in Howard County, Indiana. It also provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

This chapter shall be known and may be cited as the Howard County Onsite Sewage Ordinance.

Be it ordained by the Board of Commissioners of Howard County, State of Indiana, that:

Section 1: Incorporation by Reference

The following documents are incorporated by reference as a part of this Ordinance and shall include any later amendments to those regulations as the same are published in the Indiana Administrative Code with the effective dates as fixed therein.

- 1.) Rule 410 IAC 6-8.1, et seq.
- 2.) Bulletin SE 11, the Sanitary Vault Privy, 1986 Edition.
- 3.) Rule 410 IAC 6-10, et seq. Commercial On-site Wastewater Disposal
- 4.) IC 16-41-25-3

Section 2: Definitions

In addition to or to otherwise supplement those definitions contained in 410 IAC 6-8.1-1 et seq. which is incorporated herein by reference this ordinance shall include the following definitions:

Health Officer: A medical doctor serving as the executive officer for the Howard County Health Department and secretary for the Howard County Board of Health.

Bedroom: Means a room within a dwelling that might reasonably and regularly be used as a sleeping room or which contains a closet or shares a common hallway with or adjoins a bathroom.

Installer: For purposes of this ordinance, installer shall mean any person engaged in the construction and installation of residential or commercial on-site sewage disposal systems in Howard County.

Installer License: As used in this ordinance, means a certificate issued to a person, for hire, who meets all the prerequisites for installing onsite sewage systems in Howard County.

Onsite Sewage System (s) "OSS": As used in this rule, means all equipment and devices necessary for proper conduction, collection, storage, treatment, and onsite disposal of sewage from a residence or commercial facility.

Outlet Filter: As used in this rule, means devices designed to restrict solid matter from leaving the septic tank and to enhance the quality of effluent.

IOWPA: Indiana Onsite Wastewater Professional's Association.

Section 3: Licensing of Installers

- A) Any person engaged in the installation of an on-site sewage system shall obtain an installer license from the Howard County Health Department, Division of Environmental Health.
- 1) The person must complete an application (homeowner exception see SEC 3, B-4).
 - 2) Submit to a written examination given by the Howard County Health Department, which will cover state and local regulations governing OSS, and receive a score of 70% or greater. (A person who has participated in IOWPA's training and testing and successfully passed their certification test will not be required to submit to a written examination given by the Howard County Health Department.)
 - 3) If the person fails to pass the examination, the person may re-apply for an installer's license and examination no earlier than one (1) month following the examination date. A \$20 re-examination fee must be paid prior to re-examination.
 - 4) The person must submit a certificate of insurance to the Health Department.
- B) Once the criteria in SEC 3A 1-4 above are met, the applicant shall pay set fee for such license.
- 1) Installer's license will be issued and shall be renewed within thirty (30) days of expiration.
 - 2) Such license shall be valid for one year, and is non-transferable. The license shall bear the name and address of the company, the name of the licensee, and the expiration date.
 - 3) The licensed installer shall be present at the site during construction of the OSS and maintain in his/her possession a copy of the license.
 - 4) A homeowner that wishes to install an OSS on his/her property is exempt from license fees and insurance requirements. The homeowner must submit to an examination, which will cover state and local regulations of

OSS. Any installation conducted by a homeowner shall not be for real-estate development, or any other commercial interests.

- C) An installer's license, issued under this ordinance, may be revoked or suspended by the Howard County Board of Health. Upon a fair hearing, if the licensee should fail to show cause, the board may revoke the license and promptly give written notice of the action to the licensee. The Health Officer shall maintain a permanent record of the proceedings filed in the office of the Health Department. If the Board determines the license shall be revoked or suspended, the licensee shall be forbidden to install, repair, or otherwise work on OSS in Howard County for the time period fixed by the Howard County Board of Health.

Section 4: OSS Permit Requirements and Plan Submittal

- A) The following requirements must be met before the issuance of a permit for an OSS.
- 1) A completed application.
 - 2) A written site evaluation report, performed by a soil scientist, containing soil absorption field site characteristics, a soil profile report, soil profile characteristics, and a fixed object from which the boring locations will be measured.
 - 3) A plat plan that includes:
 - a) Legal description of the property.
 - b) Property boundaries.
 - c) Easements.
 - d) Required setbacks.
 - 4) An OSS plan that includes but not limited to:
 - a) A drawing of the OSS site to scale.
 - b) Property boundaries.
 - c) Footprint of all structures (existing and proposed).
 - d) Utility services.
 - e) Existing and proposed sewer outlets and OSS components.
 - f) Setbacks and separation distances required herein.
 - g) Identification of all existing and proposed private water supply wells within one hundred (100) feet of the OSS and two hundred (200) feet from any public water supply wells.
 - h) Within the proposed soil absorption field site, all trees and shrubs that may affect the construction of the soil absorption field.
 - i) Location of all soil sample sites measured from a fixed reference point.
 - j) All topographic features affecting the soil absorption field including:
 - 1) Position (upland, terrace, or floodplain).
 - 2) Percent slope, slope shape, and slope aspect.
 - 3) Surface drainage characteristics including:
 - A) Location of all lakes, ponds, reservoirs, rivers, streams, ditches, or swales.

- B) Location of all surface topography where surface runoff may collect or pond.
- k) Type of vegetative cover at the site.
- l) One hundred (100) year flood elevations as determined by the Indiana Department of Natural Resources (IDNR) and identification of all portions of the property at and below the one hundred (100) year flood elevation.
- 5) Detailed plan view of the OSS soil absorption field.
- 6) Detailed plan view of the OSS surface and subsurface drainage system.
- 7) Detailed cross section of a typical trench of the OSS soil absorption field, to scale.
- 8) Invert elevations of all piping, including all inlet and outlet piping to distribution boxes and tanks; elevations of original grade at the ends of each trench in the soil absorption field(s).
- 9) The Howard County Health Department may require any OSS to be designed by a registered professional engineer when deemed necessary.
- B) All septic tanks installed in Howard County must contain outlet filters and filter alarms.
 - 1) Use, sizing, installation, and service of outlet filters must be in accordance with manufacturer's recommendations. Outlet filters must be designed to handle the design daily flow (DDF) of the OSS.
 - 2) Outlet filters must be maintained by the owner or agent of the owner and must remain in service for the life of the septic tank.
 - 3) The outlet filter must be placed in the last septic tank for septic tanks placed in series.
 - 4) The filter alarm must be accompanied by a laminated instruction sheet that shall be mounted near the alarm signal, detailing actions the property owner should take should the alarm be activated. This instruction sheet should also provide the suggested maintenance schedule for the filter.
 - 5) Outlet filters must be placed to allow accessibility for routine maintenance without entering the tank.
 - 6) Service should be performed as required and shall be performed each time the septic tank is pumped.
- C) All Perimeter drains installed in Howard County must meet the following criteria.
 - 1) For trench OSS, the subsurface perimeter drain must be 2 inches into a soil horizon with a loading rate less than .25 gallons per day per square foot, or thirty-six (36) inches deeper than the deepest trench bottom if a soil with a loading rate of less than .25 gallons per day per square foot is not present. Other means that are found to lower the water table at least twenty-four (24) inches below trench bottom are also acceptable.
 - 2) For sand mound OSS, the subsurface perimeter drain must be 2 inches into a soil horizon with a loading rate less than .25 gallons per day per square foot or thirty-two (32) inches deeper than the original ground surface.
 - 3) The subsurface drain tile shall be at least six (6) inches in diameter.
 - 4) If an existing Perimeter Drain is available which services adjacent properties which are of the same soil type, elevation and surface grade, the

existing Perimeter Drain may be used, providing that the adjacent properties have not experienced any OSS problems related to the Perimeter Drain in the past 5 years.

Section 5: Onsite Sewage System Permit

- A) The owner or agent of the owner shall obtain a written permit, from the Howard County Health Department, signed by the Health Officer for the construction of a residential or commercial OSS prior to the following:
 - 1) The start of construction or the placement of a residence or building that will not be connected to a publicly or privately owned wastewater treatment plant at the time of initial occupancy.
 - 2) The start of any construction, installation, replacement, alteration or repair of any part of an OSS.
 - 3) The start of construction of any replacement, reconstruction, or expansion of a residence which may increase the number of bedrooms.
- B) The owner shall obtain all necessary federal, state, and local permits and approvals before construction begins on an OSS.
- C) Any proposed changes, alterations or additions to an OSS plan submittal for which a permit has already been issued shall be approved by the health department prior to the implementation of the changes.
- D) The health department shall issue, or deny in writing, to the owner an OSS Permit as soon as possible but within forty-five (45) days of receipt of a complete application and complete plan submittal.
- E) An OSS permit shall expire upon compliance of the OSS installation, or within three (3) years of the issue date, whichever comes first. This Permit may be renewed prior to expiration for one (1) additional three (3) year period. Provided, however, the renewal permit shall expire within one (1) year of the effective date of change of the State's Rules regarding OSS, unless the expiration date of the locally issued permit comes first, at which time the permit shall expire.
- F) The owner or agent shall request an inspection by the health department after the OSS is completed and before any portion of the OSS is covered. The health department shall have until the end of the second business day (4:00 pm local time) after the request to respond before any portion of the OSS is covered. If the health department has not responded within that time, the owner or agent may begin covering the OSS.
- G) The Health Department may modify or revoke a permit which it has issued. The reasons for modification or revocation include, but not limited to, any of the following:
 - 1) The soil absorption field site has been disturbed or altered after collection of information for the written site evaluation report. Disturbance or alteration of the site includes, but is not limited to the following:
 - a) The addition of fill
 - b) The cutting, scraping, or removal of soil

- c) The compaction of the site
 - 2) False information has been submitted to obtain the permit.
 - 3) Information submitted in the written site evaluation report, plat plan, or OSS plan is found to be erroneous.
 - 4) Errors or omissions are discovered after the permit has been issued.
 - 5) The OSS does not comply with the requirements of 410 IAC 6-8.1-1, et seq. and all of the provisions of this ordinance, or conditions of the permit.
 - 6) The owner or agent of the owner failed to notify the Health Department at least seven days prior to construction of a commercial facility OSS.
 - 7) The owner or agent of the owner failed to request an inspection by the health department at least two (2) working days before any portion of the OSS was covered.
- H) If a permit is revoked or modified, the owner shall be advised in writing of the basis for the modification or revocation, the right for appeal, and the deadline for appeal.
- I) If a permit has been revoked, the following shall occur for a new permit to be issued:
- 1) The owner shall provide, as necessary, a revised site evaluation, and a revised plat plan and OSS plan.
 - 2) The proposed OSS shall comply with the requirements of 410 IAC 6-8.1-1, et seq. and all of the provisions of this ordinance.
 - 3) If a permit is revoked, construction may not proceed on the OSS, until a new permit is issued.

Section 6: OSS Operating Permit

- A) The owner may be required to obtain a written Operating Permit, signed by the Health Officer, for use, inspection, and maintenance of an OSS.
- B) An Operating Permit requiring scheduled inspection and maintenance shall contain the following:
 - 1) Name, address and telephone number of the service company contracted to perform inspection and maintenance.
 - 2) A copy of the inspection and maintenance contract, or reference to a standard inspection and maintenance contract having a unique reference number for each owner. Where a standard inspection and maintenance contract is used, a copy of the standard contract must be submitted, by the service company, to the department or local health department, whichever has authority.
 - 3) Reference to operation and maintenance document or documents used for scheduled inspection and maintenance, with a unique reference number for each document. A copy of each inspection and maintenance document must be submitted, by the service company, to the department or local health department, whichever has authority.
- C) An operating permit shall identify all components of an OSS requiring inspection and maintenance.

- D) An operating permit issued by the department or local health department, whichever has authority, shall be renewed:
 - 1) At least biennially for OSS having components requiring scheduled inspection and maintenance; and
 - 2) At least once every five (5) years for OSS not having components requiring scheduled inspection and maintenance.
- E) The owner, or service company contracted to perform inspection and maintenance, shall provide the department, whichever has authority, with the following:
 - 1) Written documentation of all scheduled inspection and maintenance within one (1) month of the date of the scheduled inspection and maintenance was performed.
 - 2) For all unscheduled maintenance, the owner, or service company contracted to perform unscheduled maintenance, shall provide:
 - a) Notification, by telephone or electronic mail, within forty-eight (48) hours after performing unscheduled maintenance.
 - b) Written documentation of all unscheduled maintenance within on (1) month of the date the unscheduled maintenance was performed.
- F) If inspection of an OSS reveals that any of its components must be repaired or replaced, the owner, or the owner's agent, must comply with the requirements of section 4.
- G) If the owner fails to comply with this section, after notice of violation and said time limit, the owner may be held to Section 10, PENALTIES, of this ordinance.

Section 7: Connection to Existing System

- A) Connection to an existing onsite sewage system shall be permitted if the following conditions are met.
 - 1) The connection will not exceed the daily design flow for the OSS.
 - 2) The existing system has not met the definition of an "OSS failure".
 - 3) The existing system has been permitted and approved for use by the Health Department, and the applicant has possession of a record of the permitted and approved system, which shows all system dimensions.
 - 4) If the existing system should fail, there is sufficient space for system replacement.
 - 5) In the event that a system enlargement is proposed, the enlargement must bring the existing system into compliance with the minimum standards of this ordinance.

Section 8: OSS Inspection

- A) The Health Officer or the officer's designee may enter upon and inspect private property, at proper times and after due notice, to evaluate compliance with this ordinance.

- B) The Health Officer or designee shall inspect each OSS, for which a permit is required under the provisions of this ordinance.
- C) The permit shall be signed in-compliance prior to the utilization of the OSS.
- D) Persons violating this section may be subject to Section 10, PENALTIES, of this ordinance.

Section 9: Violation

- A) Any person found to be violating this ordinance may be served by the Health Officer or his designee with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- B) After receiving an order in writing from the Health Officer or his designee, the owner of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit specified therein. Said order shall be served on the owner or the agent of the owner, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order.

Section 10: Penalties

- A) Any person found to be in violation of this ordinance shall be fined for the first offense not more than \$2000; for the second and each subsequent offense not more than \$2,500. Any person constructing, installing, replacing, altering, or repairing any OSS who is not certified in Howard County shall be deemed to be in violation of this ordinance. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Howard County Health Department shall constitute a distinct and separate offense.
- B) In the event that any onsite sewage system installed does not meet compliance with this ordinance, after the expiration of the time limit for correction, the installer shall be fined for the first offense not more than \$1000 and suspension of license. For the second offense, after the expiration of the time limit for correction, the installer shall be fined not more than \$2,500 and revocation of license.

Section 11: Procedure for Appeal

- A) The Howard County Board of Health shall hear appeals incidental to the issuance and revocation of OSS permits, and installers license if, within 15 days following the date of receipt of an issued OSS permit, OSS permit modification, notice of OSS permit denial, notice of OSS permit revocation or notice of issued and revocation of installer licenses, any person aggrieved by such action files a petition for review concerning such action with the Howard County Board of Health.
- B) A petition for review shall state:

- 1) The name, address and telephone number of the person making the request;
 - 2) Identify the interests of the petitioner which is affected by the OSS permit issuance, denial, modification, or revocation;
 - 3) Identify any persons whom the petitioner represents;
 - 4) State with particularity the reasons for the request;
 - 5) State with particularity the issues proposed to be considered;
 - 6) Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of law, governed by this ordinance, or 410 IAC 6-8.1-1, et seq.
- C) The procedures established in I.C. 4-21.5, the administrative procedure and orders act, may apply to the conduct of the hearing.
- D) After the Board of Health hearing, the Petitioner may appeal the Board of Health ruling to the Howard County Board of Commissioners, who will determine if proper process was followed. This appeal must be filed within 30 days after the date of the Board of Health's decision.
- E) After the Board of Commissioners hearing, the Petitioner may appeal to the Circuit Court of Howard County. This appeal must be filed within 30 days after the date of the Board of Commissioners' decision.

Section 12: Remedies

- A) Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer or designee, or an appeal against the order has been sustained by the Health Officer, the Health Officer or designee may, through the office of the Howard County attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this ordinance.

Section 13: Fee Schedule

- 1) As set forth in the Howard County Health Department Fee Collection Ordinance and any amendments or revisions hereafter.

Section 14: Conflict of Ordinances

- A) In any case where a provision of this ordinance is found to be in conflict with a provision of any code of Howard County, Indiana existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of Howard County, Indiana existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, are hereby

declared to be repealed to the extent that they may be found in conflict with this ordinance.

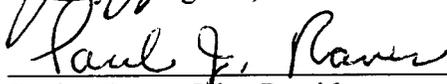
- B) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to the end the provisions of this ordinance are hereby declared to be severable.

Section 15: Effective Date

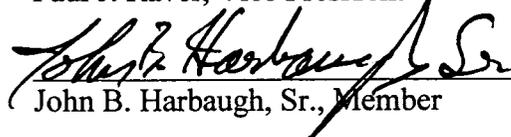
Passed and adopted by the Board of Commissioners of Howard County, State of Indiana, on this 5th day of September, 2006, This Ordinance shall become effective upon passage and publication for two successive weeks in *The Kokomo Tribune* and *The Kokomo Herald*, as required by law.



Bradley J. Bagwell, President



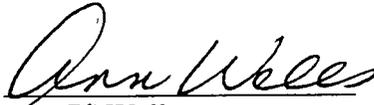
Paul J. Raver, Vice President



John B. Harbaugh, Sr., Member

Attest:

Board of Commissioners of
Howard County, Indiana



Ann B. Wells,
Auditor, Howard County