

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE MANAGEMENT

51. SEWER REGULATIONS

52. WATER REGULATIONS

53. ILLICIT DISCHARGES

CHAPTER 50: SOLID WASTE MANAGEMENT

Section

General Provisions

- 50.01 Solid Waste Management District Designated
- 50.02 Dumping of solid wastes prohibited

Nuisance Solid Waste Accumulation, Illegal Dumping and Littering

- 50.10 Title
 - 50.11 Purpose
 - 50.12 Definitions
 - 50.13 Acts prohibited
 - 50.14 Investigation and enforcement authority
 - 50.15 Abatement notice
 - 50.16 When abatement notice is not required
 - 50.17 Hearings
 - 50.18 Compliance with abatement notice
 - 50.19 Failure to comply with abatement notice
 - 50.20 Abatement by district
 - 50.21 Severability
 - 50.22 Administrative rules and policies
- 50.99 Penalty

Cross-reference:

*Hazardous material spills: emergency action,
clean-up and reimbursement, see § 92.01*
*Health Department service fees established, see
§§ 92.15 et seq.*

GENERAL PROVISIONS

§ 50.01 SOLID WASTE MANAGEMENT DISTRICT DESIGNATED.

(A) The county is hereby designated as a county solid waste management district pursuant to the terms and within the meaning of I.C. 13-21-3.

(B) Pursuant to I.C. 13-21-3-2, the Howard County Solid Waste Management District includes all of the incorporated and unincorporated territory in the county.
(BCC Ord. 1990-36, passed 8-27-90)

§ 50.02 DUMPING OF SOLID WASTES PROHIBITED.

(A) *Purpose.* The purpose of this section is to define dumping, control the dumping of solid waste materials, and provide for the clean-up of an penalties for prohibited dumping.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLEAN-UP COSTS. Include all costs incurred by Howard County in cleaning up solid waste dumped in violation of this Ordinance, including landfill fees and time expended by Howard County officials in effecting such clean up.

DUMPING or DUMP. The depositing or disposal, or the attempted depositing or disposal, of solid waste upon land.

Howard County - Public Works

PERSON. Any person, corporation, trust, organization, partnership, association or other legal entity.

SOLID WASTE. Garbage, used household goods, appliances, motor vehicles and motor vehicle parts, tires, trash, garbage, bags of trash or garbage, construction or demolition materials, and all other items commonly disposed of in sanitary landfills, including all items and materials defined in I.C. 13-7-1-22 as “solid waste.” The term shall not include manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as a part of a total farm operation.

(C) *Prohibitions.* No person shall dump, cause or allow dumping at any location in the county unless such location shall be a licensed sanitary landfill site.

(D) *Clean-up and removal.*

(1) Anyone having knowledge of an dumping at any location in the county shall provide such information to any county law enforcement officer, the County Highway Department or the County Board of Health, who shall then investigate, with the assistance of such other county officials which are deemed necessary, to determine if a violation of division (C) has occurred.

(2) Upon determining the identity of any person violating division (C), the Board of County Commissioners, the County Highway Department, the County Board of Health or the County Solid Waste District, by any of its designated officers or employees, shall issue an order directed to the violator so identified to remove and clean-up such solid waste within a period of ten days after receipt of such order. Failing compliance with such order, the Board of County Commissioners, the County Highway Department, the County Board of Health, or the County Solid Waste District may in their sole discretion clean up the solid waste, utilizing such resources as are required, and all clean-up costs shall be chargeable to the violator; provided, however, in the event that the dumping presents a clear and immediate hazard to public health or safety, the Board

of County Commissioners, the County Highway Department, the County Board of Health, or the County Solid Waste District may proceed to clean up the solid waste without notice to the violator and thereafter charge the clean up expenses to the violator.

(3) In the event that a person violating division (C) does not pay clean-up costs after reasonable notice, the Board of County Commissioners, for and on behalf of the county, shall be entitled to recover such clean-up costs by action in the Howard Circuit or Superior Courts; provided, however, the total of such costs shall not exceed the sum of \$2,500 per violation. In addition, the Board of County Commissioners shall also be entitled to seek injunctive or other similar relief through the Howard Circuit or Superior Courts to obtain orders requiring persons violating division (C) to clean up a dumping area and prohibiting further or future dumping.

(4) In the event that more than one person is involved in an incident of dumping, it shall be the joint and several responsibility of each such person for the clean-up of the site and the clean-up costs.

(E) *Penalties.* In addition to the responsibility for clean-up costs as provided in division (D) any person who violates division (C) of this section shall be subject to the penalty provided in § 50.99.

(F) *Enforcement.* This section shall be enforced under and in accordance with the provisions of I.C. 34-4-32-1 et seq.
(BCC Ord. 1993-24, passed 6-28-93) Penalty, see § 50.99

***NUISANCE SOLID WASTE ACCUMULATION,
ILLEGAL DUMPING AND LITTERING***

§ 50.10 TITLE.

This chapter is titled, “Howard County Nuisance Solid Waste Accumulation, Illegal Dumping and Littering Chapter.”
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.11 PURPOSE.

The purpose of this chapter is to prohibit illegal clumping, nuisance solid waste accumulation and littering along roadways, and on public and private property in the county. This chapter establishes the County Recycling District as the entity that investigates, files reports and enforces this chapter in conjunction with the County Recycling District's Board of Directors.
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.12 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The following definitions shall apply in the interpretation and enforcement of this chapter.

ABANDONED VEHICLE. Any, machinery, equipment, watercraft or trailer that has remained on private or public property without the consent of the owner or person in control of that property for more than 48 hours and is mechanically inoperable. Also, any vehicle, machinery, equipment, watercraft or trailer that is mechanically inoperable and continuously in a location visible from public property or public right-of-way, or visible from the immediate vicinity of private residences or businesses for more than 20 days.

ABATE. To end or eliminate nuisance solid waste accumulation, illegal dumping, littering, or any other violation of this chapter by removal, clean-up and proper disposal.

CONSTRUCTION/DEMOLITION WASTE. Any discarded construction or demolition materials, including but not limited to, lumber, wood, paneling, drywall, roofing material, siding, plumbing, electrical wiring, doors, windows, furniture, floor coverings, fixtures and cabinets.

CONTAMINATED. Un-rinsed containers with food or product residues, non-container glass

materials, materials with contained oils, pesticides, fertilizers, herbicides, poisons, or other hazardous materials, materials fouled with dirt or other substances foreign to their original contents or composition, wet or saturated newspapers, and any other condition which renders the materials un-recyclable.

DISCARD. To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, leave, pitch, place, put, scrap, spill, leak, throw, or toss any item of solid waste or derivative thereof, or any inherent waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DUMPING/TO DUMP. The discarding of any items of solid waste commonly known as garbage, rubbish, refuse, construction and demolition debris, household trash, baby diapers, food wastes, appliances, tires, scrap metal, vehicles or parts, and all other items and materials defined as “solid waste” below.

ENFORCEMENT AUTHORITY. The Compliance Officer of the County Recycling District or some other person specifically designated by the Director of the County Recycling District, including but not limited to, a police officer, a sheriff’s officer, a conservation officer, an appropriate representative of a state or local governmental department, or other “sworn” enforcement officer.

FILL MATERIAL. Any material that is used for fill, such as soil, clay, shale, gravel, sand or concrete.

GARBAGE. Any animal solid, vegetable solid, and semi-solid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GENERATE. The act or process of producing solid waste. **GENERATOR** means the person whose actions or processes result in unwanted solid waste materials.

Howard County - Public Works

HAZARDOUS WASTE. Any waste, including but not limited to, household hazardous wastes, used automotive fluids or parts, solvents and chemicals that, because of their quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, handled, disposed of or otherwise mismanaged.

HOWARD COUNTY RECYCLING DISTRICT. Includes all of the incorporated and unincorporated territory in the county.

INERT SOLID WASTE. Includes but is not limited to, uncontaminated earth, rocks, rigid concrete, bricks, tiles, aged asphalt, uncontaminated natural wood, brush, leaves, grass clippings, wood chips, or sawdust.

INFECTIOUS WASTE. Any waste that is capable of transmitting a communicable disease, including but not limited to, pathological waste (human tissues, blood, excreta and secretions), medical and laboratory wastes, contaminated or fouled bedding, bandages, dressings, diapers, contaminated animal carcasses, offal, excreta, body parts.

JUNK. Any of the following items which are considered abandoned, dismantled, discarded or otherwise unusable, including but not limited to, vehicles, machinery, equipment, appliances or other household goods and furniture. The term shall also include but is not limited to, component parts, such as engines, transmissions, drive trains, suspension, fenders, doors, hoods, wheels, windshields and tires removed from vehicles or any other part of a motor vehicle.

LITTER. Any man-made or man-used waste, which, if deposited within the county otherwise than in a proper waste storage container, tends to create a danger to public health, safety, and welfare or tends to impair the environment or aesthetic well-being of

the community. **LITTER** shall include, but not be limited to, garbage, trash, refuse, debris, grass clippings, other lawn or garden waste, paper products, glass, metal, plastic or paper containers, or other waste material of an unsightly, unsanitary, nauseous or offensive nature. Littering may also include any item of waste material moved by wind, water or animals or any other combination of these items.

MECHANICALLY INOPERABLE. Any vehicle, machinery, equipment, watercraft or trailer which is in a condition that prevents it from being driven under its own power, or not able to be operated in its normal manner.

NUISANCE. Defined as set out in I.C. 34-1-52-1, to wit: whatever is injurious to health, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. **NUISANCE** is any condition or thing existing or allowed to exist that injures or endangers the comfort, health or safety of others or the environment; unlawfully interferes with, obstructs or tends to destruct or renders dangerous for passage on any public or private property, or is likely to depreciate the value of other's property.

OF RECORD. Recorded in the records of the County Recorder, or in the records of the County Auditor.

OPEN DUMP. The consolidation of solid waste from one or more sources or the discarding of solid waste at any location that does not fulfill the requirements of a sanitary landfill, transfer station or other facility as prescribed by state law or regulations, and that exists without daily cover and without regard to the possibilities of contamination of surface or subsurface water resources, air, land or other hazard or threat of hazard to the environment or safety.

PERSON. An individual, partnership, firm., company, corporation, trust, estate, legal representative or agent.

PRIVATE PREMISES. All property, including, but not limited to, vacant land or any land upon which

is located one or more buildings or other structures designated or used for residential, commercial, business, industrial, institutional, or religious purposes, together with any yard, grounds, walks, driveways, fences, porches, or other structures or improvements appurtenant to the land, except any public place.

PUBLIC PLACE. Shall include but is not limited to, any and all streets and roads, curbs, gutters, sidewalks, alleys, or other public ways, any and all public parks, lakes, waterways, spaces, publicly owned rights-of-way, grounds, or buildings within the incorporated and unincorporated territory in the county pursuant to I.C. 13-21-3, except those areas excluded by each eligible entity as defined in an adopted ordinance related to this chapter.

RECYCLABLES. Materials segregated from the waste stream for the purpose of collection and reprocessing to recover and reuse as a material resource. This shall include, but is not limited to, glass containers, newspapers, office papers, corrugated cardboard, aluminum, steel containers and certain plastic containers.

SALVAGING. The controlled removal of reusable or recyclable waste material.

SCAVENGING. The uncontrolled and unauthorized removal of solid waste materials or recyclables at any point in the waste management system.

SOLID WASTE. Any garbage, refuse, sludge, or other discarded or disposed materials, including but not limited to, solid, liquid, or semi-solid or contained gaseous materials resulting from any operation, activity, or source.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a present possessor interest, or an equitable interest of a contract purchaser, or a lease.

WASTE STORAGE. Proper temporary containment of waste materials in a waste storage container for a period not to exceed ten days or the standard interval of local commercial collection service, whichever is less.

WASTE STORAGE CONTAINER. A proper and suitable receptacle used for the temporary storage of solid waste, infectious or hazardous wastes while awaiting collection or proper disposal.

VECTOR. Any animal, insect, substance or any other solid waste object of transfer capable of harboring and/or transmitting micro-organisms and/or insects or disease from one animal to another or to a human.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.13 ACTS PROHIBITED.

(A) No owner, occupant, tenant, or any person having a substantial property interest in any real or personal property within the County Recycling District, shall maintain, create, cause, place, deposit, leave, or permit a nuisance to remain on such property, or upon any public place abutting such real estate or personal property.

(B) The following acts shall constitute a violation of this chapter:

(1) No person shall discard or dump litter, abandoned vehicles, junk, recyclables, garbage, construction/demolition waste, hazardous waste, infectious waste, inert solid waste along any public roadway or near any public or private river, lake, stream or ditch or on his or her property or the property of another person.

(2) No person shall conduct any activity on public or private land which results in the accumulation of litter, abandoned motor vehicles, junk, recyclables, garbage, fill materials, construction/demolition waste, hazardous waste, infectious, inert solid waste, or solid waste so as to

interfere with the public health, safety, peace and the comfortable enjoyment of life or property.

(3) No person owning real property shall cause or consent to final disposal upon said property of solid waste materials (other than inert solid waste or fill material) that is generated by said person or by any other person, unless otherwise licensed or permitted as a disposal facility by the State of Indiana.

(4) No person shall litter, nor permit any dependent minor or other person for whom he or she is legally responsible to litter, nor cause another person to litter.

(5) No person shall discard any materials, other than recyclables, at any facility or in any container intended for collecting recyclables.

(6) No person shall deposit any contaminated recyclable materials in or at any city, county or Recycling District facility or container intended for collecting recyclable materials.

(7) No person shall conduct scavenging of materials at any facility or in any container intended for collecting recyclable materials.

(8) No person, either knowingly or unknowingly, shall contract with another party to engage in any acts prohibited by divisions (B)(1) through (7) of this section. A violation of this provision shall be an offense of the same degree for the waste generator as the violation committed by the hired contractor.

(9) No person shall store, accumulate or allow to remain on any private property, any abandoned vehicles, automobile parts, disassembled automobiles, automobiles without engines, plumbing and piping materials and parts, scrap metal, un-seaworthy or dilapidated boats, dilapidated, deteriorated, or non-operable jet skis, snowmobiles, bicycles, trailers, mopeds or junk, unless properly approved.

(10) No person shall store, accumulate or allow to remain on any private property appliances, household items and tires outside of any structure.

(11) No person shall have any waste water, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon any public or private property, other than for the purpose of approved forms of composting.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.14 INVESTIGATION AND ENFORCEMENT AUTHORITY.

The Compliance Officer, or other specifically designated enforcement authority, shall have the right to enter onto any public or private property, excluding structures within the jurisdictional coverage of this chapter for the purpose of performing any duties imposed by the provisions of this resolution. The Compliance Officer is hereby authorized to issue warnings, citations, and abatement notices under this chapter.

(A) Upon receipt of any complaint, report, or personal sighting of an alleged violation of this chapter, the Compliance Officer shall conduct an investigation of such complaint, report or personal sighting.

(B) In the event that the Compliance Officer determines that there is not a violation of this chapter, but has reason to believe that the activity may constitute a violation of regulations enforced by other agencies, the Compliance Officer(s) or designee(s) may forward a copy of the report of investigation to another state, county or city agency for further review and investigation.

(C) Items contained in waste materials or recyclable materials, which bear information such as names and addresses, shall be considered as evidence for identifying the owner or generator of the discarded materials and shall constitute rebuttal and be evidence that the person whose name is found therein has violated this chapter.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.15 ABATEMENT NOTICE.

Where, upon inspection, reasonable cause is found that a violation of this chapter exists, the Compliance Officer shall issue a written abatement notice.

(A) An abatement notice shall be served upon all known holders of substantial property interests in the real estate upon which the violation is alleged to exist.

(B) The abatement notice under this chapter shall be on a form approved by the County Recycling District's Board of Directors.

(C) The abatement notice issued shall include the name of the person to whom the order is issued, a legal description or physical address of the location of the alleged violation, a brief description of the nature of the alleged violation together with the provision of the chapter alleged to have been violated, the date and time when the report was observed, occurred or was filed, the name of the person issuing the warning, the date the warning was issued, the action the notice requires and potential fines for noncompliance.

(D) The action that the abatement notice requires must be reasonably related to abatement of the conditions constituting the violation.

(E) The period of time within which the action ordered is required to be accomplished, measured from the time when the abatement notice is served. The time allowed must allow a sufficient time, of at least 48 hours from the time the abatement notice is served, to accomplish the required action. If the notice allows more than 30 days to accomplish the action, the notice may require that a substantial beginning be made in accomplishing the action within the initial 30-day period following service of the notice.

(F) A statement that the order becomes final ten calendar days after notice is served, unless a hearing is requested in writing by the owner of record, the tenant or occupant, or by a person holding a substantial property interest in the private premises upon which the nuisance is alleged to exist. The

request for a hearing must be served upon the enforcement authority prior to the expiration of the aforementioned ten calendar day period.

(G) A statement briefly indicating what action can be taken by the County Recycling District or enforcement authority if there is noncompliance with the orders contained in the abatement notice.

(H) The name, business address, and business telephone number of the enforcement authority.

(I) Service of abatement notices shall be made by any of the following means:

(1) Sending a copy of the notice by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested.

(2) Delivering a copy of the notice personally to the person to be notified.

(3) Leaving a copy of the notice at the dwelling or usual place of abode of the person to be notified.

(4) Posting a copy of the notice in a prominent place upon the premises where the nuisance is located.

(5) If, after a reasonable effort, service cannot be obtained by any of the means described in divisions (I)(1) through (4), service may be made by publishing the notice in a newspaper of general circulation in the county in which the property subject to the notice is located. Publication shall be made one time.

(J) The date when notice is considered given is:

(1) The date left at the dwelling, date of personal service or date signed by certified mail.

(2) Notice by publication is considered given on the date of publication.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.16 WHEN ABATEMENT NOTICE IS NOT REQUIRED.

Where, in the opinion of the enforcement authority, a nuisance exists which creates a substantial and imminent health or safety hazard requiring immediate abatement in order to protect health and safety, the enforcement authority, upon prior approval by the Director or County Recycling District's Board of Directors, shall abate the nuisance without the necessity of issuing an abatement notice.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.17 HEARINGS.*(A) Hearings.*

(1) Any owner, tenant or occupant, or person holding a substantial property interest in private premises upon which a nuisance is alleged to exist who disputes the existence of a nuisance, or disputes the nature of the abatement action ordered in the abatement notice, may, within ten calendar days of service of the abatement notice, serve upon the enforcement authority a written request for a hearing. The written request does not need to be in any particular form, but shall clearly indicate that a hearing is requested, and shall set out the nature of the individual's disagreement with the content of the abatement notice.

(2) Upon receipt of the written request for a hearing, the enforcement authority shall place the matter on the agenda of the County Recycling District's Board of Directors for hearing. The County Recycling District's Board of Directors shall function as hearing body to adjudicate the matter.

(3) The Compliance Officer or designee shall give written notice to the party requesting the hearing of the date and time of the hearing. Such notice shall be given no less than five calendar days prior to the date set for hearing.

(4) At the hearing, which may be adjourned from time to time, it shall be the Compliance Officer's

burden to go forward with evidence sufficient to demonstrate that a nuisance exists, and that the actions required are reasonably calculated to abate the nuisance within a reasonable period of time. The party requesting the hearing shall have the right to dispute the existence of the nuisance, the reasonableness of the remedy, or the reasonableness of the time allowed to remedial action. The party requesting the hearing may propose alternative remedies or time periods for remedial action, or alternate remediation plans.

(5) All such hearings shall be open to the public pursuant to Indiana statutes on open meetings.

(6) Upon conclusion of the presentation of evidence and oral argument, if any, the County Recycling District's Board of Directors shall deliberate and render a decision either confirming, amending or rescinding the disputed content of the abatement notice.

(7) All time parameters set out in the abatement notice for completion of compliance actions shall be tolled, pending the outcome of the County Recycling District's Board of Directors decision. In cases where the actions of the enforcement authority are upheld, or are upheld as modified by the Board of Directors, it shall be the responsibility of the Board of Directors, in its decision, to establish time periods for completion of compliance activities held in abeyance during the hearing process.

(B) *Appeal.* Pursuant to I.C. 36-1-6-9(e), a person who received a penalty under this chapter may appeal the order imposing the penalty to a court of record in Howard County no later than 60 days after the day on which the order is entered.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.18 COMPLIANCE WITH ABATEMENT NOTICE.

No additional fines shall be imposed once the abatement order has been satisfactorily complied with.
(BCC Ord. 2008-21, passed 6-16-08)

§ 50.19 FAILURE TO COMPLY WITH ABATEMENT NOTICE.

Failure to comply with the orders set out in the abatement notice within the time periods set out therein, or within any extended time periods agreed to by the Compliance Officer, shall constitute a violation of this chapter and shall render the individual upon whom the abatement notice was served liable to a fine as set forth by the County Recycling District's Board of Directors. Each day's failure, neglect or refusal to abate the nuisance during the time period allowed for compliance shall constitute a separate offense under this chapter. The record owner of the premises upon which the nuisance is found to exist, shall be held liable for the payment of fines assessed under this chapter.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.20 ABATEMENT BY DISTRICT.

In addition to fines imposed under this chapter, in non-emergency situations where abatement is not accomplished immediately by the county, failure, neglect, or refusal of any party to abate a violation as required by the abatement notice shall authorize the enforcement authority to obtain the permission of the District Director or County Recycling District's Board of Directors to abate the violation as set out in the abatement notice. Where such permission is sought, the Compliance Officer or designee shall file a copy of the abatement notice with the County Recorder to give constructive notice to subsequent purchasers that the real estate is subject to the costs associated with the abatement. Abatement may be accomplished by crews designated by the District if the work is within its capacity to accomplish, or the District may request quotes and award the job to the lowest responsible and responsive contractor. An accurate accounting shall be kept of all costs incurred in abating the nuisance. Upon completion of the abatement, a statement for costs incurred shall be forwarded to the record owner by certified mail. Should such costs remain unpaid 30 calendar days after receipt by the owner of record, or upon return of the certified mail as undeliverable, appropriate legal action may be taken to compel

payment of costs incurred. Any judgment for costs obtained shall be filed as a judgment lien against the real estate upon which the violation was abated.
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.21 SEVERABILITY.

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause or phrase and the finding or holding of any section, subsection, sentence, clause or phrase to be unconstitutional, void or ineffective for any cause shall not affect any other section, subsection, sentence, clause or phrase or part hereof. The County Recycling District may modify this chapter as deemed necessary.
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.22 ADMINISTRATIVE RULES AND POLICIES.

The County Recycling District may establish written rules and policies, not inconsistent herewith to carry out the provisions thereof.
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.99 PENALTY.

(A) Any person who violates § 50.02 shall be subject to a fine not to exceed \$2,500 per violation; provided, that the total of any fines imposed under this division (A) and any clean-up costs imposed under § 50.02 shall not collectively exceed the sum of \$2,500 per violation.
(BCC Ord. 1993-24, passed 6-28-93)

(B) (1) In addition to any other costs imposed under this chapter, any person who is found to have violated this chapter, or willfully or negligently failed to comply with any provision of this chapter or with any orders issued hereunder, shall be fined not less than \$100, and no more than \$2,500 for each offense. Each day a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Citations for violations of this chapter may be issued by the Enforcement Authority. The Uniform Traffic Citation may be utilized for the purpose of evidencing violation of this chapter. Enforcement shall be in effect by the filing of a civil suit seeking judgment in the amount of the fine imposed, plus court costs.

(3) All expenses including fines and abatement costs incurred by the County Recycling District in enforcing this chapter or adopted ordinances by eligible entities related to this chapter shall become a lien on property owned by the person or persons as afforded by I.C. 36-1-6-2. The lien shall be placed and recorded on the property tax duplicated and collected from the owner as taxes are collected.

(4) A clean-up fund is hereby established in the operating budget of the County Recycling District. This fund shall be established for the purpose of accounting and paying for the costs of investigating, enforcing and cleaning up properties in violation of this chapter.

(5) In matters involving a health and/or vector hazard, the County Recycling District Director, Compliance Officer(s) or designees may conduct investigation and enforcement according to laws governing public health under the Director's supervision. The Director of the County Recycling District may designate some other person as the enforcement authority to conduct investigation and enforcement according to laws governing public health as needed.

(a) The County Recycling District's Board of Directors shall be empowered to order the abatement of nuisance solid waste accumulation, illegal dumping, and littering and to issue orders and fines as designated.

(b) Any person or persons identified violating this chapter, shall be subject to the following schedule for abatement: The Compliance Officer(s) or designee(s) shall notify the person of an alleged violation. Depending upon the extent of the violation, the notice will state that violation abatement must

occur within a reasonable length of time between ten days and 60 days from the date of notice. If abatement does not occur within the stated length of time, the County Recycling District Director reserves the right to abate the nuisance through the use of private contractors or the public work force.

(6) If a small amount of trash, litter or recycling is found on public land, designated county employees or other agents may search the material for identification evidence and then properly dispose or recycle the material. Evidence will be forwarded to the Enforcement Authority for further action.

(7) The owner of property on which improper disposal acts have occurred may be included as a party of an enforcement action against a person who committed the violation for the purposes of obtaining access to the land to clean up and properly dispose of the wastes.

(8) Either abatement of the violation or a request for appeal must be filed with the County Recycling District's Board of Directors within the time frame designated in the notice for the identified person or property owner to dispute fines, an order to appear, or other legal action.
(Ord. 2008-BCC-21, passed 6-16-08)

CHAPTER 51: SEWER REGULATIONS

Section

General Provisions

- 51.01 Title and purpose
- 51.02 Definitions
- 51.03 Licensing of installers; revocation of license
- 51.04 Permits required; refusal or revocation of permits
- 51.05 Fee schedule
- 51.06 Connection to public or enclosed sanitary sewer system
- 51.07 Abandonment of existing private sewage system
- 51.08 Conflict of ordinances

On-Site Sewage Regulations

- 51.20 Incorporation by reference
- 51.21 Definitions
- 51.22 Licensing of installers
- 51.23 OSS permit requirements and plan submittal
- 51.24 On-site sewage system permit
- 51.25 OSS operating permit
- 51.26 Connection to existing system
- 51.27 OSS inspection
- 51.28 Violation
- 51.29 Procedure for appeal
- 51.30 Remedies
- 51.31 Fee schedule
- 51.32 Conflict of ordinances

- 51.99 Penalty

Cross-reference:

Subdivision sewer, water and drainage regulations, see §§ 152.63 et seq.

GENERAL PROVISIONS

§ 51.01 TITLE AND PURPOSE.

(A) This chapter regulates the location, installation, construction, maintenance and replacement of all residential sewage disposal systems in the county, provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

(B) This chapter shall be known and may be cited as the “Howard County Residential Sewage Ordinance.”

(C) The general purpose of this chapter is to promote the public health, safety and welfare and to further the following related and specific objectives.

(1) To preserve and improve the environmental quality of the county.

(2) To minimize contamination of ground and surface water resources.

(3) To control the utilization of private sewage disposal systems based on the limitations of the soils for such use as determined by a soil profile analysis based on the criteria set forth by the Soil Conservation Service.

(D) The requirements found in rule 410 I.A.C. 6-8.1 are hereby incorporated by reference into this chapter and shall include any later amendments to those regulations the same are published in the Indiana Administrative Code with the effective dates as fixed herein.

(BCC Ord. 1993-34, passed 11-1-93)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABS. Acrylonitrile-butadiene-styrene.

APPROVED SEPTIC SYSTEM. A permitted septic system installed in accordance with state regulation and county ordinance which has been inspected and signed by the Health Officer or his or her designee.

ASTM. American Society for Testing and Materials.

BARRIER MATERIAL. A geotextile fabric with an effective opening size no smaller than 0.20 millimeters and no larger than 0.85 millimeters.

BOARD OF HEALTH. The Howard County Board of Health.

COUNTY. Howard County, Indiana.

DISTRIBUTION BOX. A structure designed to distribute effluent by gravity from a septic tank equally into the pipes of an absorption system connected thereto.

DOSING TANK. A concrete tank used in series behind a septic tank used to store liquids in amounts equivalent to the amount to be handled by the absorption field. The dosing chamber is served by a properly sized pump which will “dose” the effluent to the absorption field.

DRAINAGEWAY. The channel portion of the landscape in which surface water or rainwater runoff gathers intermittently to flow to a lower elevation.

DWELLING. Any house or place used or intended to be used as a place of seasonal or permanent human habitation or for sleeping for one or two families.

FILL. Soil transported and deposited by man as well as soil recently transported and deposited by natural erosion forces. Fill is evidenced by one or more of the following:

- (1) No soil horizons or indistinct soil horizons.
- (2) Depositional stratification.
- (3) Presence of a soil horizon which has been covered.
- (4) Materials in a horizon such as cinders or construction debris.
- (5) Position in the landscape.

FOUNDATION DRAIN. That portion of a residential drainage system provided to drain only ground water from outside of the foundation of the house or from under the basement floor.

HEALTH OFFICER. The Howard County Health Officer, his or her assistant, or his or her designees, having responsibility for the enforcement of this chapter.

LIMITING LAYER. Any soil horizon with a loading rate less than 0.25 gallons per day per square foot, or greater than 0.75 gallons per day per square foot.

LOADING RATE. The allowable rate of application of septic tank effluent to the soil. It is expressed in gallons per day per square foot.

NEW SEPTIC SYSTEM. Any system proposed for new dwelling construction.

OWNER. The owner of a dwelling or his or her agent.

PERSON. The term includes any individual, partnership, copartnership, firm, company, corporation, association, trust, estate or any other legal entity, including but not limited to its or their successors or assigns or agents.

PVC. Polyvinyl chloride.

REPAIR. The term includes any alteration, addition or replacement of any portion of an existing septic system.

RESIDENTIAL DRAIN. The horizontal piping in a house drainage system which receives the discharge from soil, waste and drainage pipes inside the walls of the house and conveys the same to the residential sewer.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM. All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage from a one or two family dwelling. Included within but not limited to the scope of this definition are residential sewers, septic tanks, soil absorption systems, temporary sewage holding tanks and sanitary vault privies.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM FAILURE. A residential sewage disposal system which exhibits one or more of the following, and is therefore considered a health hazard:

(1) The 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 surface waters.

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

SANITARY SEWER. A sewer or system of sewers which convey sewage away from the lot on which it originates to a waste water treatment facility owned and operated by an incorporated city or town, conservancy district, regional sewer district or private utility.

SDR. Means standard dimension ratio.

SEPTIC TANK. A water-tight structure into which sewage is discharged for settling and solids digestion.

SEWAGE. All water-carried waste derived from ordinary living processes.

SLOPING SITE. Any portion of the proposed area designated for the septic system with greater than a 2% slope.

SLUDGE. The digested or partially digested solid material accumulated in a septic tank.

SOIL ABSORPTION. A process which utilizes the soil to treat and dispose of effluent from a septic tank.

SOIL ABSORPTION SYSTEM. Pipes laid level in a system of trenches or elevated beds into which the effluent from the septic tank is discharged for soil absorption. The term may also be referred to as residential septic system, residential sewage disposal system, absorption system or leach field

SOIL HORIZON. A layer of soil or soil material approximately parallel to the land surface and differing from adjacent genetically related layers in physical, chemical and biological properties or characteristics such as color, structure, texture, consistency, kinds and numbers of organisms present, and degree of acidity or alkalinity.

SOIL MAPPING SYMBOLS. Those symbols used by the Soil Conservation Service in mapping the soil series in the county based on the limitations of the soil described as “slight, moderate, and severe.”

SOIL PROFILE ANALYSIS. The observation and evaluation of the physical characteristics of the soil horizons or layers to a depth of at least five feet or, if shallower, to a layer which cannot be readily penetrated.

SOIL SCIENTIST. A registered professional in the field of soil science holding a baccalaureate degree with a major in agronomy, soils or a closely related field of science who is proficient in the application of the principles of pedology to soil classification, investigation, education and consultation and on the effect of measured, observed and inferred soil properties and their use.

UNSANITARY CONDITION. Any condition that may transmit, generate or promote disease.

WATER TABLE and SEASONAL HIGH WATER TABLE. Means the upper surface of the ground water or that level below which the soil is saturated with water.
(BCC Ord. 1993-34, passed 11-1-93)

§ 51.03 LICENSING OF INSTALLERS; REVOCATION OF LICENSE.

(A) *Licensing of installers.*

(1) A person engaged in the installation of private soil absorption systems shall file an application with the Board of Health. The application shall be accompanied by a certificate of insurance issued by a company registered in the state evidencing the existence of a liability policy sufficient

to indemnify persons for whom work is performed if faulty. The policy shall have such coverages and policy limits as may be set from time to time by the Board of Health. The Board of Health shall be the beneficiary of such policy.

(2) The applicant must complete an application, submit to an annual written examination which will cover the state and local regulations governing residential soil absorption systems, and must pass said examination prior to the issuance of an installers license. If the applicant fails to pass the examination, the applicant must re-apply for an installers license and examination no earlier than one month following the examination date. An application fee of \$10 must be paid prior to re-examination.

(3) Once the criteria in divisions (A)(1) and (A)(2) are met, the applicant shall be issued a license and will pay the set fee for such license.

(4) Such license shall be valid for one year and shall be non-transferable. The license shall bear the name and address of the licensee and the expiration date.

(5) The licensee shall maintain in his or her possession a copy of the license at all times when installing residential soil absorption systems.

(B) *Revocation of license.* The Board of Health shall have the authority to revoke a license issued under the provisions of division (A) for failure to observe the standards established by this chapter or upon conviction of a violation of this chapter.

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.04 PERMITS REQUIRED; REFUSAL OR REVOCATION OF PERMITS.

(A) Residential sewage disposal systems.

(1) The owner or agent of the owner shall obtain a written permit, signed by the Health Officer, for construction of a residential sewage disposal system prior to:

(a) Construction of a residence which will not be connected to a sanitary sewerage system.

(b) Any replacement, reconstruction of, expansion or remodeling of a residence which may increase the number of bedrooms.

(c) Any addition to, alteration of or repair of an existing residential sewage disposal system.

(2) The application for such a permit shall be made on a form provided by the Health Department and shall contain the following information: soil profile analysis, lot dimensions, number of bedrooms, location to drainage outlets and any other information deemed necessary by the Health Officer. Plans shall be to a suitable scale of one inch equal to ten feet and shall indicate the location of all existing and proposed buildings, property lines, septic tank and absorption fields, tile and open drains and wells on the property to be developed and on those properties immediately adjacent to it. Sufficient existing and proposed elevations shall be also be provided.

(3) If it is determined that the proposed system design does not meet the minimum requirements of this rule, the permit shall be denied and the owner shall be notified in writing of the basis for denial, and the notification shall state the appropriate procedure for registering any such appeal.

(4) The permittee shall notify the Health Officer or his or her designee when the work is ready for final inspection and at least 48 hours or two working days before any subsurface portions are to be covered. Soil absorption systems that require more than one inspection due to improper installation or improper scheduling, and the like, will be required to pay an additional fee for each additional inspection necessary.

(5) The Board of Health, its agent, or the Health Officer or his or her agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling and testing necessary to assure compliance with this rule.

(6) The installation of the permitted soil absorption system must be completed to the exact design specifications. No portion of the permitted design is to be altered without first consulting with the Board of Health. Any alteration of an approved and permitted soil absorption system design without the consultation and issuance of an amended permit will result in an unapproved and non-compliant system. No certificate of occupancy will be granted for any construction or change of use until such time as the sewage disposal system has been certified approved.

(B) *Commercial permit.* The owner or agent of the owner shall obtain a written permit, signed by the Health Officer, for construction of a commercial sewage disposal system prior to construction of an establishment classified and rated as a business.

(1) The application for such a permit shall be made on a form provided by the Howard County Health Department specifically for commercial sites.

(2) The application shall include a copy of the permit issued from the State Department of Health, a copy of the soil profile analysis, and a blue print copy of the design submitted to the State Department of Health. The information shall include but not be limited to all pertinent information covered in division (A) of this section.

(C) *Refusal or revocation of permits.*

(1) If an applicant is refused a permit, the Board of Health shall, upon request, afford the applicants the opportunity for a fair hearing.

(2) The Health Department may revoke a permit which had been issued for construction of a residential sewage disposal system if it finds that the owner of the permit has failed to comply with this rule. Upon such notice, the Board of Health shall upon request afford the applicant the opportunity for a fair hearing. (BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.05 FEE SCHEDULE.

The fee schedule for this chapter is as follows:

Septic Installers License	\$100 annual
Septic Permit (residential)	\$50
Septic Permit (commercial)	\$50
On-Site Evaluation	\$25
Additional Septic Inspection	\$25*

* Septic inspections for lots are provided in the amount of one per lot, and are scheduled by the applicant. In the event that the site needs more than one inspection due to improper planning, non-compliant installation, and the like, there will be a charge for each additional inspection performed by a representative of the County Health Department.

(BCC Ord. 1993-34, passed 11-1-93)

§ 51.06 CONNECTION TO PUBLIC OR ENCLOSED SANITARY SEWER SYSTEM.*(A) Proposed residential development.*

(1) Prior to preliminary plat approval, the developer of any proposed residential development shall be required to evaluate the feasibility of extending an existing public or enclosed sanitary sewer system. The feasibility of providing a direct connection shall be projected for the entire project area and shall be based upon the maximum gross density permitted in the zoning district in which the development is located. A direct connection shall be required when the total length of the sanitary sewer lines required from the existing sanitary sewer system to the nearest property line of the proposed project is less than 300 feet per lot in the total project, that is 300 feet times the number of lots in the total project.

(2) The County Board of Health will only consider the use of private individual absorption systems for residential development after the developer has shown that the use of collection sewers and central treatment is not feasible.

(B) *Proposed non-residential development.* Prior to approval, the developer of any proposed non-residential sewage development shall be required to evaluate the feasibility of extending an existing public or enclosed sanitary sewer system. A direct connection shall be required based upon the sewage per day, as set forth hereafter:

<i>Sewage Flow Per Day</i>	<i>Distance from Public or Enclosed Sewer System</i>
0 - 499	250 feet
500 - 1,499	500 feet
1,500 - 2,999	2,000 feet
3,000 +	5,280 feet for each 3,000 gal.

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.07 ABANDONMENT OF EXISTING PRIVATE SEWAGE SYSTEM.

All abandoned septic tanks shall be removed or filled in with soil or aggregate in a manner that will eliminate a health and safety hazard. This includes the disconnection of inlet and outlet lines of a septic tank that is not removed.

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.08 CONFLICT OF ORDINANCES.

In any case where a provision of this chapter is found to be in conflict with a provision of any code of the county existing on the effective date of this chapter, 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 the county existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(BCC Ord. 1993-34, passed 11-1-93)

ON-SITE SEWAGE REGULATIONS

§ 51.20 INCORPORATION BY REFERENCE.

The following documents are incorporated by reference as a part of this subchapter 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.

(A) Rule 410 I.A.C. 6-8.1 et seq.

(B) Bulletin SE 11, the Sanitary Vault Privy, 1986 Edition.

(C) Rule 410 I.A.C. 6-10 et seq. Commercial On-Site Wastewater Disposal

(D) I.C. 16-41-25-3.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.21 DEFINITIONS.

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

BEDROOM. 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.

HEALTH OFFICER. A medical doctor serving as the executive officer for the County Health Department and secretary for the County Board of Health.

INSTALLER. Any person engaged in the construction and installation of residential or commercial on-site sewage disposal systems in the county.

INSTALLER LICENSE. A certificate issued to a person, for hire, who meets all the prerequisites for installing on-site sewage systems in the county.

IOWPA. Indiana Onsite Wastewater Professional's Association.

ONSITE SEWAGE SYSTEM(S) (OSS). All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility.

OUTLET FILTER. Devices designed to restrict solid matter from leaving the septic tank and to enhance the quality of effluent.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.22 LICENSING OF INSTALLERS.

(A) Any person engaged in the installation of an on-site sewage system shall obtain an installer license from the County Health Department, Division of Environmental Health.

(1) The person must complete an application (homeowner exception see division (B)(4) of this section).

(2) Submit to a written examination given by the 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 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 month following the examination date. A \$20 re-examination fee must be paid prior to reexamination.

(4) The person must submit a certificate of insurance to the Health Department.

(B) Once the criteria in divisions (A)(1) through (4) above are met, the applicant shall pay set fee for such license.

Howard County - Public Works

- (1) Installer's license will be issued and shall be renewed within 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 or her possession a copy of the license.
- (4) A homeowner that wishes to install an OSS on his or 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 subchapter, may be revoked or suspended by the 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 the county for the time period fixed by the County Board of Health.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.23 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 100 feet of the OSS and 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-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 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 County Health Department may require any OSS to be designed by a registered professional engineer when deemed necessary.

(B) All septic tanks installed in the 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 the county must meet the following criteria:

(1) For trench OSS, the subsurface perimeter drain must be two inches into a soil horizon with a loading rate less than .25 gallons per day per square foot, or 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 24 inches below trench bottom are also acceptable.

(2) For sand mound OSS, the subsurface perimeter drain must be two inches into a soil horizon with a loading rate less than .25 gallons per day per square foot or 32 inches deeper than the original ground surface.

(3) The subsurface drain tile shall be at least six 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 five years. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.24 ON-SITE SEWAGE SYSTEM PERMIT.

(A) The owner or agent of the owner shall obtain a written permit, from the 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.

(4) 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 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 years of the issue date, whichever comes first. This permit may be renewed prior to expiration for one additional three-year period. Provided, however, the renewal permit shall expire within one 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 p.m. 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 I.A.C. 6-8.1-1 et seq. and all of the provisions of this subchapter, 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 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 I.A.C. 6-8.1-1 et seq. and all of the provisions of this subchapter.

(3) If a permit is revoked, construction may not proceed on the OSS until a new permit is issued. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.25 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 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 month of the date 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 48 hours after performing unscheduled maintenance.

(b) Written documentation of all unscheduled maintenance within one 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 § 51.23.

(G) If the owner fails to comply with this section, after notice of violation and said time limit, the owner may be held to § 51.99, Penalty.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.26 CONNECTION TO EXISTING SYSTEM.

Connection to an existing onsite sewage system shall be permitted if the following conditions are met.

(A) The connection will not exceed the daily design flow for the OSS.

(B) The existing system has not met the definition of an "OSS failure".

(C) 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.

(D) If the existing system should fail, there is sufficient space for system replacement.

(E) In the event that a system enlargement is proposed, the enlargement must bring the existing

system into compliance with the minimum standards of this subchapter.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.27 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 subchapter.

(B) The Health Officer or designee shall inspect each OSS for which a permit is required under the provisions of this subchapter.

(C) The permit shall be signed in-compliance prior to the utilization of the OSS.

(D) Persons violating this section may be subject to § 51.99, penalty.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.28 VIOLATION.

(A) Any person found to be violating this subchapter may be served by the Health Officer or his or her 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 or her designee, the owner of the property shall comply with the provisions of this subchapter 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.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.29 PROCEDURE FOR APPEAL.

(A) The 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 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 subchapter, or 410 I.A.C. 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 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.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.30 REMEDIES.

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 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 subchapter.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.31 FEE SCHEDULE.

As set forth in the County Health Department Fee Collection Ordinance and any amendments or revisions hereafter.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.32 CONFLICT OF ORDINANCES.

(A) In any case where a provision of this subchapter is found to be in conflict with a provision of any code of the county existing on the effective date of this subchapter, 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 the county existing on the effective date of this subchapter 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 subchapter.

(B) If any section, subsection, paragraph, sentence, clause, or phrase of this subchapter should

be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this subchapter, which shall remain in full force and effect, and to the end the provisions of this subchapter are hereby declared to be severable.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.99 PENALTY.

(A) Any person found to be in violation of this chapter shall be fined for the first offense not more than \$500; for the second and each subsequent offense not more than \$1000. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health shall constitute a distinct and separate offense. Further, any person found to be in violation of this chapter shall be liable to the County Board of Health for any expense, loss or damage occasioned the Board of Health by reason of violation.

(BCC Ord. 1993-34, passed 11-1-93)

(B) (1) Any person found to be in violation of §§ 51.20 through 51.32 shall be fined for the first offense not more than \$2,000; 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 §§ 51.20 through 51.32. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Health Department shall constitute a distinct and separate offense.

(2) In the event that any on-site sewage system installed does not meet compliance with §§ 51.20 through 51.32, after the expiration of the time limit for correction, the installer shall be fined for the first offense not more than \$1,000 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.
(Ord. 2006-BCC-23, passed 5-9-06)

[Next page of text is page 43]

2010 S-7

CHAPTER 52: WATER REGULATIONS

Section

Private Water Wells

- 52.01 Title and purpose
- 52.02 Definitions
- 52.03 Water wells; location and construction
- 52.04 Pump installation
- 52.05 Use of wells for drainage or waste disposal
- 52.06 Abandonment of wells
- 52.07 Disinfection and samples
- 52.08 Licensing, permits and inspections
- 52.09 Appeals
- 52.10 Violations
- 52.11 Remedies
- 52.12 Wellhead protection areas

Appendix A: Tables

Cross-reference:

Subdivision sewer, water and drainage regulations, see §§ 152.63 et seq.

PRIVATE WATER WELLS

§ 52.01 TITLE AND PURPOSE.

(A) *Title.* This chapter regulates the location, construction, installation, maintenance and repair of all private water wells and pumps in the county, provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

(B) *Short title.* This chapter shall be known and may be cited as the “County Private Water Well Ordinance.”

(C) *Declaration of purpose.*

(1) The general purpose of this chapter is to promote the public health, safety and welfare and to further the following related and specific objectives.

(a) To preserve and improve the environmental quality of the county.

(b) To minimize contamination of ground and water resources.

(2) Nothing in this chapter shall prohibit development under a permit issued prior to the date of this chapter under any previous laws or ordinances.

(3) All private water wells and pumps within the county shall be installed, constructed and maintained in an approved manner, in conformity with the provisions of this chapter and if not specifically described herein, as described in Bulletins S.E. 13 and 15 of the State Board of Health, which are included by reference as part of this chapter and copies of which are on file in the offices of the County Auditor and the County Health Officer for public inspection.

(83 Code, § 51.01) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUICLUDE. A formation or stratum that is impermeable to water.

AQUIFER. A water-bearing formation or stratum.

CASING. Steel or wrought iron pipe, type K copper, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

CEMENT GROUT. A thorough mixture consisting of one bag of portland cement (94 pounds) with five or six gallons of clean water. When such mixture cannot be placed effectively, additives may be used; provided, shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

FLUSHING. The act of causing a rapid flow of water from a well by pumping, bailing or similar operation.

GROUND WATER. Any water in natural state below the surface of the ground.

HEALTH DEPARTMENT. The Kokomo-Howard County Health Department.

HEALTH OFFICER. The County Health Officer or his or her deputy or assistant having the responsibility for the administration and enforcement of this chapter.

NON-RESIDENTIAL WELL. Any well drilled for more than two residential units or for use other than residential use or for wells drilled for a combination of use involving residential and non-residential use.

PERSON. Any individual, partnership, firm, corporation, institution, school, unit of government, or officer or employee of any of the foregoing.

POLLUTION. Contamination or other alteration of the physical, chemical or biological properties of water as to render the water harmful, detrimental or injurious to public health or safety.

POTABLE WATER. Water suitable for drinking or culinary purposes in its natural state or through conditioning.

PRIVATE WATER SUPPLY. One or more sources of ground water, including facilities for conveyance thereof, such as wells, springs and pumps other than those serving a municipality or those operating as a public utility under the rules of the State Public Service Commission.

PUMP INSTALLER. Any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

RESIDENTIAL WELL. Any well drilled for the use of one or two dwelling units.

STUFFING BOX. An approved receptacle in which packing may be compressed to form a water-tight or air-tight junction between two objects.

TUBING. Metal, fibre or plastic pipe used to withdraw water from a well. A jet type pump may require two strings of tubing.

WATER TABLE. The top surface, or upper limit, of the ground water zone.

WELL. Any excavation, whether drilled, bored, driven, jetted or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water or for lowering (either temporarily or permanently) the ground water level or water table.

WELL DRILLER. Any individual, partnership, firm or corporation that produces or contracts to construct a well.

WELL DRILLING. Any operation which produces a well.

WELL OWNER. The legal owner of the real estate containing a well site.

WELL SEAL. An approved removable arrangement or device used to cap a well or to establish and maintain a water-tight junction between the casing or curbing of a well and the piping or equipment installed therein so as to prevent unwanted water or other contaminating material from entering the well at the upper terminal.

WELL VENT. An opening or outlet at the upper end of the well casing to allow equalization of air pressure in the well.

YIELD. The quantity of water per unit of time which may flow or be pumped from a well when water level has remained stabilized for one hour or longer.
(⁸³ Code, § 51.02) (Ord. 1977-39, passed 12-19-77)

§ 52.03 WATER WELLS; LOCATION AND CONSTRUCTION.

(A) *Location of water supply wells.* The location of water supply wells or buried suction lines shall conform to the minimum separation requirements of Table I, as set forth in Appendix A.

(1) Private water supply wells shall be located at a high point on the premises and shall be protected from surface drainage and flooding.

(2) Each single-family residence constructed after the adoption of this chapter shall have its own separate well on the lot whereon it is located except where such residence is connected to and using a public water supply.

(3) No well shall be located within the basement of any building or under a building that has no basement.

(B) *Construction of wells.* All wells shall be constructed in accordance with the requirements below. Water supply wells for other than single-family residential use shall have sufficient stabilized yield to produce a minimum pressure of 20 psi for all uses.

(1) *Casing.*

(a) All wells shall be cased to a depth of at least 25 feet below ground surface.

(b) The casings of wells developed in sand or gravel shall extend water-tight to or into the aquifer.

(c) The minimum casing diameter for a well to be used as a source of potable water shall be four inches or greater. Under no conditions shall it be less than two inches inside diameter.

(d) Every drive pipe shall be fitted at its lower end with a standard drive shoe, threaded or welded onto the pipe so that the pipe rests on the internal shoulder of the shoe. The shoe shall have a beveled and tempered cutting edge of metal alloyed for this special purpose.

(e) The casing of the well shall be wrought iron, steel, or type K copper and shall be of sufficient thickness and quality to protect the well against structural deficiencies during construction and against contamination by surface water or other undesirable materials during the expected life of the well. Only recessed couplings may be used on threaded pipe or casing. Ferrous casing shall be new, first-class material meeting American Society for Testing Materials (ASTM) Standards A-120 or A-53, or American Petroleum Institute (API) Standards API-5A or API-5L. No thin-walled, sheet metal, used, reclaimed, rejected or contaminated pipe or casing shall be used in a water well. New pipe or casing, when salvaged from water well test holes only, shall not be considered as used or contaminated. Where corrosive water or soil is likely to be encountered, thicker walls in pipe or casing than those which appear in Tables II through V, as set forth in Appendix A, should be used.

(f) Other types of casing may be used in dug or bored wells if the annular space between the casing and the soil is completely filled by a monolithic pour of dense, water-tight, puddled or vibrated concrete measuring at least six inches thick,

especially at the bells or joints. This casing shall be new material and shall extend to a depth of at least 25 feet below ground surface. For special construction required to prevent surface contamination at the top of large diameter dug or bored well casings, the State Board of Health should be consulted. Approval of the Health Officer is required for this type of construction.

(g) The casing pipe of any well shall project not less than 12 inches above the pumphouse floor or finished ground surface, and at least 24 inches above the highest flood level of record. No casing shall be cut off below ground surface except to install a basement offset or a pitless adapter. The adapter shall project not less than 12 inches above ground surface.

(h) There shall be no opening in the casing wall below its top except by the use of a properly installed pitless adapter designed to, and fabricated of such materials that will, keep soil and water from entering the well during the life of the casing. The pitless adapter shall be of such design that the tubing or drop pipe cannot be dropped into the well by misalignment in assembling the internal parts. The upper terminal of the pitless adapter shall meet the requirements of the preceding paragraph. Due to the difficulty of making strong and water-tight welds under field conditions, adapters threaded onto the casing shall be used. A heavy-weight transition fitting, welded water-tight both internally and externally (full double weld) to the casing and terminating in a full-sized 8-thread per inch connection may be used instead of cutting threads on the casing pipe. The adapter fitting itself shall be a commercially-produced casting or shop-welded fitting, pressure tested to at least 300 psi with no weeping or leakage. Saddle-type fittings with heavy corrosion-resistant U bolts and rubber gaskets under system pressure at all times also may be used.

(I) The outside casing wall shall not be used as a suction pipe.

(2) *Sealing.*

(a) The casings of wells developed in rock shall be firmly seated in sound rock. If broken

or creviced rock is encountered above the aquifer, the hole shall be reamed through the broken or creviced rock and the casing seated in sound rock or an aquiclude. In areas where rock wells can be developed only in the upper fractured rock, casing may terminate in this formation if there are at least 25 feet of unconsolidated material above the rock. When there is less overburden and deeper strata will not produce potable water, the substandard quality of the well must be recognized. The State Board of Health should be consulted for the treatment necessary to provide a safe supply. Approval of the Health Officer shall be required in this case.

(b) In a rock well, the annular space between the casing and the drill hole shall be sealed to a sufficient depth to prevent surface drainage water, or shallow subsurface drainage, from entering the hole. If rock is encountered within 25 feet of the surface, the hole shall be reamed at least four inches greater diameter than the casing so that a minimum two-inch annular space can be filled with cement grout. The casing shall be extended at least ten feet into the rock, or to a point at least 25 feet below the surface, and cement grout shall be used to seal the annular space.

(c) Cement grout that is used to seal a hole diameter larger than the casing shall be composed of a thorough mixture of portland cement and clean water at a rate of one bag (94 pounds) of cement to five to six gallons of water so that it can be pumped or puddled into the annular space to seal it. If such a cement grout cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

(d) Where pipe is driven through clay, silt, sand or gravel into a hole of smaller diameter than the casing, and where such unconsolidated clays, silts, sand or gravel are present to a depth greater than 25 feet below the surface, puddled bentonitic clay may be used to seal the annular space. Bentonitic clay shall be kept puddled around the point where the casing enters the ground in order to maintain a seal around the drive pipe and couplings and to serve as a lubricating medium while driving the casing.

(e) Whenever a casing is placed in a hole of larger diameter than the casing, the annular space between the casing and the wall of the hole shall be sealed from the rock or screen setting to the surface with either thick bentonitic clay, mud or cement grout in the manner described above.

(f) Dug or bored wells constructed with a screen threaded or welded to metallic casing, and with a concrete cut-off seal at least 30 inches thick poured and puddled to fill the excavation 25 or more feet below ground surface, may be back-filled above the seal with compacted drillings or clay in such a manner that the resulting fill will be as resistant to seepage as the undisturbed earth around it. The screen used in this construction shall be bronze or stainless steel to permit acidizing since it cannot be removed.

(3) *Screens.* Casings of wells drawing from unconsolidated water-bearing formations, except those described in divisions (B)(1)(f) and (B)(2)(f) above, shall be fitted with strainers or screens which are set through the casing in a manner that will permit removal and replacement without adverse effect on the water-tight construction of the well. Slotted pipe is not acceptable. The screen shall have openings properly sized to exclude the granular material of the developed aquifer.

(4) *Temporary caps.* Temporary caps placed on a well until pumping equipment can be installed shall be such that no contamination can enter the casing. A properly fitted and firmly driven solid wooden plug or equally watertight closure is the minimum acceptable.

(5) *Yield.*

(a) Wells constructed as a source of water for a residence shall have a stabilized yield of at least 300 gallons per hour (gph). If a lesser yield is the maximum amount of water obtainable from the aquifer, the Health Officer shall be informed and his or her approval obtained.

(b) Before it is put into use, every well shall be tested by pumping for yield and drawdown. The test pump shall have a capacity at least equal to the pumping rate that is expected of the well during its usage. The test pump shall be installed to operate continuously until the water level has become stabilized and, at this point, the yield and drawdown determined. Bailing may be used to give a rough estimate of the yield of the well, and may be the only practical way to test very weak wells, but it is not to be considered a reliable substitute for a pumping test for yields over 150 gph.

(6) *Records.* The well driller shall furnish the Health Officer and the well owner with duplicate copies of the information he supplies to the Department of Natural Resources in compliance with the provisions of I.C. 25-39-4-1. The record shall include a log of the materials penetrated and their depth or thickness. (83 Code, § 51.03) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.04 PUMP INSTALLATION.

(A) Pump installation shall be in accordance with the following regulations.

(1) *Hand pumps.* All hand pumps, stands or similar devices shall be installed so that no unprotected opening connecting with the interior of the pump exists. The pump spout shall be of the closed downward-directed type. All hand pumps shall be bolted to a mounting flange securely fastened to the well casing. The top of the casing shall extend at least one inch above the face of the flange.

(2) *Power-driven pumps.* All power-driven pumps located over wells shall be mounted on the well casing, a pump foundation or a pump stand so as to provide an effective well seal at the top of the well. Extension of the casing at least one inch into the pump base will be considered an effective seal; provided, the pump is mounted on a base plate or foundation in such a manner as to exclude dust and insects, and the top of well casing is at an elevation at least two feet above any known flood water level.

Howard County - Public Works

(a) Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top thereof, a water-tight expanding gasket or equivalent well seal shall be provided between the well casing and piping. A similar water-tight seal shall be provided at the terminal for a conduit containing a cable for a submersible pump. See § 52.03(B)(1)(g) for casing top above ground surface.

(b) All submersible pumps shall have one check valve located on the discharge line above the pump and inside the casing. If the discharge pipe is at least 12 inches above the ground and slopes to drain into the well, the check valve may be located in the house.

(c) Pitless adapters with below-ground discharge may be used. See § 52.03(B)(1)(h) for details of construction. The covered top of the adapter casing section shall extend 12 inches or more above the ground surface or 24 inches above maximum high water. There shall be no openings through the walls of the well or adapter casing for vents, wires, air lines or the like.

(3) *Pumphouses.* Unless the power-driven pump installation is of weather-proof and frost-proof construction, it shall be protected by a structure which permits access to the pump for maintenance and repair work. The pumphouse floor shall be constructed of impervious material and shall slope away in all directions from the well or suction pipe.

(4) *Protection against freezing.* Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.

(5) *Well vents.* All well vent openings shall be piped water-tight to a point not less than 24 inches above any known flood water level and, in any event, at least six inches above the well casing. See § 52.03(B)(1)(g). Such vent opening and piping shall be of sufficient size to prevent clogging by hoarfrost and in no case less than ¼-inch in diameter. The terminals of vent pipes shall be shielded and screened to prevent the entrance of foreign matter and

preferably turned down. If toxic or inflammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not produce a hazard. Openings in pump bases shall be sealed water-tight.

(6) *Sampling faucets.* In all pressure water systems, provision shall be made for collection of water samples ahead of chlorination, or any other treatment, by installation of a faucet on the discharge side of and as close as possible to the pump. The sampling faucet shall have a smooth turned-down nozzle. A hose bib shall not be used. All-brass pet cocks with 90-degree turned-down spigots may be acceptable as sampling taps.

(7) *Suction pipes connecting pump and well.* All buried suction pipes, unless deeper than ten feet below the ground surface, shall be enclosed in a pipe conduit having a minimum wall thickness equivalent to a casing of same size. They shall be located from sources of contamination in accordance with the distances specified in § 52.03(A). No suction line shall be located beneath a sewer. An exposed suction pipe, as in a basement room, shall be 18 inches or greater practicable distance above the floor but need not be kept any specified distance horizontally from a cast iron sewer.

(8) *Materials prohibited.* No material may be used in the well or pump installation that will result in the delivered water being toxic or having an objectionable taste or odor. Flexible or nonrigid plastic pipe shall not be used for suspending submersible pumps. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties required to withstand the torque and load to which it is subjected.

(9) *Offset pumps.* Offset pumps or pressure tanks shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space, either by gravity or means of a sump pump, and a minimum of four feet of clear working space is provided between the floor of the crawl space and the floor joist overhead. If

located in a crawl space, the pump or pressure tank shall be located within five feet of the point of entry. The access opening should be at least two feet high and two feet wide.

(B) All buried suction pipe shall be located from sources of pollution in accordance with the distances specified under § 52.03(A).

(C) Hand pumps shall be provided with a pump platform at least 48 inches square and four inches thick and reinforced with wire mesh. The upper surface of the platform shall be above grade and shall have a one-inch crown for drainage.

(D) A pressure tank with a minimum storage capacity of 42 gallons per dwelling unit shall be installed for each well. Storage capacity for buildings other than dwellings shall be approved by the Health Department on the basis of the use of the property.

(E) Pump bearing lubrication shall be designed to prevent contamination of either the water supply or the lubricating medium.

(^83 Code, § 51.04) (Ord. 1977-39, passed 12-19-77)

Penalty, see § 10.99

§ 52.05 USE OF WELLS FOR DRAINAGE OR WASTE DISPOSAL.

(A) No well may be used for the disposal of sewage or other material that may contaminate potable water horizons.

(B) If a well is to be constructed or used for the purpose of returning uncontaminated water to the ground, consideration shall extend to thermal as well as bacterial factors, and the plans for the well and system shall be submitted to and approved by the Health Officer and the State Stream Pollution Control Board. To prevent aeration of the returned water, and subsequent adverse changes in its quality, the return pipe shall discharge at least five feet below water level in the return well.

(^83 Code, § 51.05) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.06 ABANDONMENT OF WELLS.

(A) A well to be abandoned temporarily but which the owner intends to equip and use at some future time shall be sealed at the surface by a welded or threaded cap, or in the case of a dug well, in a manner satisfactory to the Health Officer.

(B) A well that is to be abandoned permanently shall be filled with cement grout opposite each water-bearing formation and in the top 40 feet of the hole. The remainder of the hole may be filled with puddled clay or other impermeable material that will permanently prevent migration of fluids in the hole. Sand, gravel, slag and crushed limestone are not desirable materials to use in filling a hole because they are permeable, but they may be used opposite aquicludes to bridge between zones of cement grout. If saltwater is entering or may enter the well, the entire hole shall be filled with cement grout.

(C) Dewatering wells, temporary service wells, construction water wells, process wells or other structures for withdrawing ground water or lowering of water levels or water tables regardless of location, length of intended service, or original use or intent shall be constructed to the identical standards and minimums as water supply wells covered by this chapter.

(D) The abandonment of dewatering wells, construction wells and temporary wells shall be accomplished by the identical procedure prescribed herein for permanent abandonment.
(83 Code, § 51.06) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.07 DISINFECTION AND SAMPLES.

(A) To prevent contamination of the well or aquifer, a chlorine residual of 200 parts per million, or other disinfectant of comparable anti-bacterial quality and strength, shall be maintained in the well hole throughout the drilling process. Under these conditions the well need not be disinfected until the pump is set. Every new, modified or reconditioned water source, including pumping equipment and

gravel used in gravel wall wells, shall be disinfected before being placed in service for general use. Such treatment shall be performed both when the well work is finished and when the pump is installed or reinstalled. If there is no significant lapse of time between the two operations, only the latter disinfection will be required. The casing pipe shall be thoroughly swabbed to remove oil, grease and joint dope, using alkalies if necessary to obtain clean metal surfaces. The well or other ground water development equipment, including the pumping equipment and gravel used in gravel well construction, shall be disinfected with a solution containing enough chlorine to leave a residual of 25 parts per million in the well after a period of at least 24 hours.

(B) Before the water supply system is approved for use, it shall be disinfected in accordance with division (A) above, pumped to remove disinfectant, and tested. Sterile bottles for water samples and bacteriological tests will be obtained from the State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206, water sample returned to the State Laboratory, and certification received from the State Laboratory that the quality of the water is satisfactory for its intended use. A nominal charge is made by the State Board of Health for this service.

(⁸³ Code, § 51.07) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.08 LICENSING, PERMITS AND INSPECTIONS.

(A) *Licensing of installer.* After the effective date of this chapter, no person shall offer or contract to install any portion of a private water well or pump without first having obtained a license from the Health Officer.

(1) *Application for license.* Application for the license shall be on the form prescribed by the Health Officer and shall be accompanied by a fee of \$25.

(2) *Issuance of license.* The license shall be valid for a period of one year from the date of issuance and shall be renewable each year thereafter. An application for renewal shall be filed not later than five working days before the expiration date. The license shall bear the name and address of the licensee, the date of issuance, and the expiration date of the license. A license issued under the provisions of this section shall be nontransferable.

(3) *Revocation of license.* The Health Officer shall have the authority to revoke a license issued under the provisions of this section for repeated failure to observe the standards established by this chapter or on conviction of a violation of this chapter.

(B) *Permits.* After the effective date of this chapter, no improvement location permit shall be issued where a private water well or pump is to be installed or where any alteration or major repair to an existing private water well or pump is planned unless a permit for the system has been issued by the Health Officer.

(1) *Emergency repair.* Emergency repair of an existing private water well or pump may be made on weekends or holidays when the Health Department office is closed without first obtaining a permit; provided, the repair shall be in conformance with the provisions of this chapter. A permit for such emergency repair shall be obtained within five working days thereafter.

(2) *Application for permit.*

(a) The application for a permit for installation, alteration or repair of a private water well or pump shall be made by a licensed installer on a form provided by the Health Officer, which application shall be supplemented by plans, specifications and other information as is deemed necessary by the Health Officer. Plans shall be to a suitable scale and shall indicate the location of all existing and proposed buildings, property lines, septic tank and absorption fields, and wells on the property

to be developed and on those properties immediately adjacent to it. Sufficient elevations shall be provided, to USC and GS datum to indicate the drainage characteristics of the property involved. The soil information, required for the permit, shall be provided either by the Soil Conservation Service, USDA, or by an engineer registered in the state and competent in soil mechanics. The soil information shall include soil identification using the soil mapping symbols. A permit and inspection fee of \$10 shall be paid to the Health Department at the time the application is filed.

(b) The Health Officer shall review each application for a new or enlarged private water well. He or she shall make an estimate of the reasonable and probable effects of the proposed new or enlarged well on existing wells in the vicinity. If the Health Officer determines, from information available to him or her at the time of the application, that the proposed new or enlarged well will deny an adequate supply of water to the owners of existing wells in the vicinity, he or she shall deny the application.

(3) *Issuance of permit.*

(a) A permit to install any private water well or pump shall be issued only for lots of record in the county, and for lots in subdivisions given preliminary or final approval by the Plan Commission; provided, however, that not more than two such permits shall be issued in any one subdivision given only preliminary approval.

(b) Permits for repair may be issued for existing dwellings not located on lots of record.

(c) A permit for a private water well or pump shall not become final until the installation is completed to the satisfaction of the Health Officer and is certified in writing as being approved.

(d) The permit shall be prominently displayed at the construction site for the duration of construction.

(e) No certificate of occupancy will be granted for new construction until such time as the water supply system has been certified approved.

(C) *Inspection.* The Health Officer, or his or her agent, bearing proper credentials and identification, shall be permitted to enter upon all properties at any reasonable time and at any state of construction for purposes of inspection, observation, measurement, sampling and testing necessary to administer and enforce the provisions of this chapter, and further, the applicant shall notify the Health Officer when the work is ready for inspection. The inspection shall take place within two working days following the day of receipt of the notice by the Health Officer. The installation shall not be placed in service until its acceptance by the Health Officer.

(^83 Code, § 51.08) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.09 APPEALS.

(A) Any person who objects to a decision, ruling, regulation, determination or order made by the Health Officer under this chapter, or his or her attorney, may file with the Health Officer an appeal directed to the Board of Health.

(B) An appeal filed in such a manner shall stay the decision, ruling, regulation, determination or order appealed from, as the same applies to the appellant, until the Board of Health has taken final action on the appeal, except that an order to abate a hazard to the public health shall not be stayed by such an appeal.

(C) All decisions and findings shall be final administrative decisions and shall be subject to judicial review as provided by law.

(^83 Code, § 51.09) (Ord. 1977-39, passed 12-19-77)

§ 52.10 VIOLATIONS.

(A) It shall be considered a violation of this chapter for any person to refuse to allow a representative of the Health Officer to inspect any

water well or pump when he or she requests to make such an inspection during reasonable hours.

(B) When the Health Officer shall have found an insanitary condition to exist or shall have found a violation of the technical standards of this chapter which could reasonably be expected to lead to an insanitary condition, that officer shall give written notice of such finding to the person who is responsible for the correction of the condition, and the officer shall set a time limit for the correction to be completed. The “notice of violation” is to be posted conspicuously on the premises.

(C) Time limits as set by the Health Officer shall be reasonable and shall be consistent with the nature of the condition which brought about the notice of finding and shall be consistent with the amount of time which shall reasonably be expected to be required for the correction to be made under ordinary circumstances. Extensions of time may be granted under extraordinary circumstances or conditions.

(D) If such an insanitary condition shall not be corrected within the time limit set by the notice of finding or extension, the person shall be liable for maintaining a hazard to the public health and, upon conviction thereof, shall be guilty of a misdemeanor.

(E) It shall be a violation of this chapter for any person except the Health Officer to remove or allow to be removed a “notice of violation” posted on any property for a violation of this chapter.
(^83 Code, § 51.10) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.11 REMEDIES.

(A) The Health Officer or the Appeals Board may institute a suit for injunction in any court of competent jurisdiction to restrain any person, firm or corporation from violating the provisions of this chapter.

(B) The Health Officer or the Appeals Board may institute a suit for a mandatory injunction in any

court of competent jurisdiction directing a person, firm or corporation to remove any component of a water well or pump installed in violation of the provisions of this chapter or to eliminate a hazard to the public health. (83 Code, § 51.98) (Ord. 1977-39, passed 12-19-77)

§ 52.12 WELLHEAD PROTECTION AREAS.

(A) *Introduction.*

(1) In response to requirements set forth in the 1986 Federal Clean Water Act, the Indiana Wellhead Protection Rule, 327 IAC 8-4.1, was signed into law on March 28, 1997. The Rule established requirements for the development of a wellhead protection plan by all community public water supply systems located in the state. The program, regulated by the Indiana Department of Environmental Management (IDEM), recognizes that groundwater quality can be threatened by specific land uses and activities that occur in areas adjacent to public water supply system production wells. The Town of Greentown developed a wellhead protection plan (approved by IDEM in February 2006) that delineated the town's wellhead protection areas and established management strategies that focus on education and prevention as a means to protect the community's drinking water quality.

(2) Wellhead protection areas are the surface and subsurface areas that contribute water to a community public water supply system production well and through which contaminants are likely to move through and reach the well within a one-, five- or ten-year time of travel. Wellhead protection areas shall be shown as an overlay on the Official Zoning Map.

(B) *Sanitary setback.* A **SANITARY SETBACK** is an area within the wellhead protection area and established around a community public water supply system production well to protect ground water from direct contamination. The sanitary setback radius is 100 feet. Within the sanitary setback, it is prohibited to use, apply, store, mix, load or transport chemicals (other than those used for drinking water treatment).

(C) *One-, five- and ten-year time of travel.* The time of travel is the calculated length of time a particle of water takes to reach a production well from a certain point within the wellhead protection area. These areas shall be managed as the wellhead protection areas.

(D) *Development plan review.* Refer to division (E) below for development plan requirements. During the plan review process, the Zoning Commissioner or Plan Commission shall:

(1) Assess whether the proposed development will prevent potential ground water contaminants from entering a public water supply system production well;

(2) Ensure that the proposed development will not unreasonably endanger the quality of groundwater within the wellhead protection area; and

(3) Ensure development standards are implemented and prohibit those uses described in division (E).

(E) *Development standards and prohibited uses within the wellhead protection areas.*

(1) All aboveground storage tanks of liquids shall be equipped with secondary containment to capture spills or leaks. Containment must effectively contain at least 110% of the volume of the tank.

(2) Landfills and hazardous waste disposal sites shall be prohibited.

(3) Infiltration basins, dry wells, cesspools, waste disposal wells, or other injection-type wells shall be prohibited.

(4) Underground storage tanks shall be double walled and be equipped with leak detection. Underground storage tanks shall also be in compliance with all state and federal regulations.

(5) Construction of new sanitary or storm sewer lines within the sanitary setbacks (within 200 feet of any production well) shall be prohibited.
(Ord. 2013-BCCO-32, passed 11-18-13)

2014 S-10

APPENDIX A: TABLES

TABLE I
LOCATION OF WATER SUPPLY WELLS

<i>From</i>	<i>To</i>			
	<i>Single-Family Dwelling</i>		<i>Other</i>	
	<i>Feet</i>	<i>Meters</i>	<i>Feet</i>	<i>Meters</i>
Extra heavy C.I. sewers with mechanical joints	10	3.00	25	7.60
Other sewers and drains	50	15.25	100	30.50
Septic tanks and privies	50	15.25	100	30.50
Absorption fields, cesspools, dry wells and seepage pits	100	30.50	100	30.50
Aerobic digestion plant	100	30.50	100	30.50
Waste stabilization pond or terminal lagoon	100	30.50	100	30.50
Barns, stables, manure piles, feeding pens, livestock runs and the like	50	15.25	100	30.50
Streams, lakes, ponds, ditches	25	7.60	25	7.60
Ditches or streams polluted with sewage	100	30.50	100	30.50
Property lines	15	4.60	100	30.50
Road, utility, drainage easement	10	3.00	10	3.00
Pumphouse floor drain with discharge to ground	2	0.60	2	0.60
Building overhang	3	0.90	3	0.90

TABLE II
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD LINE PIPE *

<i>Nominal Size in Inches</i>	<i>Diameters in inches</i>		<i>Wall Thicknesses in Inches</i>	<i>Weights in Pounds per Foot</i>	
	<i>External</i>	<i>Internal</i>		<i>Plain Ends</i>	<i>T. and C.</i>
2	2.375	2.067	0.154	3.56	3.71
2½	2.875	2.469	0.203	5.79	5.88
3	3.500	3.068	0.216	7.58	7.67
3½	4.000	3.548	0.226	9.11	9.27
4	4.500	4.026	0.237	10.79	11.01
5	5.563	5.047	0.258	14.62	14.90
6	6.625	6.065	0.280	18.97	19.33
8	8.625	8.071	0.277	24.70	25.44
10	10.750	10.192	0.279	31.20	32.20
12	12.750	12.090	0.330	43.77	45.40
14 OD	14.000	13.250	0.375	54.57	55.80
16 OD	16.000	15.250	0.375	62.58	64.08
18 OD	18.000	17.250	0.375	70.59	72.37
20 OD	20.000	19.250	0.375	78.60	80.70

* These wall thicknesses in Standard Line Pipe may be threaded and coupled or welded.

TABLE III
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD PIPE AND LINE PIPE *

<i>Nominal Size in Inches</i>	<i>Diameters in inches</i>		<i>Wall Thicknesses in Inches</i>	<i>Weights in Pounds per Foot Plain Ends Only</i>
	<i>External</i>	<i>Internal</i>		
4	4.500	4.188	0.156	7.25
5	5.563	5.187	0.188	10.76
6	6.625	6.249	0.188	12.89
8	8.625	8.249	0.188	16.90
10	10.750	10.374	0.188	21.15
12	12.750	12.250	0.250	33.38
14 OD	14.000	13.438	0.281	41.21
16 OD	16.000	15.438	0.281	47.22
18 OD	18.000	17.438	0.281	53.22
20 OD	20.000	19.438	0.281	59.23

* This lighter weight pipe, meeting ASTM Standards A-53 or A-120 and API Standard API-5L, is suitable for welding only.

TABLE IV
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD WATER WELL CASING *

<i>Nominal Size in Inches</i>	<i>Diameters in inches</i>		<i>Wall Thicknesses in Inches</i>	<i>Weights in Pounds per Foot</i>	
	<i>External</i>	<i>Internal</i>		<i>Plain Ends</i>	<i>T. and C.</i>
3½	3.500	3.250	0.125	4.51	4.60
4	4.000	3.732	0.134	5.53	5.65
4½	4.500	4.216	0.142	6.61	6.75
5½	5.500	5.192	0.154	8.79	9.00
6	6.000	5.672	0.164	10.22	10.50
6 ⁵ / ₈	6.625	6.255	0.185	12.72	13.00
8 ⁵ / ₈	8.625	8.249	0.188	16.90	17.50

* Standard water well casing may not be used as an outer casing unless backed with cement grout at least two inches thick. A welded 8-thread transition fitting must be used to attach a pitless adapter to this type of casing.

TABLE V
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD API CASING *

<i>Nominal Size in Inches</i>	<i>Diameters in inches</i>		<i>Wall Thicknesses in Inches</i>	<i>Weights in Pounds per Foot</i>	
	<i>External</i>	<i>Internal</i>		<i>Plain Ends</i>	<i>T. and C.</i>
4½	4.500	4.090	0.205	9.40	9.50
5	5.000	4.560	0.220	11.23	11.50
5½	5.500	5.044	0.228	12.84	13.00
6	6.000	5.524	0.238	14.65	15.00
6⅝	6.625	6.135	0.245	16.69	17.00
7	7.000	6.538	0.231	16.70	17.00
7⅝	7.625	7.125	0.250	19.69	20.00
8⅝	8.625	8.097	0.264	23.57	24.00
9⅝	9.625	9.063	0.281	28.04	29.30
10¾	10.750	10.192	0.279	31.20	32.75
11¾	11.750	11.150	0.300	36.69	38.00
13⅜	13.375	12.715	0.330	45.98	48.00
16	16.000	15.375	0.312	52.36	55.00
20	20.000	19.124	0.438	91.41	94.00

* Because of the type of steel used in fabricating API casing, it should always be threaded and not welded.

CHAPTER 53: ILLICIT DISCHARGES

Section

General Provisions

- 53.01 Title
- 53.02 Effective date
- 53.03 Definitions
- 53.04 Illicit discharges prohibited
- 53.05 Exclusions

Administration and Enforcement

- 53.15 Inspections
- 53.16 Notice
- 53.17 Violation
- 53.18 Appeals
- 53.19 Remedies not exclusive
- 53.20 Enforcement

Cross-reference:

Storm water drainage, see Chapter 154

Storm water erosion and sediment control, see Chapter 156

GENERAL PROVISIONS

§ 53.01 TITLE.

This chapter shall be known and may be cited as the “County Municipal Separate Storm Sewer System (MS4) Illicit Discharge Ordinance.”
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.02 EFFECTIVE DATE.

This chapter shall take effect on January 1, 2006.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Executive Director of the Department, appointed by the Board.

BOARD. The Board of Directors of the Department, as defined in I.C. 8-1.5-5-2 and exercising the powers granted under I.C. 8-1.5-5-6.

CONVEYANCE. Any structural process for transferring storm water between at least two points. This term includes, but is not limited to: piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains and roadways.

DEPARTMENT. The County Department of Stormwater Management created by § 31.09.

HOUSEHOLD HAZARDOUS WASTE. Solid waste generated by households that:

- (1) Is ignitable;
- (2) Is toxic;
- (3) Is reactive;
- (4) Is corrosive; or
- (5) Otherwise poses a threat to human health or the environment.

ILLICIT DISCHARGE. Any discharge, deposit, injection, spilling, leaking or placing into the MS4 System, by direct connection or otherwise, that

is not composed entirely of storm water, except naturally occurring floatables, such as leaves or tree limbs. Sources of **ILLICIT DISCHARGES** include, but are not limited to: sanitary wastewater, septic tank effluent, car wash wastewater, oil disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, yard waste, animal bedding, and household hazardous wastes.

- (1) Is owned, operated or regulated by the county;
- (2) Discharges into the waters of the state;
- (3) Is designed or used for collecting or conveying storm water;
- (4) Is not a combined sewer; and
- (5) Is not part of a publicly owned treatment works (POTW), as defined by 40 C.F.R. § 122.2

MUTUAL DRAIN. A drainage system that:

- (1) Is located on two or more tracts of land that are under different ownership;
- (2) Was established by the mutual consent of all the owners; and
- (3) Was not established under or made subject to any drainage statute.

PRIVATE DRAIN. A drainage system that:

- (1) Is located on land owned by one person or by two or more persons jointly; and
- (2) Was not established under or made subject to any drainage statute.

RESPONSIBLE PERSON. The person who is responsible for any violation of this chapter.

STORMWATER. Water resulting from rain, melting or melted snow, hail or sleet.

STORMWATER DISTRICT MS4 AREA. That area of the county described in the NPDES permit issued by the Indiana Department of Environmental Management.

STORMWATER DISTRICT MS4 SYSTEM. A conveyance or system of conveyances, other than a mutual drain or a private drain, located within the Stormwater District MS4 Area:

- (1) owned, operated or regulated by the county;
- (2) That discharges into the waters of the state;
- (3) Designed or used for collecting or conveying stormwater;
- (4) Not a combined sewer; and

(5) Not part of a publicly-owned treatment works (POTW) as defined by 40 C.F.R. 122.2.
(Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

§ 53.04 ILLICIT DISCHARGES PROHIBITED.

Except as provided in § 53.05 below, the commencement or continuance of any illicit discharge into the Stormwater District MS4 System is hereby prohibited and declared to be illegal.
(Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

§ 53.05 EXCLUSIONS.

Section 53.04 above shall not apply to the following (reference: 327 I.A.C. 15-13-14 d):

- (A) Water line flushing;
- (B) Landscape irrigation;
- (C) Diverted stream flows;

- (D) Rising ground waters;
- (E) Uncontaminated ground water infiltration;
- (F) Uncontaminated pumped ground water;
- (G) Discharges from potable water sources;
- (H) Foundation drains;
- (I) Air conditioning condensation;
- (J) Irrigation water;
- (K) Springs;
- (L) Water from crawl space pumps;
- (M) Footing drains;
- (N) Lawn watering;
- (O) Individual residential car washing;
- (P) Flows from riparian habitats and wetlands;
- (Q) Dechlorinated swimming pool discharges;
- (R) Street wash water; and
- (S) Discharges from firefighting activities.

(Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

ADMINISTRATION AND ENFORCEMENT

§ 53.15 INSPECTIONS.

(A) The County Drainage Board and the County Surveyor shall administer, implement and enforce the provisions of this chapter.

(B) For this purpose, the County Surveyor and his or her agents shall have the right to enter upon and

inspect real estate and facilities subject to regulation under this chapter, as often as necessary to determine compliance or noncompliance with this chapter.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.16 NOTICE.

(A) The County Surveyor shall issue a notice of violation letter by certified mail to any responsible person committing a violation of this chapter.

(B) The notice of violation letter will:

(1) Describe the violation that has been committed; and

(2) State that such violation must be corrected within 15 days of the date of notice or further action may be taken, including possible fines.

(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.17 VIOLATION.

(A) If the violation is corrected within the 15 days from the postmarked date of notice, no further action will be taken.

(B) If the violation is not so corrected, the Surveyor shall, after determining which course of action will best result in a correction of the violation:

(1) File the notice of violation with the County Drainage Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing.

(a) If the Drainage Board finds by a preponderance of the evidence that a violation of this chapter has occurred, it may:

1. Impose fines upon the responsible person in an amount not to exceed \$2,500, all in accordance with I.C. 36-1-6-9(d); and/or

2. Issue orders to correct violations.

(b) In the event the responsible person does not pay any fine imposed by the Drainage Board or correct the violation as ordered by the Drainage Board, the Drainage Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-1-5(b); or

(2) Commence a court action under I.C. 34-28-5-1(b) to enforce this chapter.

(a) Such action may be for injunctive relief, restraining the responsible person from activities causing a violation, or compelling such person to perform abatement or remediation of the violation.

(b) In addition or in the alternative, the court, at its discretion, may impose fines not exceeding \$2,500.

(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.18 APPEALS.

Any appeal by a responsible person of an order or fine issued by the Drainage Board must be filed with the court not more than 60 days after the day on which the Drainage Board order was entered, all in accordance with I.C. 36-1-6-9(e) and (f).

(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.19 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.

(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.20 ENFORCEMENT.

(A) The Board shall administer, implement and enforce the provisions of this chapter. For this

purpose, the Administrator and other agents duly authorized by the Board shall have the right to enter upon and inspect real estate and facilities subject to regulation under this chapter as often as necessary to determine compliance or noncompliance with this chapter.

(B) (1) The Administrator shall issue a notice of violation letter by certified mail to any responsible person committing a violation of this chapter. The notice of violation letter will describe the violation which has been committed and state such violation must be corrected within 15 days of the date of receipt, unless otherwise stated in the notice of violation letter, or further action may be taken, including possible fines.

(2) If the violation is corrected within the allotted time from the date of receipt, no further action will be taken. If the violation is not so corrected, the Administrator shall, after determining which course of action will best result in a correction of the violation:

(a) File the notice of violation with the Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing. If the Board finds by a preponderance of the evidence that a violation of this chapter has occurred, it may impose fines upon the responsible person in an amount not to exceed \$2,500, all in accordance with I.C. 36-1-6-9(d), and/or issue orders to correct violations. In the event the responsible person does not pay any fine imposed by the Board or correct the violation as ordered by the Board, the Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-1-5(b); or

(b) With the prior approval of the Board first being given, commence a court action under I.C. 34-28-5-1(b) to enforce this chapter. Such action may be for injunctive relief restraining the responsible person from activities causing a violation or compelling such person to perform abatement or remediation of the violation. In addition or in the alternative, the court, in its discretion, may impose fines not exceeding \$2,500.

(C) Any appeal by a responsible person of an order or fine issued by the Board must be filed with the court not more than 60 days after the day on which the Board Order is entered, all in accordance with I.C. 36-1-6-9(e) and (f).

(D) The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.
(Am. Ord. 2010-BCC-12, passed 4-19-10)

