

**BOARD OF COMMISSIONERS
DEARBORN COUNTY, INDIANA**

ORDINANCE 2024- 006

**ORDINANCE TO AMEND CHAPTER 51 OF THE
DEARBORN COUNTY, INDIANA CODE OF ORDINANCES**

An ordinance to amend Chapter 51 of the Dearborn County, Indiana Code of Ordinances concerning Sewage Disposal.

WHEREAS, the Dearborn County Board of Commissioners desire to revise Chapter 51 of the Dearborn County, Indiana Code of Ordinances for the health and welfare of the citizens of Dearborn County, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Dearborn County Board of Commissioners that the current Chapter 51 of the Dearborn County, Indiana Code of Ordinances shall be amended to read as follows:

**TITLE V: PUBLIC WORKS
CHAPTER 51: SEWAGE DISPOSAL**

General Provisions

- § 51.01 Title
- § 51.02 Adoption of State Law
- § 51.03 Jurisdiction
- § 51.04 Connections to a Sanitary Sewer System

Requirements for Sewage Disposal

- § 51.14 Fees
- § 51.15 Permit Requirements
- § 51.16 Operating Permits: Onsite Sewage Systems
- § 51.17 Operating Permits: Holding Tank Usage
- § 51.18 Lot Creation and Subdivisions
- § 51.19 Site Evaluation
- § 51.20 Installation Requirements

Administration and Enforcement

- § 51.30 Notice of Violation
- § 51.31 Appeal

Disposal Connection

- § 51.41 Disposal Connection Application Fee

Onsite Sewage Installer Registration

- § 51.51 Installer Registration
- § 51.52 Enforcement

Penalties

- § 51.99 Penalties

GENERAL PROVISIONS

§ 51.01 TITLE

The title of this Chapter shall be the *Dearborn County Onsite Sewage System Ordinance*.

§ 51.02 ADOPTION OF STATE LAW

(A) All laws of the State, as found in the Indiana Code and/or the Indiana Administrative Code, which pertain to the regulation and disposal of sewage, and the active rules and regulations of the Indiana Department of Health, and unlawful acts relating thereto which are not inconsistent with this Chapter are made a part of this Chapter by reference.

(B) This Chapter shall be enforced by the Dearborn County Health Department (hereinafter referred to as the “Health Department”) as overseen by the Dearborn County Board of Health.

(C) Bulletin S.E. 11, 2021 Edition, Sanitary Vault Privy.

§ 51.03 JURUSDICTION

In addition to the requirements and standards found in the Indiana Code (“IC”), the Indiana Administrative Code (“IAC”), and/or by any other law, statute, regulation, and/or rule issued by the Federal and/or State government, the requirements and standards contained in this Chapter, as the same have been approved by the Indiana Department of Health - Technical Review Panel, shall apply throughout Dearborn County.

§ 51.04 CONNECTIONS TO A SANITARY SEWER SYSTEM

(A) All persons owning, leasing, or otherwise occupying property that has a residence, residential outbuilding or commercial facility with plumbing not connected to sanitary sewer shall comply with the requirements of rules 410 IAC 6-8.3 *et seq.*, 410 IAC 6-10.1 *et seq.*, and/or Bulletin S.E. 11, as applicable and as the same may be amended from time to time, and the provisions of this Chapter for an onsite sewage system.

(B) In the event of a residential or commercial onsite sewage system failure the residence, residential outbuilding, or commercial facility may be required to make a direction connection to sanitary sewer, if the sanitary sewer is available within three hundred (300) feet of the affected residential or commercial structure or is available for connection at a construction cost and

connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimated for installing an onsite sewage system to serve the residence, residential outbuilding, or commercial facility.

(C) Any property where a new residence, residential outbuilding, or commercial project is being proposed, said structure or dwelling shall connect to a semi-public sanitary sewer system that is operated with a Certificate of Territorial Authority (CTA) if the sewer is available within three hundred (300) feet of:

- (1) the property line, if the property is adjacent to a body of water, including a lake, river, or reservoir;
- (2) any part of a subdivision, or land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale; or
- (3) for all other properties, the improvement or other structure from which the sewage or similar waste is discharged.

(D) Any sanitary vault privy situated within Dearborn County shall be installed of the sanitary type and shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault in accordance with the requirements of the Indiana Department of Health Bulletin S.E. 11, 2021 Edition.

REQUIREMENTS FOR SEWAGE DISPOSAL

§ 51.14 FEES

The Dearborn County Board of Health shall have the authority to set reasonable fees as approved and adopted by Ordinance of the Dearborn County Board of Commissioners.

§ 51.15 PERMIT REQUIREMENTS

(A) The application for an onsite sewage system construction permit shall be made on a form provided by the Health Department. Such application shall be supplemented by any plans, specifications, and other information as may be deemed necessary by the Health Officer or their designee. The plan shall include, in addition to the requirements of Rule 410 IAC 6-8.3, the following:

- (1) Location of proposed onsite sewage system or changes to any existing onsite sewage system;
- (2) Location of any existing or proposed source of water supply and water service lines on the subject property;
- (3) In the event of a proposed onsite sewage system replacement, an engineer, architect, or land surveyor, or onsite system designer shall clearly identify all components associated with the

existing onsite sewage system to assure that proper setback distances can be maintained with any replacement system components;

(4) A list of proposed materials to be used that meet with all Federal, State, and/or local statutes, rules, and/or regulations to be presented in a ledger format and/or shown on the drawing where applicable;

(5) Elevations, including a benchmark, shall be included on the drawing;

(6) Any additional information as may be requested by the Health Officer or their designee for permit application review; and

(7) Any onsite sewage system proposed to utilize a secondary treatment unit shall provide the Health Department with a signed operation and maintenance contract and shall record, along with the deed to the property, a notice of the requirement that the system must maintain an operation and maintenance contract for the life of the system.

(B) An initial onsite system assessment application shall be made prior to filing an onsite sewage system permit application. Both the initial onsite system assessment application and the onsite system permit application shall expire within one (1) year from the date of the respective application in the event that an onsite permit is not issued.

(C) If the onsite sewage system has not been constructed, installed, altered, or completed within one (1) year from the date of the onsite sewage system permit issuance, the onsite sewage system permit shall automatically expire.

(D) Onsite sewage system permits are to be issued in the name of the property owner. If ownership changes, prior to system installation, the permit will automatically expire and a new permit in the current owner's name must be obtained.

(E) Onsite sewage system abandonments shall be required to obtain an abandonment application and permit from the Health Department. Such application for onsite sewage system abandonment shall describe the method to be employed for proper abandonment. A two-day, or forty-eight (48) hour, notice shall be provided prior to any onsite system abandonment inspection.

§ 51.16 OPERATING PERMITS: ONSITE SEWAGE SYSTEMS

(A) An Operating Permit shall be required for all onsite systems that are designed to utilize a secondary treatment unit.

(B) For any onsite system for which an Operating Permit is required under this Section, sewage shall not be discharged to the onsite system until an Operating Permit has been issued, except as approved, in writing, for such instances wherein a septic tank may be used as a holding tank until such time as the onsite sewage system installation is completed.

(C) The Operating Permit shall include the property owner's name, address, location, the type of onsite system on the property, and any additional information as may be required by the Health Officer or their designee.

(D) New applications for an Operating Permit shall be on a form provided by the Health Department. The application shall include, the property owner's name, address, location, the type of onsite system, and any additional information as may be required by the Health Officer or their designee.

(E) Property owners with an Operating Permit are required to apply for a renewal of the Operating Permit at least thirty (30) days before the expiration of their existing Operating Permit. Renewal application shall include: the property owner's name, address, location, the type of onsite system, and any additional information as may be required by the Health Officer or their designee.

(F) An Operating Permit for an onsite sewage system that utilizes a secondary treatment unit shall be valid for a period of two (2) years. If an Operating Permit is not renewed before expiration, the Health Department may require that the system be removed from service until the Operating Permit has been renewed. If an Operating Permit has not been renewed within ninety (90) days of the permit expiration date, the Health Department may require that the system be abandoned. The Operating Permit for any system that is abandoned is automatically null and void.

(G) The owner of any property that has an onsite sewage system that requires an Operating Permit pursuant to this Section shall record the requirement for an Operating Permit with the Dearborn County Recorder's Office by Parcel Number of the subject property.

(H) Upon the sale of any property upon which an Operating Permit has been issued, the Operating Permit does not transfer to the new property owner, but will remain valid for a period of sixty (60) days. The Operating Permit for the prior property owner will be void after sixty (60) days. The seller of the property shall be current with all Operating Permit requirements prior to the date of the property sale. The new property owner shall apply for a new Operating Permit within thirty (30) days of purchasing the property. While reviewing the new owner's application for an Operating Permit, the Health Department may require an inspection of the onsite sewage system.

(I) The Health Department may suspend or revoke any Operating Permit issued under this Section for the following:

- (1) Any false statements or misrepresentations of facts made by the applicant upon which the Operating Permit was issued; and/or
- (2) Violation of, or non-compliance with, any of the provisions of the Operating Permit.

(J) The following maintenance requirements shall apply to onsite sewage systems that are designed to utilize a secondary treatment unit:

- (1) The inspection and maintenance interval for an onsite sewage system that utilizes a secondary treatment unit shall be specified by the manufacturer of the secondary treatment unit, except that the service interval shall not exceed one (1) year.

- (2) All inspection and maintenance shall be provided by a service provider who is authorized by the manufacturer of the secondary treatment unit and system components.
- (3) Maintenance or servicing of the onsite sewage system includes, but is not limited to: inspection of any component, tanks, scheduled services, and the absorption field.
- (4) Property owners who have had maintenance performed on their systems before their regularly scheduled interval shall report this unscheduled service to the Health Department. The Health Department may use this unscheduled service to establish the beginning of a new inspection and service time frame.
- (5) Upon completion of the maintenance and any necessary permitted repair to the onsite sewage system, the service provider shall certify that the work was completed in accordance with accepted professional standards and practices and that the system is functioning properly. The service provider and property owner shall complete, sign, and date the Proof of Maintenance and Inspection form to the Health Department.
- (6) The Proof of Maintenance and Inspection form shall be submitted as an original document to the Health Department no later than ten (10) days following service. The Proof of Maintenance and Inspection form shall include all information necessary concerning the operation of the system along with any additional information as may be required by the Health Officer or their designee.

§ 51.17 OPERATING PERMITS: HOLDING TANK USAGE

- (A) A sewage holding tank is an alternative method of sewage disposal pursuant to IC 16-41-25-9.
- (B) An application must be filed by the property owner or property owner's agent including:
 - (1) An application form provided by the Health Department;
 - (2) A construction plan of sufficient clarity to show compliance with this Chapter;
 - (3) A copy of a written contract with an operator of a septic management vehicle providing for the removal of septic at regular intervals;
 - (4) An Agreed Order signed by the owner and the Health Department that there is an agreement to provide the necessary pump out receipts and that the Health Department reserves the right to inspect the property in accordance with IC 16-41-25-19 for compliance;
 - (5) For commercial sites where the Indiana Department of Health has completed plan review and approval for a commercial holding tank, a copy of the written approval shall be provided to the department office.
- (C) All sewage holding tanks shall:

(1) Have a minimum capacity of:

(a) For holding tanks that are permitted as septic and/or dosing tanks and planned to precede a soil absorption field, the minimum capacity as determined by rule 410 IAC 6-8.3 or rule 410 IAC 6-10.1 for septic and/or dosing tanks.

(b) For permanent holding tanks, the greater of:

(i) one thousand (1,000) gallons; or

(ii) at least three (3) times the design daily flow of the home or commercial structure as determined by rule 410 IAC 6-8.3 or rule 410 IAC 6-10.1; and

(2) Have a maximum capacity of not more than 10,000 gallons.

(D) A sewage holding tank shall meet all separation distances required for a septic tank in rules 410 IAC 6-8.3 and 410 IAC 6-10.1.

(E) A sewage holding tank shall meet all construction requirements of septic tanks in rules 410 IAC 6-8.3 and 410 IAC 6-10.1.

(F) All sewage holding tanks shall have at least one riser to the surface for ease in pumping the tank. A secondary childproof plug shall be installed under a safely secured riser lid.

(G) A construction permit issued by the Health Department is required prior to the installation of the holding tank or sewer.

(H) A sewer, meeting the requirements for a residential sewer in rule 410 IAC 6-8.3 or the requirements for a building sewer in rule 410 IAC 6-10.1, shall be used to make a direct connection between the plumbing of the structure with plumbing and the holding tank.

(I) All sewage holding tanks installed in Dearborn County shall have:

(1) an installation inspection to confirm proper installation and to confirm the outlet of the last tank has been appropriately sealed prior to backfilling; and

(2) the alarm verified operational.

(J) All holding tanks shall be required to have an Operating Permit issued by the Health Department pursuant to the following:

(1) The construction permit issued for the installation of the holding tank shall also serve as the Operating Permit for the first year of service.

(2) An Operating Permit for a sewage holding tank shall be valid for a period of one (1) year from the date of issuance.

(3) Prior to Operating Permit renewal, a registered installer must inspect the holding tank(s) for verification of proper operation of the tank and alarm system. An inspection report must be provided to the Health Department prior to renewal.

(4) An Operating Permit shall be renewed prior to, or within ten (10) days of, expiration.

(5) An Operating Permit fee as stated in the Health Department Fee Ordinance shall be due at the time of Operating Permit renewal.

(K) All receipts from pumping and maintenance of a sewage holding tank and other documents for repair or modification of a sewage holding tank need to be submitted to the Health Department within thirty (30) days of service via digital transmission or hard copies provided to the Health Department.

(L) An Operating Permit not renewed within ten (10) days of expiration or a sewage holding tank not operated in a safe and sanitary manner, including receipts and other paperwork not submitted as required, is a violation of this Chapter and may be subject to penalty as herein described.

(M) In the event that a sewage holding tank is not operated in a safe and sanitary manner and in accordance with IC 16-41-25-9 and this Chapter, the Health Department may require the residence, residential outbuilding, or commercial facility to:

(1) Connect to sanitary sewer if the sanitary sewer is available within three hundred (300) feet of the affected property line or is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimated for installing an onsite sewage system to serve the residence, residential outbuilding or commercial facility; or

(2) Install an onsite sewage system with a soil absorption field in compliance with rule 410 IAC 6-8.3 or rule 410 IAC 6-10.1.

(N) Upon connection to an onsite sewage system or sanitary sewer, the sewage holding tank shall be abandoned unless it will be converted for use as a septic tank or a dosing tank in an onsite sewage system.

§ 51.18 LOT CREATION AND SUBDIVISIONS

(A) When new lots are created in Dearborn County, the following shall apply:

- (1) Lots created containing an existing onsite sewage system shall have all components associated with the existing system fully marked and identified to assure proper setback distances can be maintained.
- (2) The Health Officer or their designee may request that an onsite sewage system inspection be performed by a qualified inspector prior to the creation of a new lot(s).

(B) All plats for subdivisions proposing to utilize onsite sewage systems for wastewater treatment shall be submitted to the Department for review during the Dearborn County Planning & Zoning Department and Area Plan Commission subdivision review process.

(C) If subdivision lots are designed to utilize individual water supply and/or onsite sewage systems are proposed, the plat shall contain all pertinent information relative to the installation of these systems. The plat shall indicate the location of the water supply, soil map from NRCS for the project area, and individual soil reports for each proposed building lot, along with any additional information as may be required by the Health Officer or their designee.

§ 51.19 SITE EVALUATION

A minimum of three (3) evaluations per soil absorption field site are required. Soils with expansive clay characteristics may require soil pits be used for evaluation. Soil pit evaluations may also be required on sites other than those with expansive clay properties at the discretion of the Health Department.

§ 51.20 INSTALLATION REQUIREMENTS

Minimum requirements are as follows:

- (A) Subsurface drainage when required shall be discharged away from any easement, right-of-way, or adjacent property line in accordance with Dearborn County drainage requirements.
- (B) Any onsite sewage system utilizing pressure to distribute effluent to a soil absorption field which does not contain a secondary treatment unit, shall have an effluent pressure filter on the effluent dose line feeding the pressure distribution network.
- (C) Sewer lines shall have cleanouts to surface at the following locations:
 - (1) At the exit point from the structure;
 - (2) Any connection points connecting two separate sewer lines; and
 - (3) At a midway point on any sewer line over seventy-five feet (75') in length, or any multiple thereof.

ADMINISTRATION AND ENFORCEMENT

§ 51.30 NOTICE OF VIOLATION

Any person found to be violating any provision of this Chapter shall be served by the Dearborn County Board of Health, or the duly appointed Health Officer or their designee, with a written order stating the nature of the violation and providing a time limit for the satisfactory correction thereof.

§ 51.31 APPEAL

Any person aggrieved by an order issued by the Health Officer or their designee may request and shall be granted a hearing on the matter before the Dearborn County Board of Health, provided that the person shall file in the office of the Dearborn County Health Department, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. Upon receipt of such petition, the Health Officer or their designee shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and show cause why they should not comply with such order.

DISPOSAL CONNECTION

§ 51.41 DISPOSAL CONNECTION APPLICATION FEE

(A) The Dearborn County Board of Commissioners hereby approve the request of the Dearborn County Health Department to establish a sanitary sewage disposal connection application fee as determined by Ordinance of the Dearborn County Board of Commissioners.

(B) The Dearborn County Health Department may collect the fees for the processing of these applications.

ONSITE SEWAGE INSTALLER REGISTRATION

§ 51.51 INSTALLER REGISTRATION

(A) An installer must register with the Health Department if they wish to install, replace, alter, repair, or abandon any residential or commercial onsite sewage system in Dearborn County. Registration requires:

- (1) Applying to the Health Department for registration on a form provided by the Health Department;
- (2) Paying the appropriate registration fee as required in the Health Department Fee Ordinance; and
- (3) Providing proof of certification by
 - (a) Passing an examination offered by the Health Department or another entity approved by the Health Department; or

- (b) Providing proof of:
- (i) Current, valid registration in another Indiana county;
 - (ii) Providing proof of a certificate being issued from Indiana Onsite Wastewater Professionals Association (“IOWPA”) for the type of system(s) to be installed; and
 - (iii) Providing proof of membership in good standing with IOWPA.
- (B) Registration is valid from January 1 to December 31 of the same year and must be renewed annually. Proof of continued registration in another county and/or certification is required for renewal of registration.
- (C) Certification must be maintained throughout the period of registration. A lapse of certification will render the registration with Health Department invalid.
- (D) A certification examination will be offered no less than monthly by the Health Department.
- (1) An examination fee as required in the Health Department Fee Ordinance will be due prior to examination.
 - (2) The test will consist of 50 questions all of which will be true/false or multiple choice.
 - (3) A score of eighty percent (80%) or above is considered passing.
 - (4) A retest will be allowed for anyone failing the test no more frequently than once per week.
 - (5) Registrations may be renewed for the following year without re-examination if the applicant can provide documentation of attendance at an Indiana Department of Health or Health Department meeting dealing with the type of registration renewal being sought.

§ 51.52 ENFORCEMENT

- (A) Any onsite sewage system installer registered under § 51.51, found to be in violation of any provision of this Chapter, any State statute, administrative rule, or the applicable rules and regulations of the Indiana Department of Health shall receive notice of the violation. Upon receiving said notification, the onsite sewage system installer shall correct the violation within the time frame as specified by the Health Officer or their designee.
- (B) If the violation is not corrected within the specified time frame, the Health Officer or their designee, may suspend or revoke the onsite sewage system installer registration. If the registration is suspended, the onsite sewage system installer may be reinstated by the Health Officer or their designee, upon successful correction of all violations. If the registration is revoked, the requirements for becoming

registered including re-examination and payment of the application fee shall apply prior to re-registration. Re-registration shall not occur until all outstanding violations are corrected.

§ 51.99 PENALTIES

Any person found to be violating any provision of this chapter shall be guilty of an infraction. On conviction, this violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars (\$500.00), for the second offense, by a fine of not more than One Thousand Dollars (\$1,000.00), and for the third and each subsequent offense, by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00). Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the Health Officer or their designee shall constitute a distinct and separate offense.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Dearborn County, Indiana this the 8th day of May, 2024.

**BOARD OF COMMISSIONERS
DEARBORN COUNTY, INDIANA**

JIM THATCHER
JIM THATCHER, President

Allen Goodman
ALLEN GOODMAN, Member

Rick Probst
RICK PROBST, Member

ATTEST:

Connie Fromhold
**CONNIE FROMHOLD
Dearborn County Auditor**

Effective only upon approval of the Indiana Department of Health Technical Review Panel of the Onsite Sewage Systems Program.

Said approval was granted on the 24th day of May, 2024.