

AN ORDINANCE REGULATING THE INSTALLATION, CONSTRUCTION,
MAINTENANCE AND OPERATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS
IN CLOSELY BUILT-UP AREAS AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF.

WABASH COUNTY GENERAL ORDINANCE #63-2

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

ARTICLE I
DEFINITIONS :

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

Section 101: "Closely Built-up areas" shall mean and include any
areas situated outside the corporate limits of any city
or town upon which areas are located either residential
or business buildings; Provided, however, that it shall not
include any tract of land, situated outside the
corporate limits of any city or town, consisting of ten
acres or more and upon which tracts of land is located
only one building which building is used for residential
purposes: Providing further, that it shall not include
any tract of land situated outside the corporate limits
of any city or town which tract of land is used for
farming or agricultural purposes.

Section 102: "Sewage" shall mean any combination of human excreta and
waste water from water closets, laundries, sinks, bathing
facilities, and other objectionable waste waters.

Section 103: "Public sewer" shall mean any sewer constructed, installed,
maintained, operated and owned by a municipality or a
taxing district established for that purpose. A county
sewer installed for the purpose of carrying surface water
runoff and subsoil drainage shall not be considered a
public sewer under this definition.

Section 104: "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 105: "Combined sewer" shall mean a sewer receiving both surface water runoff and sewage.

Section 106: "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 107: "Sewage disposal system" shall mean any arrangement of devices and structures used for receiving, treating, and disposing of sewage.

Section 108: "Private sewage disposal system" shall mean any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality or a taxing district established for that purpose.

Section 109: "Person" shall mean an individual, firm or corporation.

ARTICLE II
PRIVATE SEWAGE DISPOSAL
SYSTEMS :

Section 201: Where a public sanitary or combined sewer is not available all persons owning or leasing property in closely built-up areas shall comply with the following provisions of this ordinance for private sewage disposal systems.

Section 202: It shall be unlawful for any person to place, deposit or permit to be deposited in an insanitary manner upon public or private property within the County of Wabash, State of Indiana, or in any area under the jurisdiction of said County, any human excrement or sewage.

- Section 203: At any business building situated within the County of Wabash, State of Indiana, where there is installed a sewage disposal system which is not connected to a public sewer system, and no public sewer system is available, there shall be established, installed or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E.13 of the Indiana State Board of Health or in such other manner as approved by the Indiana State Board of Health. Copies of said Bulletin S.E. 13 are herewith incorporated by reference as part of this action and two copies are filed in the office of the County Auditor and County Health Officer for public inspection.
- Section 204: Any privy situated within the County of Wabash, State of Indiana, shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Any privy shall be located properly to protect water supplies from contamination.
- Section 205: All private residential sewage disposal systems and privies shall be installed, constructed and maintained in an approved manner as described in Bulletin S.E. 8 and 11 of the Indiana State Board of Health, copies of which are herewith incorporated by reference as a part of this section and two copies filed in the office of the County Auditor and County Health Officer for public inspection.
- Section 206: The installation of any other private residential sewage disposal systems not described in Indiana State Board of Health Bulletin S.E. 8 and 11 of mechanical, chemical, or other means

may be approved by the Wabash County Health Officer after the Board of County Commissioners has filed the requirements, plans and specifications of such device or system in the office of the Auditor and County Health Office of Wabash County; said requirements, plans and specifications must bear the written approval of the Indiana State Board of Health.

Section 207: Should any defect exist or occur in any private sewage disposal system or privy which would cause said sewage disposal system or privy to fail to meet the requirements in Section 203, Section 204 and Section 205 and cause an insanitary condition, the defect shall be corrected immediately by the owner or agent of the owner, occupant or agent of the occupant. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section 502 of this ordinance.

Section 208: Wherever a public combined or sanitary sewer becomes available and is within 100 feet of the property line of the residential or business property, served by a private sewage disposal system or privy, situated within the County of Wabash, State of Indiana, a direct connection shall be made to said sewer and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

Section 209: Whenever a new business building or subdivision is developed in an area where a public combined or sanitary sewer is available a connection shall be made to said sewer if such connection can be made at a reasonable cost.

Section 210: After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. Said order shall be served on the owner and the occupant or on the agent of the owner but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

ARTICLE III
PERMITS AND INSPECTION:

Section 301: Before commencement of construction of any building or private residence where a private sewage disposal system or privy is to be installed or where any alteration, repair or addition of an existing private sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by Wabash County, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the County Health Officer.

Section 302: A permit for a private sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the County Health Officer. He, or his agent, shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within

two working days of the receipt of notice by the County Health Officer.

Section 303: The application for a permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

ARTICLE IV
POWERS FOR INSPECTION:

Section 401: The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at the proper time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this ordinance.

ARTICLE V
NOTICES:

Section 501: Any person found to be violating any provision of this ordinance may be served by the County Board of Health or the duly appointed health officer, with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

ARTICLE VI
PENALTIES:

Section 601: Any person found to be violating any provision of this ordinance shall be guilty of misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and each subsequent offense by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period not exceeding ninety

days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

Section 602: Any person violating any of the provisions of this ordinance shall become liable to Wabash County for any expense, loss or damage occasioned the county by reason of such violation.

ARTICLE VIII
VALIDITY:

Section 701: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 702: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

ARTICLE VIII
ORDINANCE IN FORCE:

Section 801: This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Section 802: Passed and adopted by the commissioners of Wabash County, State of Indiana, on this 22 day of April 1963.

Ayes: 3

Namely: Wilbur Thomas
Eldon Landis
Thomas Earl

Neyes: 0

Namely: _____

Board of County Commissioners:

Wilbur H Thomas
Thos. Earl
Eldon Landis

attest: James A. Bricker

Co. Auditor

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ARTICLE VIII
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Section 802: Passed and adopted by the Commissioners of Wabash County, State of Indiana, on this 22 day of April 1963, by the following vote:

Ayes: 3 Namely _____
Neyes: 0 Namely _____