

HARRISON COUNTY ORDINANCE 2024-09
AN ORDINANCE REGULATING RESIDENTIAL AND COMMERCIAL
ON-SITE SEWAGE SYSTEMS

BE IT ORDAINED by the Board of Commissioners of the County of Harrison.

ARTICLE I. APPLICABILITY AND ADMINISTRATION

SECTION 1. This Ordinance shall apply within Harrison County, Indiana, and, except as may be otherwise expressly set forth herein, shall apply only to those dwellings and commercial facilities which are not presently served by or will not be connected to a sanitary sewage system.

SECTION 2. The administration and enforcement of the ordinance is vested in the Harrison County Health Board appointed pursuant to IC 16-20-2-6, the Harrison County Health Officer appointed pursuant to IC 16-20-2-16, and the Harrison County Health Department created and established pursuant to IC 16-20-2-2.

ARTICLE II. DEFINITIONS

SECTION 1. For the purpose of this Ordinance, all definitions listed in Rule 410 IAC 6-8.3 et seq., and Rule 410 IAC 6-10.1 et seq., as well as the following definitions shall apply.

DEPARTMENT: For the purposes of this ordinance, when referenced, shall mean the Harrison County Health Department, being an agency of local government, created and acting pursuant to the provisions of IC 16-20, et seq., and its duly authorized employees and representatives.

DESIGN PLAN: A written plan, in compliance with Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1, submitted prior to a site survey that verifies compliance with the applicable rule.

HEALTH BOARD: The Harrison County Board of Health duly constituted and acting pursuant to the provisions of IC 16-20, et seq., and its duly authorized representatives.

HEALTH OFFICER: The Harrison County Health Officer duly appointed by the Harrison County Board of Health and acting pursuant to the provisions of IC 16-20, et seq., and their duly authorized representatives.

HOLDING TANK: Septic tank that meets the requirements of Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, or that is listed on the IDOH approved septic tank list, and that holds sewage originating from a residence or commercial facility until it is removed and transported by a septage management vehicle. Per IC 16-41-25, a holding tank will be considered an on-site sewage system as referenced in this Ordinance.

NEW CONSTRUCTION: Installation of an on-site sewage system for the construction of a residence or commercial facility, placement of a manufactured modular or mobile home, construction, or placement of an outbuilding with plumbing on a property where an existing on-site sewage system is not present.

REGISTERED ON-SITE SEWAGE SYSTEM INSTALLER: Individual who has demonstrated competency in knowledge of county and state on-site sewage system codes, regulations, and guidelines through a written test that is administered by the Harrison County Health Department, an entity approved by the Harrison County Health Department, or the Indiana On-Site Wastewater Professional Association and requirements as outlined in IC 16-41-25.

REPAIR/REPLACEMENT: The addition to, alteration of, replacement of, or repair of any component of an existing on-site sewage system, or the replacement or re-construction of any residence or outbuilding that includes plumbing, remodeling of a residence or commercial facility, or the installation of an on-site sewage system for an existing residence or commercial facility that did not previously have a residential or commercial on-site sewage system. Any component shall include, but is not limited to, all equipment and devices necessary for proper conduction, collection, storage, treatment, and, on-site disposal of sewage.

SITE SURVEY: Inspection of a property conducted by the department prior to the issuance of a construction permit to verify the proposed or repair/replacement of a residential on-site sewage system or commercial on-site sewage system meets requirements in

Rule 410 IAC- 6-8.3 or Rule 410 IAC 6-10.1. Inspection is conducted on-site with the property owner's registered on-site sewage system installer. At the discretion of the department, a site survey may not be required on some repairs.

SOIL EVALUATION: Soil profile analysis conducted by a registered, professional soil scientist and shall have a minimum of three (3) soil pit excavations. Soil pits must be dug to encompass the whole footprint of the soil absorption field. Other means of conducting soil evaluations may be approved by the Health Department if there are site limitations present.

STATE DEPARTMENT: For the purposes of this ordinance, when referenced, shall mean the Indiana Department of Health.

SECTION 2. The definitions set forth in the Ordinance, together with those found in Rule 410 IAC 6-8.3 et seq., Rule 410 6-10.1 et seq., and IDOH Bulletin S.E. 11, 2021 edition, et seq., shall be used in the application, interpretation, and enforcement of this Ordinance, and each definition shall be deemed to apply equally to a residential on-site sewage system or commercial on-site sewage system, unless the application of a word, term, or phrase only to a particular system, facility, or rule is clearly indicated.

ARTICLE III. PROHIBITED ACTS

SECTION 1. No person shall construct, install, replace, alter, modify, repair, or add to a residential on-site sewage system or commercial on-site sewage system, and no owner shall knowingly suffer or allow any such system to be installed, replaced, altered, modified, repaired or added to except in accordance with the duly issued construction permit, the terms and provisions of Rule 410 IAC 6-8.3, et seq. or Rule 410 6-10.1, et seq., IC 16-41-25, IDOH Bulletin S.E. 11, 2021 edition, and this ordinance.

SECTION 2. No person shall construct or install or thereafter replace, alter, modify, or repair a residential on-site sewage system or commercial on-site sewage system, over which the Harrison County Health Department has jurisdiction for the issuance of a construction permit issued by the department, without first having registered with the department pursuant to the provisions of this ordinance.

SECTION 3. No person, having received a written order from the Health Officer or its duly authorized employees and or representatives, pertaining to a violation of this Ordinance or the terms, provisions, conditions, or limitations of any permit or registration issued hereunder, shall fail or refuse to comply with the terms and provisions of such order within the time limit specified therein.

ARTICLE IV. CONSTRUCTION PERMITS

SECTION 1: A soil evaluation is required when a soil absorption field is to be installed or modified. The report must be submitted to the department for review in conjunction with or prior to submission of an application for construction permit.

SECTION 2: Applications for permits shall be accompanied by the appropriate fee payable to the Department; as such fee may be established from time to time by the Board of Commissioners of the County of Harrison.

SECTION 3: In the event that the Indiana Department of Health shall determine that the Harrison County Health Department shall have jurisdiction over the review of application and/or the issuance of a construction permit for a commercial on-site sewage system, the owner or agent of the owner will be notified. Construction permits for commercial on-site sewage systems shall be issued in accordance with this Ordinance and Rule 410 IAC 6-10.1. PROVIDED, that reference in said Rule to the "Board" or "State Board of Health" shall be interpreted to mean the Harrison County Board of Health and referenced therein to the "Commissioner" shall be interpreted to mean the Harrison County Health Officer.

Section 4: The health officer or its duly authorized employees and representatives may specify in the construction permit any limitation, term, or condition necessary to provide a functional, easily operated, enduring on-site sewage system in accordance with Rule 410 IAC 6-8.3 et seq, Rule 410 IAC 6-10.1 et seq, and IDOH Bulletin S.E. 11, 2021 edition, or to prevent a health hazard, nuisance, surface water pollution or ground water pollution.

If the approved plans for the project change, including but not limited to a change in location of the house or system components, or change in the design daily flow, a new application and design plan must be submitted to and approved by the department prior to permit approval.

SECTION 5: Prior to the issuance of a construction permit, the following stipulations must be met:

- a. A site survey inspection must be conducted by the department. The inspection will take place on-site at the property and markings (i.e. flags, stakes) will be required to identify components of the on-site sewage system, including, but not limited to the following: sewer/effluent lines, septic/dosing tank, soil absorption system, drain, or other components as deemed necessary and applicable to the site.
- b. A design plan shall be submitted to and approved by the department prior to permit issuance. The department will review the plans and request any corrections or additions that are required.

ARTICLE V INSPECTIONS

SECTION 1: Due notice, at least two (2) working days, must be given to the department prior to scheduling a meeting, site survey, or inspection. If a meeting, site survey, or inspection is requested without proper notice, the department may deny the request.

SECTION 2: Unless permission is granted by the department, all components of the system shall be left uncovered to allow for inspection and documentation. Exceptions to this include: any area where the sewer line, effluent line or force main needs to be crossed by equipment. Drains are allowed to be back filled with an observation pipe to allow for grade shots if one section of the drain is left open to allow for pipe inspection. If issues continually arise, the department will require the full drain to remain open until proper installation is continually observed.

ARTICLE VI. SUBMISSION OF DOCUMENTATION

SECTION 1. When the Harrison County Health Department requires an inspection of an on-site sewage system to be conducted at a home located in Harrison County, Indiana, the inspector shall submit the report to the Harrison County Health Department within 30 days of inspection date.

SECTION 2. Any property that is using a treatment unit that requires a service agreement with on-going maintenance and/or testing, must submit copies of all reports to the department within 30 days of service date.

ARTICLE VII. REGISTRATION

SECTION 1. A onetime application for the registration to install, replace, alter, modify, or repair a residential on-site sewage system or commercial on-site system shall be submitted upon forms provided by the Department and shall be accompanied by the fee established by the Board of Commissioners of the County of Harrison, from time to time.

SECTION 2. No registration shall be issued by the Department unless the applicant has demonstrated a working knowledge of the laws, rules and regulations, by passing one or more standardized test(s) administered by

- (1) The Harrison County Health Department.
- (2) The Indiana Onsite Wastewater Professionals Association.
- (3) An entity approved by the Harrison County Health Department.

SECTION 3. The following terms and conditions shall apply to a registration and the issuance thereof under this Article:

- (a) The standardized examination may be revised by the Department, from time to time, and more than one comparable version may be administered.
- (b) A list of those persons holding a valid registration under this Article shall be made available to the public.

SECTION 4. A registration issued under this Article may be suspended or revoked if the registrant shall be found by the Health Officer to have committed any act prohibited by Article III of this Ordinance, any act that might result in the denial or revocation of a construction permit issued hereunder, or violated any term or provision of this Ordinance, to include Rule 410 IAC 6-8.3 et seq. and Rule 410 IAC 6-10.1 et seq. Notice of suspension or revocation shall be in writing, shall specify the acts or violations committed, and shall be served upon the registrant as permitted by Section 2 of Article VIII of this Ordinance.

ARTICLE VIII. ORDERS OF THE HEALTH OFFICER AND BOARD

SECTION 1. With respect to a failed on-site sewage system, the Health Board shall issue such orders, pursuant to this Article, as it shall deem necessary and appropriate for the abatement of the resulting health hazard, subject only to the express limitations set forth in Rule 410 IAC 6-8.3 et seq. or Rule 410 6-10.1 et seq. and IC 16-41-25.

SECTION 2. Any person found to be violating this Ordinance, to include the terms, conditions, provisions, and limitations of any permit or registration issued hereunder, may be served by the Health Officer with a written notice and order stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. A written notice and order under this Article shall be served upon the person to whom directed by personal delivery, certified mail or otherwise as a summons may be served under the Indiana Rules of Civil Procedure.

ARTICLE IX. PETITION FOR REVIEW

SECTION 1. Within thirty (30) days following the date of: (1) receipt of an issued permit, notice of permit denial, notice of permit modification, or notice of permit revocation pertaining to a residential or commercial on-site sewage system, (2) issuance, denial or revocation of a registration, or within fifteen (15) days of the receipt of an order of the Health Officer or Health Board issued pursuant to Article VIII of this Ordinance, any person aggrieved by such action may file a petition for review with the Health Board. A petition for review shall

- a. State the name and address of the person making the request (petitioner);
- b. Identify the interest of the petitioner which is affected by the action complained of;
- c. Identify any persons whom the petitioner represents;
- d. State with particularity the reason(s) for the request; and
- e. Set forth the relief requested.

SECTION 2. Upon receipt of a timely petition for review, the health Board shall, at its next scheduled regular meeting, or at an earlier special meeting to be called, conduct a hearing into the matters address by the petition, and shall take such action thereon, if any, as it shall deem necessary and appropriate. Upon the mutual agreement of the petitioner and the Health Board.

ARTICLE X. ENFORCEMENT

SECTION 1. An action to enforce this ordinance shall be brought in the name of the Health Officer or the Health Board, as appropriate, and upon proof by a preponderance of the evidence of a violation hereof, judgment may be entered against the defendant for a sum of not less than \$100.00 for each violation. A separate violation of this Ordinance may be deemed to occur for each day that a person shall be in violation of the terms and provisions hereof. No action under this Section shall be commenced, however, with respect to a violation for which a petition for review is pending under Article IX, hereof.

SECTION 2. In addition to the remedy set forth in Section 1 of this Article, an action may be brought for mandatory or injunctive relief as against any person violating the terms and provisions of this Ordinance, which action shall be brought in the name of the Health Officer or Health Board, as appropriate, but only after notice of violation has been given as permitted by Section 2 of Article VIII of this Ordinance. Except in an emergency expressly declared by the Health Board, no action under this Section shall be commenced with respect to a violation for which a petition for review is pending under Article IX, hereof.

SECTION 3. To the extent permitted by law and this Ordinance, an action under Section 1 of this Article may be joined with an action under Section 2, and to any judgment in favor of the Health Officer and/or Health Board shall be added costs of the action, reasonable attorney fees, and expenses incurred by the Department in the enforcement of this Ordinance.

SECTION 4. In all actions under this Article, the Health Board and/or the Health Officer shall be represented by the attorney retained by the Health Board pursuant to IC 16-20-1.1.

ARTICLE XI. MISCELLANEOUS PROVISIONS

SECTION 1. Rules 410 IAC 6-8.3 and 410 IAC 6-10.1, as each such rule may be amended and supplemented from time to time, and IDOH Bulletin S.E. 11, 2021 edition, et seq., are incorporated herein by reference and made a part of this Ordinance. To the extent that these rules may be found to be inconsistent with one another, Rule IAC 6-8.3 shall be deemed to apply only to Residential On-site Sewage Systems and Rule IAC 6-10.1 only to Commercial On-site sewage Systems. Any inconsistency between said Rules and this

Ordinance shall be resolved against this Ordinance unless the Inconsistent provision hereof is more restrictive than the provision of the Rules.

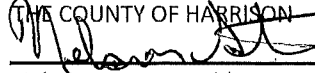
SECTION 2. Any Indiana Administrative Code or Indiana Code provisions or rulings by the Indiana courts, or subsequent law changes that conflict with the provisions in the Harrison County Ordinance shall take precedence over the conflicting provision(s) in this ordinance. Said conflicting provision(s) shall be severed and not affect the validity and enforceability of the remainder of the ordinance.

SECTION 3. In the interpretation and application of this Ordinance, the masculine form shall mean and apply to the feminine, and the singular form shall mean and apply to the plural. The title hereof all Articles of this Ordinance shall be disregarded.

SECTION 4. Any provision of any ordinance, rule, or regulation heretofore adopted by the Board of Commissioners of the County of Harrison, which is inconsistent or in conflict with this Ordinance is hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect on and after its passage and publication as required by law. SO ORDAINED THIS 19th day of August 2024.

BOARD OF COMMISSIONERS OF
THE COUNTY OF HARRISON



Nelson Stepro, President


- Absent -

Charlie Crawford, Member



Brad Wiseman, Member

ATTEST:



Chad Shireman, Auditor