

ORDINANCE NO 2024-09
AN ORDINANCE REGULATING THE
INSTALLATION, CONSTRUCTION
MAINTENANCE AND REGULATION
OF ON-SITE SEWAGE SYSTEMS.



Public Health
Prevent. Promote. Protect.

Huntington County Health Department
1330 S Jefferson St
Huntington, In 46750

Adopted July 2024

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WHEREAS, the Commissioners of Huntington County, Indiana, recognize the need for an ordinance regulating the inspection care, and maintenance of on-site sewage systems.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of Huntington County, Indiana, as follows:

An Ordinance pertaining to and regulating the design, construction, installation, maintenance, and operation of on-site sewage systems located within Huntington County, Indiana, providing for the issuance of permits therefore, and providing penalties for the violation thereof.

BE IT ORDAINED by the Board of Commissioners of Huntington County that this Ordinance is adopted as follows:

TITLE. This Ordinance and all ordinances supplemental or amendatory hereto shall be known as the On-site Sewage System Ordinance of Huntington County and may be cited as such and will be referred to herein as ‘this Ordinance’.

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

AUTHORITY. The Health Officer of Huntington County, as hereinafter defined, and the Health Officer’s agents and representatives are hereby authorized to issue permits, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this ordinance, and are otherwise authorized to perform all actions necessary for the administration and enforcement of this ordinance.

ADOPTION OF REGULATIONS BY REFERENCE. The regulations of the Indiana Department of Health found in Title 410 IAC 6-8.3, Residential On-site Sewage Systems, 410 IAC 6-10.1 Commercial On-site Sewage Systems and Bulletin S.E. 11 Sanitary Vault Privies 2021 Edition are hereby incorporated by reference in this ordinance. They shall include any later amendments to those regulations as the same published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein. Copies of 410 IAC 6-8.3 et seq., 410 IAC 6-10.1, and Bulletin S.E. 11, 2021 Edition are available and on file in the office of the Huntington County Health Department.

1 DEFINITIONS

1. Construction, New
 - a. Construction of a new home, residential outbuilding, or commercial facility where there previously was no home, outbuilding, or commercial facility; or
 - b. Replacing, rebuilding, or remodeling an existing home, residential outbuilding, or commercial facility when the design daily flow of the new structure(s) exceeds what was previously at the site.
 - c. Best judgment, as defined in Rule 410 IAC 6-8.3 for replacement of failed systems, shall not be used for new construction.
2. Construction, Repair/Replacement
 - a. Repair or replacement of a residential on-site sewage system for an existing home, residential outbuilding, or commercial facility or
 - b. Rebuilding or remodeling an existing home, residential outbuilding, or commercial facility without an increase in the design daily flow of the project.
 - c. By Rule 410 IAC 6-8.3, the best judgment of the Huntington County Health Department may be used, when necessary and appropriate, for the repair or

replacement of a failing residential on-site sewage system.

3. Installer
 - a. Any individual who performs any work in furtherance of construction, installation, replacement, alteration, repair, or abandonment of any residential or commercial on-site sewage system in Huntington County, State of Indiana
4. Malfunction
 - a. A residential or commercial on-site sewage system component that is not functioning in accordance with this ordinance or per manufacturers' requirements. On-site sewage system malfunction does not have to meet the definition of on-site sewage system failure; it may also be a failure. Malfunction may include, but is not limited to, one (1) or more of the following:
 - i. The backup of sewage into an upstream on-site sewage system component;
 - ii. The liquid level in a septic tank consistently above the invert of the septic tank outlet;
 - iii. An outlet filter that is plugged sufficiently to cause backup in the septic tank;
 - iv. The liquid level in a dosing tank above the invert of the dosing tank inlet;
 - v. The liquid level in a treatment unit above that recommended by the manufacturer;
 - vi. The liquid level in a distribution box consistently above the invert of the outlets or a distribution box that does not provide equal distribution;
 - vii. Structural failure of a septic tank, dosing tank, treatment unit, distribution box, or other required component;
 - viii. Electrical failure of a float, an effluent pump, alarm, or other electrical component of an on-site sewage system, or
 - ix. Removal of an outlet filter, an effluent pump, or any other system component if that outlet filter, pump, or component was required in the construction or operating permit.
5. Soil pit
 - a. An excavation that is sufficiently wide, deep, and long enough for the soil scientist to enter the soil pit to observe and describe the soil profile directly.

2 DISPOSAL METHODS

1. Required On-site Sewage System or Connection to Sanitary Sewer
 - 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 the provisions of this ordinance for an on-site sewage system.
 - b. In the event of a residential or commercial on-site sewage system failure which would require system repair or replacement, the residence, residential outbuilding, or commercial facility shall be required to make a direct connection to the sanitary sewer if the sanitary sewer is available within three hundred (300) feet of the affected property line and is available for connection at a construction cost and connection fee estimated not to exceed one hundred fifty percent (150%) of the cost estimate for installing an on-site sewage system to serve the residence, residential outbuilding, or commercial facility.

3 CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL ON-SITE SEWAGE SYSTEMS

1. Soil Evaluation
 - a. An on-site soil evaluation is required, as described in Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1, prior to permit issuance for all residential and commercial sites where a soil absorption field is to be installed, expanded, or replaced and as needed for repairs.
 - b. A minimum of three (3) soil profile evaluations must be evaluated in the soil absorption field. The soil profile evaluations may be conducted using three (3) soil borings, three (3) soil pits, or any combination of borings and pits. The Huntington County Health Department may request additional soil borings or pits if necessary.
 - c. The professional soil scientist evaluating the soil profile shall use soil pits to describe the soil profile in areas of Huntington County where expansive and contractive clays are anticipated or identified and elsewhere when deemed necessary by the professional soil scientist.
 - d. The on-site soil evaluation report created from the soil profile evaluation must be signed by the professional soil scientist and submitted directly to the Huntington County Health Department by the soil scientist.
2. If expansive/contractive clays are found
 - a. All soil absorption fields to be installed in areas with expansive and contractive clays in Huntington County shall be sized under the appropriate soil loading rates in Tables IV and V in Rule 410 IAC 6-8.3 or Tables V and VI in Rule 410 IAC 6-10.1 with no sizing reduction permitted.
 - b. Soil loading rates specified by manufacturers in product design and installation manuals for sand-lined systems and chambers, which result in a soil absorption field reduced in size from what the Rules require, shall not be permitted in Huntington County in areas with expansive and contractive clays.
 - c. In cases where the Huntington County Health Department's best judgment is necessary and approved, consideration will be given to sizing technologies per the manufacturer's recommendations and as approved by the Indiana Department of Health.
3. If bedrock is suspected:
 - a. Deviations from 410 IAC 6-8.3 shall be followed in those areas highlighted in red on the Map of the Wabash-Erie Channel Showing Generalized Depth to Bedrock and Related Features by Tony Fleming, Indiana Geological Survey, dated February, 1995, and amendments as follows:
 - i. Water supply distances are increased to one hundred (100) feet
 - ii. A professional soil scientist shall provide on-site soil evaluation using soil pits. Soil profile information shall be recorded to a depth of seven (7) feet or until a layer is encountered that cannot be readily penetrated (i.e., glacial till, bedrock, etc.), whichever is shallower.
 - b. The trench bottom or bed bottom will be at least forty-eight (48) inches above any bedrock.
 - c. Copies of the Map of the Wabash-Erie Channel Showing Generalized Depth to Bedrock and Related Features and amendments to it are available on file in the

4 SEWAGE HOLDING TANKS

1. A sewage holding tank is an alternative method of sewage disposal per IC 16-41-25-9.
2. An application for a sewage holding tank must be filed by the property owner or property owner's agent, including:
 - a. An application form provided by the Huntington County Health Department;
 - b. A construction plan of sufficient clarity to show compliance with this ordinance;
 - c. A copy of a written contract with an operator of a septage management vehicle providing for the removal of septage at regular intervals;
 - d. A written statement, signed by the property owner, indicating that copies of all receipts and other records, as requested, be submitted to the local health department within thirty (30) days of service; and
3. For commercial sites where IDOH has completed plan review and approval for a commercial holding tank, a copy of the written authorization from IDOH.
4. All sewage holding tanks shall
 - a. Have a minimum capacity of
 - i. 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.
 - ii. For permanent holding tanks, the greater of
 1. one thousand (1,000) gallons; or
 2. 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.
 - b. Have a capacity of no more than 10,000 gallons.
5. A sewage holding tank shall meet all separation distances required for septic tanks in Rules 410 IAC 6-8.3 and 410 IAC 6-10.1.
6. 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.
7. All sewage holding tanks shall have at least one riser to the surface for ease of pumping. A secondary childproof plug shall be installed under a safely secured riser to the surface.
8. A construction permit issued by the Huntington County Health Department is required before installing the holding tank or sewer.
9. 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 structure's plumbing and the holding tank.
10. All sewage holding tanks installed in Huntington County shall have:
 - a. an installation inspection to confirm proper installation and confirm the outlet of the last tank has been appropriately sealed before backfilling; and
 - b. The alarm wired in and verified operational.

11. All holding tanks shall be required to have an operating permit issued by the Huntington County Health Department.
 - a. The construction permit issued for the installation of the holding tank shall also serve as the operating permit for the first two (2) years of service.
 - b. An operating permit for a sewage holding tank shall be valid for two (2) years from the date of issuance.
 - c. . Before renewing an operating permit, an installer must inspect the holding tank(s) to verify the proper operation of the tank and alarm system. The inspection report must be provided to the Huntington County Health Department before renewal.
 - d. An operating permit shall be renewed before or within ten (10) days of expiration.
 - e. An operating permit fee, as stated in the Huntington County Health Department Fee Ordinance, shall be due at the time of operating permit renewal.
12. All receipts from pumping and maintaining a sewage holding tank and other documents for repair or modification of a sewage holding tank must be submitted to the Huntington County Health Department within thirty (30) days of the service provided.
13. An operating permit not renewed within thirty (30) 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 ordinance and may be subject to penalty as described in Section 8 of this ordinance, permit revocation, and/or denial of operating permit renewal.
14. If a sewage holding tank is not operated in a safe and sanitary manner and per IC 16-41-25-9 and this ordinance, the Huntington County Health Department may require the residence, residential outbuilding, or commercial facility to:
 - a. Connect to sanitary sewer if the sanitary sewer is available within three hundred (300) feet of the affected property line and 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 on-site sewage system to serve the residence, residential outbuilding or commercial facility; or
 - b. Install an on-site sewage system with a soil absorption field in compliance with Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1 or connect to an existing system that has not failed.
15. Upon connection to an approved soil absorption field, as part of a full on-site sewage system or sanitary sewer, the sewage holding tank shall be abandoned under the rules unless converted into a septic tank or a dosing tank in an on-site sewage system.

5 CONSTRUCTION PERMITS

1. An application for a Construction Permit shall include
 - a. A floor plan of the home that shows the number of bedrooms, bedroom equivalents, and closets in the house, residential outbuilding, and/or commercial project is needed for all new construction;
 - b. A copy of any necessary recorded easements;

6 INSPECTION REQUIREMENTS

1. No construction on any portion of an On-site Sewage System may commence until a construction permit has been issued. The Health Officer may inspect the work at any stage of construction.

7 ENFORCEMENT

1. Health Officer Orders

- a. Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.3, or Rule 410 IAC 6-10.1, the Health Officer shall issue a Notice of Violation to the person or persons responsible, as hereafter provided. Such notice shall:
 - i. Indicate the date and location of the violation.
 - ii. Clearly indicate the nature of the violation and the related Ordinance, statute, and/or rule citation.
 - iii. Allow a reasonable time for the necessary remediation to be performed.
 - iv. Be adequately served upon the person(s) responsible. Proper service shall include any of the following:
 - v. Sent to the person directly via first-class mail;
 - vi. Sent by certified mail to the last known mailing address of the person;
 - vii. Posted in a conspicuous place in or about the property affected by the notice or
 - viii. Other method of service authorized or required under the laws of this state.
- b. After receiving an order in writing from the Health Officer, the owner of the property shall comply with the provisions of this ordinance and/or rule as outlined in said order and within the time limit specified therein. Said order shall be served on 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. Failure to comply with such order shall constitute a violation of this ordinance and the violator shall be subject to the penalties of this ordinance.
- c. The Health Officer may compel an immediate stop-work order for work completed, in progress, or planned that violates any provision(s) of this ordinance. Such stop-work order shall:
 - i. result in the immediate suspension of all work at the work site and
 - ii. Be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person engaged in the performance of said work or any person causing such work to be performed.
- d. Failure to comply with such stop work order shall constitute a violation of this ordinance and the violator shall be subject to the penalties as prescribed in this ordinance.

2. Suspension of Permit

- a. The Health Officer may order the suspension of a permit for any of the following reasons:
 - i. Failure to meet any of the standards of any of the provisions of this Ordinance or violations of any of provisions of this Ordinance.
 - ii. Interference with the Health Officer in performing their duties is prohibited. Interference shall be defined as obstructing, hampering, or blocking the

- Health Officer in performing his/her duties.
- b. At the request of the Permittee or installer, a hearing shall be afforded him/her/it within twenty-four (24) hours of the issuance of the written suspension order. Said hearing shall be conducted as outlined in IC 4-21.5.

8 PENALTIES

1. Any person, firm, or entity found to violate any provision of this Ordinance and/or rule shall be fined not more than twenty-five hundred dollars (\$2,500.00). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered shall constitute a distinct and separate offense.
2. The Huntington County Health Department shall also be entitled to seek any other legal remedy against any person who violates any provision of this ordinance and/or rule.
3. The Huntington County Health Department shall be entitled to seek all legal fees incurred while enforcing this ordinance and/or rule.
4. The penalties provided in this section shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.
5. 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 an appeal against the decision and/or action has been sustained by the Health Board, the Health Officer may, through the office of the Huntington County attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this ordinance.

9 APPEALS

1. The Huntington County Board of Health shall hear appeals incidental to the issuance and revocation of permits if, within 15 days following the date of receipt of an issued permit, permit modification, notice of permit denial, or notice of permit revocation, any person aggrieved by such action files a petition for review concerning such action with the Board.
 - a. A petition for review shall state:
 - b. The name, address, and telephone number (if applicable) of the person making the request;
 - c. Identify the interests of the petitioner which is affected by the issuance, denial, modification, or revocation;
 - d. Identify any persons whom the petitioner represents
 - e. State with particularity the reasons for the request;
 - f. State with particularity the issues proposed to be considered;
 - g. Include proposed terms or conditions that, in the petitioner's judgment, would be appropriate to carry out the requirements of law and 410 IAC 6-10.1 et seq. or 410 IAC 6-8.3 et seq. governing such permits.
2. The procedures established in I.C. 4-21.5, the Administrative Procedure and Orders Act, shall comply with the conduct of the hearing.

10 REPEAL

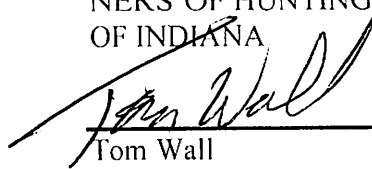
This ordinance amends, suspends, repeals, and replaces Ordinance no 2011-04.

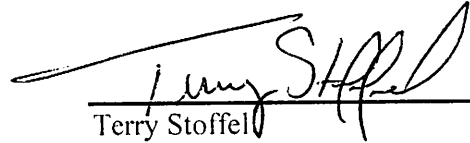
11 SEVERABILITY


The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

Dated this 15th day of July 2024.

THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY OF INDIANA


Tom Wall


Terry Stoffel


Rob Miller

ATTEST:


Jill Landrum, Auditor of Huntington County