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Page 28-38
RECORDER OF BROWN COUNTY
Sandy Cain

RESOLUTION

Be it ordained and enacted by the Board of Commissioners of the county of Brown, state of Indiana, as follows:

Whereas, it is the desire of the Brown County Board of Health to amend the Ordinance No. I-72 in regard to the construction, maintenance, and operation of private sewage disposal systems so as to include all areas throughout Brown County and providing penalties for violation thereof; now, therefore, it is hereby resolved by the commissioners of Brown County that Ordinance No. I-72 be amended to read as follows:

ARTICLE I

DEFINITIONS

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

Section 102: "Administrative Authority" means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or his or her legal representative or agent.

Section 103: "Bedroom" means any room that may be advertised as, reasonably implied to be, reasonably perceived as or potentially easily converted to a bedroom. An incomplete list of examples of such rooms includes rooms that have a closet; rooms that are adjoined to a hallway; rooms that may be (but need not be) in close proximity to other bedrooms; rooms that may be equal to, or approximate to size of other bedrooms; and rooms that may be (but need not be) adorned with, or adjacent to a bathroom.

Section 104: "Black Water" means waste water from toilets, dishwashers, kitchen sinks, bathtub systems; or any other source of human excreta or food particles.

Section 105: "Combined Sewer" means a sewer receiving both surface water run-off and sewage.

Section 106: "Distribution Box" means a structure designed to distribute the effluent from a septic tank equally into various sections of pipe of an absorption system.

Section 107: "Dwelling" means any house or place used or intended to be used by human occupants as a place of residence.

Section 108: "Gray Water" means waste water from laundry washing machines.

Section 109: "Health Officer" means the Brown County Health Officer of the local Board of Health, or his agent.

Section 110: "Holding Tank" means a septic tank or equivalent that allows sewage to be held and NOT discharged into the soil, surface water, or ground water.

Section 111: "Limiting Layer" means any layer of soil described as such by the Soil Conservation Service or the Indiana State Department of Health rule 410 IAC 6-8-1 (as it may be amended from time to time.)

Section 112: "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate, or his or her legal representative or agent.

Section 113: "Private Sewage Disposal System" means any sewage disposal system not constructed, installed, maintained, and operated and owned by a municipality or a taxing district established for that purpose.

Section 114: "Privy" means a non-water carried sewage disposal facility that is constructed to ensure that it is fly-tight, rodent free, and sanitary for the disposal of body wastes.

Section 115: "Public/Semi-Public Sewage Disposal Systems" means any type of facility that serves the public in general, and does not conform to the listed definitions of: Residential Sewage Disposal System (Sec. 117) or Dwelling (Sec. 107).

Section 116: "Public Sewer" means 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 run-off and sub-soil drainage shall not be considered a "Public Sewer" under this definition.

Section 117: "Residential Sewage Disposal System" means 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 building sewers, septic tanks, subsurface absorption fields, and privy vaults.

Section 118: "Sanitary Sewage System" means a system of sewers which conveys sewage away from the lot on which it originates for treatment.

Section 119: "Septic Tank" means a watertight structure into which sewage is discharged for settling and solids digestion.

Section 120: "Sewage" means the water carried waste derived from ordinary living processes gray and/or black water.

Section 121: "Sewage Disposal System" means any arrangement of devices and structures used for receiving, treating, and disposing of sewage.

Section 122: "Sewer" means the water carried waste derived from ordinary living processes, gray and/or black water.

Section 123: "Sludge" means the digested or partially digested solid material accumulated in a sewage treatment facility.

Section 124: "Subsurface Absorption Field" means perforated pipes laid in a system of trenches into which the effluent from the distribution box is discharged for direct absorption into the soil.

ARTICLE II

PRIVATE SEWAGE DISPOSAL SYSTEMS

Section 201: Where a public sanitary or combined sewer is not available, all persons owning or leasing property shall comply with the following provisions of this ordinance and attached annex for private sewage disposal systems. The health office may make changes to this annex as deemed necessary and to insure compliance with this ordinance and state rules and regulations.

Section 202: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the county of Brown, 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 Brown, 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 Rule 410 IAC 6-10, and Bulletin S.E. 13 of the Indiana State Board of Health, or in such other manner as approved by the State Board of Health. Copies of said Rule 410 IAC 6-10 and Bulletin S.E. 13 are herewith incorporated by reference as part of this section and two copies are filed in the office of the county auditor and county health office for public inspection.

Section 204: Any privy situated within the county of Brown, state of Indiana, shall be of the sanitary type and shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault. All privies shall be located properly to protect water from contamination. No privy shall be constructed in any recorded subdivision. No residence that has access to piped-in water shall be granted a privy permit. Privies shall be of a temporary nature, not to exceed 6 months.

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. 11 & 13, Rule 410 IAC 6-8.1 and 6-10 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 office 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. 11 and Rule 410 IAC 6-8.1, of mechanical, chemical, or other means may be approved by the Brown County Health Officer after plans, and specifications bearing the written approval of the Indiana State Department of Health have been received.

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 Rule 410 IAC 6-8.1, 6-10, or Bulletin S.E. 11 and 13 and cause unsanitary conditions, 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 70i of this ordinance.

Section 208: Whenever a public combined or sanitary sewer becomes available and is within 300 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 Brown, state of Indiana, a direct connection shall be made to said sewer and any septic tanks, seepage-pits, outhouses, privy pits and similar 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 that sewer if such connection can be made at a reasonable cost.

Section 210: After receiving an order in writing from the County Health Department, or 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 or the agent of the owner, and the occupant or agent of the occupant; but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an owner.

Section 211: If a proposed subdivision of more than five (5) residences, or equivalent, are proposed, the subdivision must investigate the possibility of a centralized sewage disposal system, cluster system, or treatment facility. (Does not apply to Cordry Sweetwater Conservancy District.)

ARTICLE III

PERMITS AND INSPECTIONS

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 the County Health Office and said application shall be supplemented by any plans, specifications and other information as is deemed necessary by the County Health Officer. After submittal of plans, specifications, and other information, said plans shall be reviewed prior to issuance of a permit. A permit and inspection fee shall be paid at the time the application is filed.

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 said notice by the County Health Officer. Owner can be required to uncover any improperly covered up work to allow inspection.

Section 303: The 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.

Section 304: Before commencement of construction of any public or semi-public building or establishing a recorded subdivision, all plans and specifications must be submitted to the Indiana State Board of Health for review and letter of approval. Upon receipt of letter of approval a local construction permit must be obtained.

ARTICLE IV

REGISTRATION OF INSTALLERS

Section 401. Any person engaged in or intending to engage in the installation, or repair of sewage disposal systems within Brown County, shall make application to the Health Officer to have his name placed on the County Register.

Section 402: Upon receipt of the applicant's application, the County Health Officer or his representative, will insure that the applicant is knowledgeable of state and county rules and requirements. The applicant will complete a written test of these requirements. Upon satisfactory completion of this test, the County Health Officer will place the applicant's name on the register of persons engaged in the installation, construction, or repair of sewage disposal systems within Brown County.

Section 403: The County Health Officer may remove the name of any person or firm from the register of persons engaged in the installation, construction, and repair of sewage disposal systems, who have demonstrated inability or unwillingness to comply with these rules and requirements. The individual or firm so removed may reapply after a ninety (90) day period by demonstration of ability or willingness to comply with state and county requirements.

Section 404: If a contractor does not install a septic system for the period of one (1) year his name shall be removed from the register. If a contractor wishes to have his name reinstated for septic system installation he must contact the County Health Officer and make a written request for said reinstatement. If a contractor does not install a septic system for five (5) years in Brown County, then he will have to retake the contractor test.

ARTICLE V

POWERS FOR INSPECTION

Section 501: The County Health Officer or his agent bearing proper credentials and identifications shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurements, sampling, and testing necessary to carry out the provisions of this ordinance.

ARTICLE VI

NOTICES

Section 601: 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 or his agent, with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

ARTICLE VII

PENALTIES

Section 701: Any person convicted of violating any portion of this ordinance 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 dollars (\$1,000.00). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions where compliance with such order by the County Board of Health, or by the duly appointed Health Officer of the county, has not been met shall constitute a distinct and separate offense.

8. The Brown County Health Department does not design sewage disposal systems.
9. All requests for private sewage disposal systems for new construction to be located on property within the Cordry-Sweetwater Conservancy District must be approved in writing by the Board of Directors or their designated representative. No Brown County permit will be issued without this approval.
10. Holding tanks will be approved on a case by case basis, for a temporary period only, and if approved in writing by the State Board of Health.
11. Site and soils evaluation will be used for on-site sewage disposal systems located in Brown County. Percolation tests will no longer be used. Property owners are responsible for contracting with a Soil Scientist if the State Board of Health Scientist is not available.
12. Each property owner must present a Soil Evaluation Report to the Health Department for application consideration.
13. All septic tanks shall have an access manhole extending to the ground surface and fitted with an appropriate cover. The manhole shall be at least 30 inches in diameter and placed over an access opening in the top of the tank.
 - a, Each opening to an underground tank of a residential septic system that allows access from ground level must be covered with a lid or top that is securely fastened.
 - b. Below a residential septic system's lid or top described in subsection (a), each tank of the residential septic system must have a cap or plug.
14. Geotextile fabric is the only protective covering allowed for septic system stone or gravel.
15. All gravity flow and area dosing system fingers must be capped at the distal ends.
16. All trench systems shall have five (5) feet of non-perforated pipe measured from the beginning of the trench. This five (5) feet will count for absorption trench length.

BROWN COUNTY BOARD OF HEALTH

Annex A to Brown County Board of Health Private Sewage Disposal Ordinance

This annex lists additional requirements for installation of a private sewage disposal system in Brown County as authorized by Section 201. These requirements are subject to change to insure Brown County guidelines meet or exceed State Board of Health Rule 410 IAC 6-8.1.

1. A 1000 gallon tank and 500 square feet of subsurface absorption field for each bedroom with a minimum of 1000 square feet is required for each dwelling. Additional square footage may be required as a result of the Soil Evaluation Report.
2. Perimeter drains around subsurface absorption fields may be required. This requirement will depend on the water table in the field area.
3. Home aeration systems are approved for Brown County. Each system must have a subsurface absorption field as required in number 1 above.
4. All permits issued for construction of a private sewage disposal system are valid for a period of one (1) year from date of issue. All construction must be completed within the one year period. Otherwise, applicants must reapply for a new permit and pay the permit fee.
5. All system installations must be inspected prior to underground portions being covered as outlined in 410 IAC 6-8.1. The Brown County Health Department must be notified at least 24 hours in advance of desired inspection. The permittee and contractor are responsible for meeting this requirement. Request must include permit number and permit must be available on site. Failure to have permit on site will cause postponement of inspection.
6. All sewer and absorption field pipe must have an approved ASTM-D or SDR number and on the list of acceptable plastic pipe approved by the State Board of Health. Flexible pipe will not be used in sewage disposal systems.
7. The sewage disposal system must be installed prior to construction above ground level or a mobile home being placed on the property. This requirement may be waived by the Health Officer or his representative due to construction vehicles operating in the system area.

ARTICLE VIII

VALIDITY

Section 801: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 802: 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 IX

AMENDED ORDINANCE IN FORCE

Section 901: This amended ordinance shall be in full force and effect from and after its passage, approval, recording of this resolution as provided by law.

Section 902: This ordinance supersedes The Brown County Indiana ordinance #1994-6-6-1. Ordinance #1994-6-6-1 is now void and no longer in effect.

Section 903: Passed and adopted by the Commissioners of Brown County, State of Indiana, on this 31st day of December, 1996.

Effective:

/s/ *James Crow*
/s/ *James Owens*
/s/ *Greg Hill*

Attest: *Kathi S. Smith*
Brown County Auditor
(3-6-97)