

ORDINANCE NO 2023-10
AN ORDINANCE REGULATING THE
INSTALLATION, CONSTRUCTION
REGULATION OF ON SITE SEWAGE SYSTEMS.



Public Health
Prevent. Promote. Protect.

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

Adopted November 2023

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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 otherwise promote 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 Sewage Systems, are hereby incorporated by reference in this ordinance and 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. (H.I.) Copies of 410 IAC 6-8.3 et seq. are available and on file in the office of the Huntington County Health Department.

1 DEFINITIONS

State Definitions

All definitions set forth in 410 IAC 6-8.3, 410 IAC 6-10.1, and Bulletin S.E. 11, 2021 promulgated by the Indiana Department of Health, as may be amended from time to time, are hereby incorporated by reference.

A. Bedroom

- a. means either any room in a residence that the local health department and the owner agree could be occupied for the purpose of sleeping and contains:
 - i. an area of seventy (70) square feet or more;
 - ii. at least one (1) operable window or exterior door for emergency egress or rescue; and

- iii. for new construction, a closet; or (2) declared by the owner, by recorded affidavit supplied to the local health department, that will be occupied for sleeping, and that the owner further agrees within the affidavit not to occupy any additional rooms for the purpose of sleeping or otherwise represent to others that any room, beyond the number specified in the affidavit, may be utilized for sleeping without approval of the local health department. 410 IAC 6-8.3-7

B. Bedroom equivalent

- a. means any jetted bathtub with a capacity of greater than one hundred twenty-five (125) gallons.

C. Board

- a. The Huntington County Board of Health.

D. Building

- a. A structure having a roof supported by columns or walls built or used for the enclosure, shelter, protection or occupancy of persons, fixtures or personal property, and from which emanates any sewage.

E. Commercial Building

- a. Any building other than a residential building, including any building developed for industrial or public purposes.

F. Construction Permit

- a. Written approval by the Department for the construction, installation, alteration, repair or abandonment of a new or existing OSS or sanitary vault privy.

G. Department

- a. The Huntington County Department of Health, and/or its employees.

H. Effluent

- a. liquid portion of the sewage that has been primarily treated in a septic tank.

I. Failure

- a. An OSS condition which includes any of the following:
 - i. The system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential and commercial plumbing fixtures;
 - ii. Effluent discharge exceeds the absorptive capacity of the soil, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters;
 - iii. Effluent is discharged from the system causing contamination of a potable

water supply, ground water, or surface waters;

- iv. The backup of sewage into a structure;
- v. The connection of an OSS to any drain tile;
- vi. Liquid level in a septic tank above the inlet invert;
- vii. Liquid level in a treatment unit above that recommended by the manufacturer;
- viii. Structural failure of a septic tank or treatment unit;
- ix. Water samples documenting contamination of ground water or surface waters by the OSS.
- x. A failed OSS is a health hazard.

J. Health Officer

- a. means the Huntington County Health Officer, or his or her authorized representative.

K. Installer

- a. Any person who performs any work in furtherance of construction, installation, replacement, alteration, modification or repair of any residential or commercial onsite sewage system that is subject to the provisions of this ordinance.

L. Onsite Sewage System or "OSS"

- a. All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from:
 - i. a one (1) or two (2) family dwelling;
 - ii. a residential outbuilding; or
 - iii. two (2) single-family dwellings on the same property with a combined DDF of less than or equal to seven hundred fifty (750) gallons per day.
- b. The term includes, but is not limited to, residential sewers, septic tanks, soil absorption systems, temporary sewage holding tanks, and sanitary vault privies. Permitted

M. Person

- a. Any individual, trust, joint stock company, federal agency, corporation (including a government corporation), limited liability company, partnership, co-partnership, company, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, state agency, association, state, commission, political subdivision of a state, any interstate entity or any other legal entity or their legal representative.

N. Property

- a. Any tract of land, or portion thereof, or combination of tracts of land under single or common ownership.

O. Public Sewer

- a. Any sanitary sewer constructed, installed, maintained, operated or owned by a municipality, sewage district or utility company. A county legal drain, mutual drain or private drain installed for the sole purpose of carrying surface water runoff and subsoil drainage shall not be considered a public sewer under this definition.

P. Residential

- a. A building containing separate residences where a person may live or regularly stay

Q. Sanitary Sewerage System

- a. A sewer or a system of sewers which convey sewage away from the lot on which it originates to a wastewater treatment facility owned and operated by an incorporated city or town, conservancy district, regional sewer district, or private utility.

R. Sewage

- a. All water-carried waste derived from ordinary living processes.

S. Soil Profile Analysis

- a. The observation and evaluation of the physical characteristics of the soil horizons or layers to a depth of at least five (5) feet or, if shallower, to a layer that cannot be readily penetrated.

T. Soil Scientist

- a. An individual registered as a professional soil scientist with the Indiana Registry of Soil Scientists (IRSS) as provided for under IC 25-31.5.

2 DISPOSAL METHODS

A. All rules and regulations contained within 410 IAC 6-8.3, 410 IAC 6-10.1, and Bulletin SE-11 (2021), promulgated by the Indiana Department of Health, as may be amended from time to time, are hereby incorporated by reference.

B. Public Sewer Available

- a. Permittee shall have 180 days from the date that the public sewer becomes available to make a direct connection to the public sewer and to abandon and fill in the existing sewage disposal system, whenever a public sewer is or becomes available within 300 feet of a residential or commercial building, provided direct access is reasonably available via easement or other appropriate means. As a result of such connection, all existing septic tanks, holding tanks, sanitary vault privy pits and similar sewage disposal systems shall be abandoned in accordance with the rule.

C. Public Sewer not Available

- b. All residential and commercial buildings which are not connected to a public sewer or do not have access to a public sewer shall be connected to an OSS and have a primary area for construction of a soil absorption field set aside and protected from all disturbance and compaction activities.

D. Construction of a Sanitary Vault Privy

- c. Sanitary vault privies constructed and maintained pursuant to Bulletin SE-11 (2021) shall be approved and permitted by the Local Health Department.

E. Correction of Defects

- d. Should any defect exist or occur in any OSS or privy which would cause the OSS or privy to fail to meet the requirements of this Ordinance, then the defect shall be corrected by the owner/permittee pursuant to the time table established by the Health Officer. Failure to correct the defect within the time table established by the Health Officer shall be considered a violation of this Ordinance and shall subject the owner/permittee to the penalties set forth in this ordinance.

F. Adaptation of OSS

- e. Whenever there is any alteration of the structure or significant change in the use or occupancy of a building which would affect the functioning of the existing OSS, including the addition of a bedroom or bedroom equivalent as defined in 410 IAC 6-8.3, then the system shall be modified, enlarged or replaced in accordance with the requirements of this ordinance.

**3 CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL
ONSITE SEWAGE SYSTEMS**

A. 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 borings and/or soil pits are required to be evaluated in the area of the soil absorption field to a depth of at least sixty (60) inches. The Huntington County Health Department may request additional soil borings or soil pits if deemed 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 clay, fragipan, poor filter, extensive fill, or bedrock) is anticipated or identified.

- d. The on-site soil evaluation report created from the evaluation of the soil profile must be signed by the professional soil scientist and submitted directly to the Huntington County Health Department by the soil scientist.
- B. 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. On-site soil evaluation shall be provided by a professional soil scientist using a soil pit. Soil profile information shall be recorded to a depth of seven (7) feet or until a layer is encountered which cannot be readily penetrated, whichever is shallower.
 - iii. The trench bottom or pipe bed will be at least forty-eight (48) inches above any bedrock.
 - iv. Downslope observation wells are required to monitor the operation of the system and to allow for groundwater testing as needed.
- C. Copies of the Map of the Wabash-Erie Channel Showing Generalized Depth to Bedrock and Related Features, and amendments thereto are available on file in the office of the Huntington County Board of Health and the Huntington County Auditor**
- D. Requirements for Septic Tanks**
- a. Residential septic tanks shall have the following number of gallons:
 - b. If the number of bedrooms and bedroom equivalents in a dwelling is

Required minimum capacities for Septic tanks	
Number of bedrooms in Dwelling	Capacity of Tank in Gallons
3 or less	1000
4	1250
5	1500
5+	1,500 plus 300 multiplied by the number of bedrooms over 5

- E. All septic tanks proposed for use in Huntington County shall be listed on the current Indiana Department of Health list of Approved Manufactured Septic Tanks.**
- F. All septic tanks installed in Huntington County shall have risers to final grade on both the inlet and the outlet. A riser to final grade over a divider wall in a two-compartment tank may be used in place of a riser to final grade over the inlet.**

G. A secondary childproof plug shall be installed according to manufacturer's requirements under each lid with access to the surface.

H. All septic tanks proposed for re-use with a replaced soil absorption field shall:

- i. Be tested and found to be watertight;
- ii. Have a riser extending to final grade over the outlet access; and
- iii. Have an outlet filter installed in the outlet end of the tank or in a separate secondary structure.

I. Recommended setbacks

- c. All setbacks must be met in accordance with 410 IAC 6-8.3 et. seq.
- d. Recommended setback from a county regulated drain in Huntington County is 75 ft unless an easement or waiver has been obtained from the Huntington County Surveyors Office.

J. Recommended set-aside areas

- a. All lots that will utilize on-site sewage systems platted after the effective date of this ordinance shall have at least 2 (87,120) acres/square feet of land.
- b. It is recommended that for new construction, two (2) areas on each lot be evaluated by a soil scientist for suitability for installation of an on-site sewage system and plans for the property include preservation of the set-aside area. In the event of system failure or malfunction, the set-aside area should remain undisturbed and available for installation of a replacement system.
- c. No residential on-site sewage system construction permit will be denied due to lack of a suitable set-aside area alone.

K. Drainage

- a. Backfilled to final grade with aggregate which meets the minimum requirements, washed aggregate with a gradation in the range of INDOT Specifications 8 through 11, INDOT Specification 23 sand, if used in a socked pipe, or equivalent; or
- b. Filled to within six (6) inches of final grade aggregate which meets the minimum requirements of section 67 of this rule, with washed aggregate with a gradation in the range of INDOT Specifications 8 through 11, INDOT Specification 23 sand, if used in a socked pipe, or equivalent and the final six (6) inches to final grade with cover soil material.

L. Requirements for Holding Tanks

- a. The following requirements must be met in order to approve a holding tank:
 - i. A construction permit shall be issued by the Department for the Holding Tank System, design prior to the installation of a holding tank.
 - ii. The minimum size of the holding tank must provide 3 days capacity at the 95 percent level. Specify an audio-visual alarm that registers at this 95 percent level.
 - iii. The high-water alarm must be installed and verified operational by the Department, in the last tank in series.

- iv. The outlet of the last tank in series must be properly capped if applicable. The sealed outlet must be inspected and approved by the Department prior to being covered.
- b. An Operation Permit must be obtained at the Local Health Department by the owner of the property and will be recorded with the Huntington County Recorder's office.
 - v. A signed contract by a licensed pumper must be received and on file with the Department prior to issuance of permit
 - vi. Permit must be renewed every one (1) year by owner of property
 - 1. New signed contract must be on file
 - 2. All receipts from previous year must be provided to show tank was properly maintained by owner
 - 3. Tank must be inspected by licensed pumper to ensure tank is still watertight and in good working order

4 CONSTRUCTION PERMITS

A. Construction Permit Required

- a. An owner or permittee shall first obtain a construction permit (new, repair or replacement) from the Health Officer prior to the commencement of any excavation, construction, modification or addition to any existing or new OSS, or any of its components (such as subsurface drainage), that involves the initial installation, replacement or modification of a soil absorption field, or a permitted discharge system.
- b. An owner or permittee shall first obtain a construction permit (alteration, repair, sanitary vault privy) from the Health Officer prior to the commencement of any alteration, repair, modification or addition to any existing OSS, or any of its components (such as subsurface drainage), that does not involve the replacement or modification of the soil absorption field, or a permitted discharge system. This includes any sanitary vault privy not included as part of a construction permit under A.

B. Application for Construction Permit

- a. The application for such permit shall be submitted to the Health Officer on a form provided by the Health Officer and shall be supplemented by any plans, specifications and other information deemed necessary by the Health Officer or as required by 410 IAC 6- 8.3.
- b. Documents required for Permit
 - i. A completed application form as provided by the Huntington County Health Department;

- ii. An on-site soil evaluation report submitted by the soil scientist;
- iii. A floor plan of the home, residential outbuilding, and/or commercial project needed for all new construction;
- iv. Written plans of sufficient clarity that it can be verified that the design of the on-site sewage system complies with the applicable rule and this ordinance;
- v. A plat of the property;
- vi. A copy of any necessary recorded easements;

C. Term and Renewal

- a. A construction permit shall be valid for one (1) year from the date of issuance. The construction permit is not transferable.

5 INSPECTION REQUIREMENTS

A. Upon issuance of a construction permit, the permittee may commence excavation. The Health Officer may inspect the work at any state of construction. No construction on any portion of an OSS may commence until a construction permit has been issued.

B. Inspection

- a. Upon substantial completion of the work authorized under the construction permit, the permittee shall notify the Health Officer that the work is ready for inspection. No portion of the work shall be covered until the inspection is made. For above ground systems requiring the placement of INDOT Spec 23 sand over the existing ground surface, a preliminary inspection shall be required after plowing the existing surface and before the application of the Spec 23 sand.
- b. No portion of the OSS shall be used and, when the system serves a new building, no person shall be permitted to use the building or buildings until the final inspection has been completed and the system is found to follow all applicable regulations and this Ordinance and the state rule.

6 FAILING SYSTEMS

A. Guidelines

- a. An onsite sewage system shall be deemed to be a failing system if any of the conditions of a failure are found to exist. In addition, all parts of an OSS that are found to be damaged, misaligned, altered without authorization, or missing shall constitute a failing system.
- b. The Health Officer or the Officer's designee may enter upon and inspect private property, at proper times after due notice to the property owner or tenant, with

regard to the possible presence, source, and cause of disease as well as to ensure compliance with the applicable provisions within this ordinance or 410 IAC 6-8.3.

B. Correction of a Failure

- a. For correction of a failure of an OSS, the property:
 - i. Shall be served by a sanitary sewerage system, holding tank or Sanitary Vault Privy and the failed system(s) shall be disconnected from the structure(s) and properly abandoned, or
 - ii. If a sanitary sewerage system is not available, the property shall be brought into compliance with the OSS standards of Huntington County and the State of Indiana.

7 FEES

A. Permit Fees:

- a. Prior to the issuance of any construction permit, each owner/permittee shall first tender to the Treasurer of Huntington County, Indiana, a fee or fees, which shall be deposited into the County Health Fund, for each system being constructed, modified, altered or repaired in accordance with the following schedule:

Type of Application or Permit	Fee
Construction application (new, repair/replacement, holding tank, sanitary vault privy)	\$150
Construction Permit (new, repair/replacement, holding tank, sanitary vault privy)	\$50
Operating Permit Renewal (Holding tank)	\$100

8 ENFORCEMENT

Right of entry upon premises.

A. Upon:

- a. showing official identification; and receiving consent of the owner or occupant of the premises: a local health officer or the officer's designee may enter any premises at any reasonable time and inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing that may be reasonably necessary to determine compliance with public health laws and rules and for the prevention and suppression of disease.

- b. A local health officer or the officer's designee shall obtain the consent of the owner or the occupant of the premises, except as provided in any of the following circumstances:
 - i. the local health officer or the officer's designee obtains an order from a circuit or superior court in the jurisdiction where the premises is located to authorize the inspection, investigation, evaluation, testing, or taking of specimens or samples for testing.
 - ii. An emergency condition that poses an imminent and serious threat to the health of an individual or the public and the local health officer or the officer's designee believes that a delay could result in a greater health risk.
 - iii. Entry by a local health officer or the officer's designee to a public place or an area in plain and open view to determine compliance with public health laws and rules.
 - iv. Entry under the terms and conditions of a license issued by the local health department at any reasonable time if reasonably necessary to determine compliance with public health laws and rules and the terms and conditions of the license.
- c. A court described in subsection (b)(i) may issue an order to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing if the court finds that the local health officer or the officer's designee, by oath or affirmation, provided reliable information establishing the violation of a public health law or rule at the premises.
- d. However, a local health officer, or the officer's designee, shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise.
- e. This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

B. Denial and Approval of Permit

- a. In the event the Health Officer determines that the application for the Construction Permit does not meet the standards set forth in this article, then the Health Officer shall notify the Permittee of such denial in writing, within thirty (30) days of the original application, stating the specific reasons for the denial of the permit.
- b. In the event the Health Officer issues written directives regarding corrective actions, then the Permittee shall have a reasonable amount of time to address and comply with the items set forth in the directives in order to be able to obtain the Construction Permit.

C. Suspension of Permit/Certification

- 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 the performance of his/her duties.

Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of 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 set forth in IC 4-21.5.

9 VIOLATIONS

A. Penalties

a. First offense

- i. Any person found to be in violation of any provision of this Ordinance or the applicable rules and regulations of the Indiana Department of Health shall be served with a written order either in person or by certified or registered mail by the County Board of Health or the County Health Officer. This order shall state the nature of the violation, and provide a reasonable time limit, unless the Health Officer deems an emergency exists, not to exceed 30 days, for the correction of any violation of this ordinance

b. Second Offense

- i. Any person who shall continue any violation of this Ordinance beyond the time limit provided for correction of any violations of this Ordinance or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect, or refuse to obey any lawful order given by the Health Officer shall be punished for the second offense by a fine of \$500.00.

c. Any additional offenses

- i. Any person who shall continue any violation of this Ordinance beyond the time limit provide for correction of any violations of this Ordinance or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect, or refuse to obey any lawful order given by the Health Officer shall be punished by a fine of \$1000.00 for each subsequent offense.

- d. The Health Officer may bring legal action for an injunction to restrain any person from violating the provisions of this Ordinance, or to cause such violation to be prevented, abated or removed.

B. Expense

- a. Any person violating any of the provisions of the Ordinance shall be liable to the Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and court costs.

C. Cumulative

- a. The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

10 APPEALS

A. 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:
 - i. The name, address and telephone number (if applicable) of the person making the request;
 - ii. Identify the interests of the petitioner which is affected by the issuance, denial, modification or revocation;
 - iii. Identify any persons whom the petitioner represents
 - iv. State with particularity the reasons for the request;
 - v. State with particularity the issues proposed to be considered:
 - vi. Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of law and 410 IAC 6-10 et seq. or 410 fi8.2 et seq. governing such permits.

B. The procedures established in I.C. 4-21.5, the Administrative Procedure and Orders Act, shall comply to the conduct of the hearing.

11 REPEAL

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

12 SEVERABILITY

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 13th day of November 2023.

THE BOARD OF COMMISSINERS
OF HUNTINGTON COUNTY OF
INDIANA

Tom Wall



Terry Stoffel



Rob Miller

ATTEST:



Jill Landrum, Auditor of Huntington County