**VIGO COUNTY CODE**

**CHAPTER 41**

**PRIVATE SEWAGE DISPOSAL ORDINANCE**

**3-41-1. PURPOSE**

 This ordinance regulates the construction, maintenance and operation of private sewage disposal systems in Vigo County and provides penalties for violation of these regulations. In addition, adopted by reference will be Indiana State Department of Health Rule 410 IAC 6-8.1.

**3-41-2. DEFINITIONS.**

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

ADMINISTRATIVE AUTHORITY: This ordinance shall be administered by the Vigo County Board of Health through its Health Officer and his (her) authorized representatives.

DISTRIBUTION BOX: A structure designed to distribute the effluent from a septic tank by gravity equally into the pipes of an absorption field.

DWELLING: Any house or place used or intended to be used as a place of seasonal or human habitation or for sleeping for one (1) or two (2) families.

FRAGIPAN: A loamy, brittle, subsurface horizon that is seemingly cemented. Fragipans are a few inches to several feet thick and are very slowly permeable to water.

HEALTH OFFICER: That person elected by the Vigo County Board of Health as their Secretary and Health Officer.

ISDH: Indiana State Department of Health.

LIMITING LAYER: Any soil horizons which exhibit one or more of the following:

1. A loading rate greater than seventy-five hundredths (0.75) gallons per day per square foot.
2. A gravel content of thirty-five percent (35%) or greater.
3. A loading rate less than twenty-five hundredths (0.25) gallons per day per square foot.
4. Seasonal high water table indicated by soil wetness characteristics.
5. Bedrock.
6. Fragipan.

LOADING RATE: The allowable rate of application of septic tank effluent to the soil. It is expressed in gallons per day per square foot.

OWNER: That person or his agent reported as the legal possessor of a dwelling or property.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or any other legal entity, its or their successors or assigns or agents of the aforesaid.

PRIVATE SEWAGE DISPOSAL SYSTEM: All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage from any building.

PRIVATE SEWAGE DISPOSAL SYSTEM FAILURE: One which exhibits one or more of the following:

1. The system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential plumbing fixtures.
2. The 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 water.
3. The effluent is discharged from the system causing contamination of a potable water supply, ground water or surface waters.

RISER: A vertical port of cylindrical concrete 20 to 24 inches in diameter extending to the ground surface with a gas tight seal.

SANITARY SEWAGE SYSTEM: 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.

SEPTIC TANK: A watertight structure into which sewage is discharged for settling and solids digestion.

SEWAGE: All water-carried waste derived from ordinary living processes.

SLUDGE: The digested or partly digested solid material accumulated in a septic tank.

SOIL ABSORPTION: A process which utilizes the soil to treat and dispose of effluent from a septic tank.

SOIL ABSORPTION SYSTEM: Pipes laid in a system of trenches or elevated beds into which the effluent from the septic tank is discharged for soil absorption.

SOIL HORIZON: A layer of soil or soil material approximately parallel to the land surface and differing from an adjacent genetically related layer in physical, chemical, and biological properties or characteristics such as color, structure, texture, consistency, kinds and numbers of organisms present and degree of acidity or alkalinity.

SOIL PROFILE ANALYSIS: 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 which cannot be readily penetrated.

SOIL SCIENTIST: An individual with a baccalaureate degree with a major in agronomy, soils, or a closely allied field of science who is proficient in the application of the principle of pedology to soil classification, investigation, education and consultation and on the effect of measured, observed and inferred soil properties and their use-whose name is included on the ISDH list of Soil Scientists.

VCHD: Vigo County Health Department.

**3-41-3. GENERAL REQUIREMENTS.**

1. No person shall throw, run, drain, seep, or otherwise dispose of or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any of the surface waters or ground waters of this state or in an insanitary manner upon public or private property within Vigo County or in any area under the jurisdiction of Vigo County any organic matter that would cause or contribute to a health hazard on such property unless a permit for such disposal has been obtained from the Indiana Department of Environmental Management.
2. Whenever a sanitary sewerage system is available within 300 feet of the property line of a residential or commercial property a connection must be made to said sewer. Thereafter the private sewage disposal system must be abandoned in a safe and sanitary manner and the contents of the tank must be removed and the tank filled with compacted material.
3. Any building situated in Vigo County which is not connected or cannot be connected to a sanitary sewerage system must comply with ISDH Rule 410 IAC 6-8.1 for Residential Sewage Disposal Systems or ISDH Rule 410 IAC 6-10 for Commercial Operation.
4. The design, construction, installation, location, maintenance and operation of private sewage disposal systems shall comply with the provisions of this ordinance and the standards of the ISDH Rule 410 IAC 6-8.1 and 6-10.
5. Should any defects exist or occur in any private sewage disposal system which would cause said sewage disposal system to fail and cause an insanitary condition, the defect shall be corrected by the owner or agent of the owner, or by the 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 subsection 3-41-7 (A).
6. If any conditions preclude the installation of a sewage disposal system as described in this ordinance, the VCHD may approve the use of whatever alternative sewage disposal system is deemed appropriate-only under the provisions cited in 410 IAC 6-8.1-31 (F).
7. No portion of the private sewage disposal system or its associated drainage system shall be constructed upon property other than that from which sewage originates unless easements, which grant permission for such construction and access for system maintenance, have been obtained for that property and have been legally approved and recorded by the proper authority or commission.

3-41-4SPECIFIC REQUIRMENTS:

1. All septic tanks and dosing tanks must meet the ISDH requirements including the following:
2. The minimum capacity for residential septic tanks must be 1,000 gallons for three (3) bedrooms or fewer, 1, 250 gallons for four (4) bedrooms, 1,500 gallons for five (5) bedrooms and 1,650 gallons for six (6) bedrooms. Commercial applications require a minimum capacity of 1,000 gallons and are sized using standards outlined in ISDH Rule 410 IAC6-10.
3. Treatment of septic tanks, distribution boxes and dosing tanks must include protection from corrosion on the inside (including baffles and risers) above the water line.
4. A vertical access port 20” to 24” in diameter must be provided for each dosing tank and each septic tank (or compartment thereof), and must be extended to the ground surface by a cylindrical concrete riser, sealed gas tight at all joints. Each riser lid or reinforced concrete must measure 20” to 24” and weigh more than eighty pounds (80 lbs.).
5. Dosing tanks shall be provided with access ports extending to the ground surface which are sufficiently large to allow access to maintain the tanks and the pumps. Safely secured, gas tight covers shall be provided for each required access port.
6. Only that piping material meeting specifications required by the ISDH may be used. The pipe must be positioned in the trench with the holes located at 12:00 o’clock, 4:00 and 8:00 o’clock for 3 hole pipe or 4:00 and 8:00 o’clock for 2 hole pipe.
7. The size of the soil absorption system will vary depending on the soil profile and loading rate of the site, with a minimum size of 1,000 square feet. The soil profile and loading rate will be determined using the methods outlined in ISDH Rule 410 IAC 6-8.1. When requested, and when possible, the VCHD will provide that soil boring and analysis.
8. In calculation of minimum requirements, mobile homes will be considered as three (3) bedroom dwellings.
9. Pumps must have the proper pump curve, be acid resistant and be equipped with an adjustable float switch and a high water alarm. Each pump must be placed a minimum of eight inches (8”) off the bottom of the pump chamber and have an acid resistant retrievable device.
10. Special attention must be given to the installation process as outlined in the ISDH Rule 410 IAC 6-8.1 sections 36-55. For example, in evaluation of when soil is too wet for system construction, the plastic limit of the soil shall be considered to have been exceeded when the soil can be rolled between the palms of the hands to produce threads one eighth inch (1/8”) in diameter without breaking apart and crumbling. (Sections 54-55).
11. Residential sewage disposal systems shall not be used for the disposal of water from roof drains, foundation drains, swimming pool drains, hot tub drains or area drains. Neither shall they be used for the disposal of chemical wastes in quantities which would pollute ground water or inhibit the settling or digestion of solids in the septic tank.
12. Any jetted bathtub with a capacity of greater than one hundred twenty-five (125) gallons will be treated as an extra bedroom for the system sizing requirements of this rule.

3-41-5 PERMITS AND INSPECTION:

1. Prior to construction of any building or private residence where a private sewage disposal system is to be installed, or prior to any replacement, reinspection of expansion or remodeling of a residence which may increase the number of bedrooms or bedroom equivalents and any addition to, alteration of, or repair of an existing sewage disposal system, the owner or agent of the owner shall obtain a written construction permit signed by the Health Officer. The application for such a construction permit shall be made on a form provided by the VCHD, which application shall contain information outlined in Section 48 of the ISDH Rule 410 IAC 6-8.1, the profile analysis of all the soils in which the system is to be constructed, and any other information deemed necessary by the Health Officer. A construction permit and inspection fee shall be paid to the VCHD at the time the application is filed.
2. The permittee shall notify the VCHD when the work is ready for final inspection, and at least forty-eight (48) hours or two working days before any underground portions are covered. The provisions of the permit for the construction of a private sewage disposal system shall not be considered fulfilled until the installation is completed to the satisfaction of the Health Officer or his representative who will confirm that approval for the permit for usage of the system.
3. The Health Officer or his agent shall be permitted to enter upon all properties at any stage of construction for purpose of inspection, observation, measurement, sampling and testing necessary to assure compliance with the provisions of this ordinance.

3-41-6 ENFORCEMENT PROCEDURE AND HEARINGS:

1. Any person found to be in violation of 3-41-5 (A) of this ordinance immediately shall be subject to the penalties set forth in 3-41-7 (B) and must abandon said system until all materials and procedures used in construction are proved to meet all requirements of this ordinance. Only then would a construction permit be issued. Any person found to be in violation of any other provision of this ordinance shall be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
2. After receiving an order in writing from the VCHD, the owner of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit specified therein. Said order shall be served on the owner or the agent of 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 the order.
3. Any person affected by any such order issued by the Health Officer or his or her agent may request and shall be granted a hearing on the matter before the Vigo County Health Officer, provided that such person shall file in the office of the Health Officer within ten (10) days after service of the order, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. Upon receipt of the petition, the Health Officer shall arrange a time and a place for the hearing and shall give the petitioner written notice thereof. The hearing shall be held as soon as practicable after receipt of the written request. At the hearing the petitioner shall be given an opportunity to be heard and to show cause why the order should be obeyed.
4. Depending upon the findings at the hearing, the Health Officer will sustain, modify or withdraw the order. Notification of that decision will include a time limit for the correction of the problem.

3-41-7 PENALTIES:

1. Any person found to be in violation of 3-41-5 (A) shall be immediately subject to the penalties set forth in 3-41-7 (B).
2. Any person found to be violating any provision of this ordinance shall be punished for the first offense by a fine of two hundred dollars ($200.00); for the second offense by a fine of not more than five hundred dollars ($500.00); and for the third and each subsequent offense by a find of not more than one thousand dollars ($1,000.00). Each day after the expiration of the time limit for abating insanitary conditions and completing improvements as ordered by the VCHD, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

3-41-8 CHANGE IN POLICY:

 It is anticipated that this policy may need periodic updating. Any such changes in this policy shall be made by the VCHD at a public hearing. Notices of that public hearing would be made one time in two (2) newspapers of general circulation in Vigo County no fewer than fifteen (15) days prior to the hearing date.

3-41-9 ADOPTION:

 With the adoption of this ordinance, the VCHD recognizes that all design and construction standards are not listed therein. Copies of those unlisted standards are available at the offices of the Vigo County Health Department.

3-41-10 REPEALER:

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

3-41-11 EFFECTIVE DATE:

1. Passed and adopted by the Vigo County Board of Commissioners on *June 3, 1991.*

VIGO COUNTY BOARD OF COMMISSIONERS

James E. Adams, President

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 John A. Scott, Member