

Ordinance No. 1996-22

LaPorte County

Private Sewage Disposal System Regulations

An ordinance of the County Commissioners of LaPorte County, Indiana regulating the installation, construction, maintenance and operation of private sewage disposal systems and providing penalties for violations thereof.

Whereas, the Commissioners of LaPorte County deem it to be reasonable, appropriate, and in the best interests for the public health, safety, and general welfare of the citizens of the County of LaPorte, Indiana to adopt an ordinance regulating private sewage disposal systems in LaPorte County, Indiana and establishing minimum standards designed to provide assurances that private sewage disposal systems do not contaminate any drinking water or groundwater supplies; are not accessible to insects, rodents, or other possible carriers of diseases which may come into contact with human food or drinking water; do not pollute or contaminate the water of any bathing beach or surface waters; do not give rise to a nuisance due to odor, discharge or unsanitary condition; and will not violate any other laws or regulations governing control of sewage disposal;

Whereas, the Indiana State Department of Health has mandated implementation of rules and regulations concerning construction and repair of residential and commercial sewage disposal systems in the State of Indiana, and;

Whereas the Indiana State Department of Health has published and otherwise promulgated and mandated enforcement of such rules by county health departments in the State of Indiana, and;

Whereas, pursuant to I.C. 16-20-1-19, local county health departments and health officers are mandated to enforce the rules and regulations promulgated by the Indiana State Department of Health.

Now, Therefore, be it ordained by the LaPorte County Board of Commissioners as follows:

SECTION 1. Title. This ordinance may be referred to as the "LaPorte County Private Sewage Disposal System Ordinance."

SECTION 2. Adoption of regulations by reference. The regulations of the Indiana State Department of Health located at 410 IAC 6-8.1-1 et seq. and 410 IAC 6-10-1 et seq. as amended from time to time,

and as promulgated by the Indiana State Department of Health, are hereby incorporated and adopted by reference. One copy of these regulations shall be on file with the LaPorte County Health Department. Two copies of these regulations shall be on file with the LaPorte County Clerk's office and available for public review.

SECTION 3. Definitions. Except as provided below, the terms defined in 410 IAC 6-8.1-1 et seq. and 410 IAC 6-10-1 et seq. shall carry the same definition whenever used in this Ordinance as the definition provided in those regulations. For purposes of this ordinance, the terms below shall be defined as follows:

- (a) "Available" shall mean within Three hundred (300) feet of the property line.
- (b) "Health Officer" shall mean the LaPorte County Health Officer and his or her duly authorized representative(s).
- (c) "Sewage" shall mean any combination of human excreta and waste water from water closets, laundries, sinks, bathing facilities, and other objectionable waste waters.
- (d) "Permit" shall mean a written permission to proceed with specified work with respect to a private sewerage disposal system which is issued by the Health Officer or the Commissioner of the Indiana State Department of Health.
- (e) "Private Sewage Disposal System" shall mean and shall include a

residential sewage disposal system as defined in 410 IAC 6-8.1-17, or a commercial on-site wastewater disposal facility as defined in 410 IAC 6-10-2.

(f) "Sewage Disposal system" shall mean any arrangement of devices and structures used for receiving, treating, and disposing of sewage.

SECTION 4. Private Sewage disposal Systems: General Requirements.

(a) Where a sanitary sewerage disposal system is not available all persons owning or leasing property shall comply with the following provisions of this ordinance for private sewage disposal systems.

(b) 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 LaPorte, State of Indiana or in any area under the jurisdiction of said County, any human excrement or sewage.

(c) At any commercial establishment situated within the County of LaPorte, State of Indiana, where there is installed a sewage disposal system which is not connected to a sanitary sewerage system, and no sanitary sewerage system is available, there shall be established, installed or constructed and maintained a sewage disposal system which shall comply with the standards of the Indiana State Department of Health as contained in 410 IAC 6-10 or

and area where a sanitary sewer is available a connection shall be made to said sewer. --

(h) After receiving an order in writing from the County Board of Health or the 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 owner and the occupant or on the agent of the owner but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

(i) The Health Officer with the Health Board's approval, may from time to time, specify policy, procedures, or requirements regarding the issuance of or application for a permit for a private sewage disposal system. Such policy, procedures, or requirements shall have the same force and affect as if incorporated and set forth here in full. Copies of said policy, procedure or requirements shall be on file and available for review in the County Clerk's office and the Health Department.

SECTION 5. Permits (a) Before commencement of construction of any building or private residence where a private sewage disposal system is to be installed or where any alteration, repair or addition of an existing private sewage disposal system is planned,

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the owner or agent of the owner shall first obtain a written "permit to construct" signed by the County Health officer. The application for such permit shall be made on a form provided by LaPorte County, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the County Health Officer and as required by the applicable State regulations. A Permit and inspection fee as set forth in the Health Department Fee Schedule ordinance shall be paid to the Health Officer at the time the "permit to construct" is issued. Fees collected shall be accounted for and transferred to the Health Fund of the taxing unit. The "permit to construct" shall be valid for a period of one year from the date of issuance.

(b) Permit fees are not refundable. Transfer of ownership of the real estate for which a private sewage disposal system application for permit has been issued shall automatically void the permit for that property; provided, however, the transfer of ownership that occurs as a part of a contractual agreement between builder and/or developer and the buyer shall not void the permit if all other conditions of the permit remain the same.

(c) When a permit has expired or has been revoked, the work on the private sewage disposal system shall not commence or resume unless a new application and fee have been submitted and a new permit has been obtained.

(d) A permit for a private sewage disposal system shall not be considered complete until the installation is finished to the satisfaction of the County Health Officer and confirmed by the signature of the Health Officer affixed to the permit. He, or his agent, shall be allowed to inspect the work at any stage of construction; and in every 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 notice by the County Health Officer.

(e) The "permit to construct" shall be readily available at the construction site.

(f) Any permit shall become null and void should any or further requirements of the "permit to construct", as determined by the Health Officer, not be met.

(g) The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at the proper time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this ordinance.

(h) The issuance of a permit to repair a private sewage disposal system shall not be construed as approval of pre-existing portions of the system nor acknowledge that the system meets all

requirements of the County or the Indiana State Department of Health. The Health Officer does recognize that a number of older private sewage disposal systems in the county cannot meet current requirements due to site or system limitations and that proposals for repair must make the best use of the available space and system and must meet acceptable standards in the interests of public health.

- (i) If an applicant is refused a permit, the local board of health shall, upon request, afford the applicants the opportunity for a fair hearing. The parties involved may agree to use the procedures set forth in IC 4-21.5, the Administrative Procedure and Orders act.
- (j) The local board of health may revoke a permit which had been issued for construction of a residential sewage disposal system if it finds that the owner of the permit has failed to comply with this rule. Upon such notice the local board shall, upon request, afford the applicant the opportunity for a fair hearing. The parties involved may agree to use the procedures set forth in IC 4-21.5, the Administrative Procedure and Orders Act.

#### SECTION 6. Violation Notices, Penalties and Fines.

- (a) 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, with a written order stating the nature of the violation, conditions that may transmit disease, and providing a time limit for satisfactory correction thereof.

(b) If a person refuses or neglects to obey an order issued under this section or IC 16-20-1-25, proceedings may be instituted in the courts for enforcement. An order may be enforced by injunction. If the action is a criminal offense, a law enforcement authority with the jurisdiction over the place where the offense occurred shall be notified.

(c) Any person who violates any provision of this ordinance shall be deemed to have committed an ordinance violation and, upon conviction shall be fined not more than \$500.00 five hundred dollars for the first offense and not more than one thousand dollars (\$1000.00) for the second offense; and for the third and each subsequent offense by a fine of not more than two thousand 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 by the County Board of Health or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense. Such monies (fines) collected shall be accounted for and shall be transferred to the Health Fund of the taxing unit.

SECTION 7. Validity. In the event that any provision of this ordinance is ultimately determined by a court of competent jurisdiction to conflict with any provision of 4120 IAC 6-8.1-1 et seq. or 410 IAC 6-10-1 et seq., then and in any such event the more strict provision shall govern.

(b) In the event that any provision of this ordinance is ultimately determined by a court of competent jurisdiction to be pre-empted by any state or federal law or regulation, this ordinance shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.

(c) Each provision of this ordinance shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

(d) Compliance with the requirements of this ordinance does not obviate or eliminate the necessity of complying with any other applicable federal, state, or local laws and regulations affecting private sewage disposal systems.

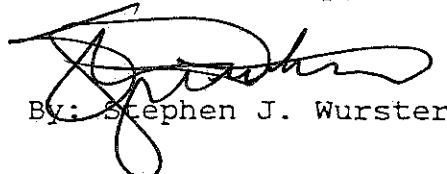
SECTION 9. Effective Date and Repeal

This ordinance shall take effect on the date of its passage, approval and recording as provided by law. All ordinances and

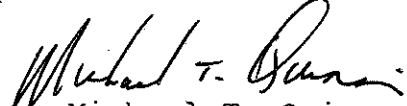
parts of ordinances in conflict with this ordinance are hereby repealed.

Approved by the Board of Commissioners, of LaPorte county, Indiana this 9<sup>th</sup> day of Dec. 1995.


Board of Commissioners  
of LaPorte County, Indiana

  
By: Stephen J. Wurster

By: Richard J. Kruse

  
By: Michael T. Quinn

ATTEST:

By   
Michael R. Schultz  
Auditor