

CHAPTER 365

PRIVATE SEWAGE DISPOSAL SYSTEMS

365-1. Definitions

"Bedroom" for purposes of interpreting 410 IAC 6-8.1 means any room within a dwelling that is large enough and convenient for sleeping purposes and contains at least one window for natural light and ventilation, and emergency egress. A bedroom is none of the following: a bathroom, kitchen, living room, family room, dining room, closet, foyer, pantry, laundry room, furnace or utility room.

"Building Site" means all areas, regardless of acreage, situated within Monroe County upon which are located residential, business, recreational, or other buildings.

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

"Commercial Facility" means any building or place not used exclusively as a one- or two-family dwelling. Commercial facilities include, but are not limited to, office buildings, manufacturing buildings, warehouses, apartments, multiplexes, townhouses, condominiums, motels, restaurants, schools, churches, child care facilities, long-term care facilities, hospital facilities, correctional facilities, state facilities, mobile home parks and campgrounds.

"Dwelling" means any house or place used, or intended to be used, as a place of seasonal or permanent human habitation or for sleeping for one (1) or two (2) families. For purposes of this definition, a family may consist of just one person.

"Flood Elevation, 100 Year" means the level of any flood expected to be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method approved by the Indiana Department of Natural Resources. This elevation is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

"Flood Plain" means any area subject to inundation by flood or floodwater from any lake or watercourse and includes those designated areas determined by the Indiana Department of Natural Resources or FEMA to be within the contours defined as the 100-year flood elevation.

"Holding Tank" means a self-contained, leakproof, watertight reservoir used for the purposes of collection and temporary storage of sewage wastes prior to proper disposal at an approved disposal facility (i.e., municipal sewage treatment plant) by a State Department of Health licensed septic tank cleaner.

"Maintenance Agreement" means an agreement between the owners, or agents of the owners, and a State Department of Health licensed septic tank cleaner granting and conveying to the cleaner by the owners, or agents of the owners, an easement in gross to come upon the land for the purpose of inspecting, repairing, or cleaning the sewage holding tank. The agreement may be in, and on, the form provided by the Health Department or by the licensed septic tank cleaner.

"Mound System" means a septic system approved by the Indiana State Board of Health that consists of a septic tank and a pump tank with an effluent pump which transports effluent under pressure to a raised soil absorption field with pressurized septic pipe embedded in sand.

"Permit" means a written document issued by the Health Department authorizing a person to install, construct, maintain, alter, operate, or repair a private sewage disposal system according to an approved plan, design, and specification complying with the provisions of this Chapter.

"Private Sewage Disposal System" means any sewage disposal system not constructed, installed, maintained, operated, and owned by a municipality, a taxing district, or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Public Service Commission and established for that purpose.

"Public Sewer" means any conduit for sewage constructed, installed, maintained, operated, owned, or defined as such by a municipality, taxing district, or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utility Regulatory Commission and established for that purpose. A system of conduits installed for the purpose of carrying surface water run-off and sub-soil drainage shall not be considered a public sewer under this definition.

"Sand Lined System" means a septic system approved by the Indiana State Board of Health that usually consists of a septic tank which transports effluent by gravity flow to a soil absorption field with vented septic pipe embedded in sand.

"Sanitary Privy" means a fly-tight, rodent-proof privy for the disposal of human excreta as presented in State Department of Health Bulletin S.E. 11 and amendments thereto, except that the pit or vault shall be an approved septic tank with the outlet sealed.

"Sanitary Sewer" means a sewer that carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

"Septic Tank-Absorption Field System" means and includes the sewer from the house to the septic tank, the septic tank, the septic tank effluent sewer, the pump, pump tank, and related items as may be required, the distribution box(es), and the underground absorption seepage lines.

"Sewage" means the water-carried waste derived from ordinary living processes, including but not limited to human excreta and waste water derived from water closets, urinals, laundries, sinks, utensil-washing machines, bathing facilities, or similar facilities or appliances.

"Sewage Disposal System" means any arrangement of devices and structures used for receiving, treating, disposing, or storing of sewage.

"Sewer" means a pipe or conduit for conveying sewage.

"Soil Absorption" means a process that uses soil to treat and dispose of effluent.

"Soil Absorption Field" means effluent distribution pipes laid in a system of trenches or elevated beds into which effluent discharges for soil absorption.

"Soil Inventory and Evaluation Report" means that written report of the soil scientist or Monroe County Health Department staff member giving characteristics and qualities of the soil which affect its suitability for absorbing waste from private sewage disposal systems, including but not necessarily limited to soil permeability, soil loading rate, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope.

"Soil Loading Rate, SLR" means the design rate at which effluent may be applied to the infiltrative surface of a soil absorption field.

"Soil Scientist" means an individual determined to be qualified by the Indiana State Department of Health, to characterize the qualities of the soil that affect its suitability for absorbing waste from private on-site sewage disposal systems and to properly prepare the appropriate "soil inventory and evaluation report." It may also mean a qualified Monroe County Health Department staff member.

365-2. Requirements for a Private Sewage Disposal System and Connection With Public Sewers

- (A)** Where a public sanitary or combined sewer is not available, all persons owning or leasing a dwelling or commercial facility shall comply with the provisions of the Chapter for private sewage disposal systems.
- (B)** Any property producing sewage or similar waste that is served by a private sewage disposal system that has failed or constitutes a health hazard must be connected to a public sewer if the public sewer is located within three hundred feet (300') of the property line of the affected property. The Health Board may waive this requirement if it determines that it is impractical to make such connection and the property owner demonstrates that adequate repairs and safeguards can be made to the existing system. If sewer hook-up is required, the failed system repositories shall be abandoned and filled with suitable granular material and the connection to the public sewer shall be made within ninety (90) days after official notice to do so from the Health Department.

Any dwelling which is not connected, or cannot be connected, to a sanitary sewerage system, and which does not have access to municipal or well water shall have either a privy approved by the Monroe County Health Department as meeting the requirements of the Indiana State Department of Health Bulletin SE 11, "Sanitary Vault Privy", 1986 Edition or a "port-a-pot" routinely serviced by a State-approved septic hauler (a list of such approved haulers shall be provided by the County Health Department). An easement agreement, in a form approved by the Monroe County Health Department, must be provided to the Department for any privy or "port-a-pot" maintained for any habitable residence.

Any dwelling which is not connected, or cannot be connected to a sanitary sewages system, and utilizes either municipal or well water shall be provided with a residential sewage disposal system which includes a

septic tank and a soil absorption system that has not failed.

All residential septic systems shall employ secondary cleaning of the effluent, before the effluent is released into the underlying or onto adjacent soils. The method for secondary cleaning shall include filtration through a state-approved medium. Septic systems that typically employ such secondary cleaning are mound, and sand-lined systems.

365-3.

Permits for Installation, Alteration, Repair, or Addition

- (A) No person shall install or cause to be installed a private sewage disposal system or privy or alter, repair, or add to an existing private sewage disposal system without first obtaining a permit from the Health Department.
- (B) Any deviation from the original permit, as approved, requires written advance authorization by the Health Department. Failure to obtain written authorization in advance, and/or to follow the original permit installation conditions, constitutes a violation.
- (C) The application for such permit shall be made on a form provided by the Health Department and shall be supplemented by any plans, specifications, and other information as is deemed necessary by the Health Department.
- (D) A permit and inspection fee in the amount specified in Section 310-4 of the Monroe County Code shall be paid to the Health Department at the time the application is filed.
- (E) A private sewage disposal system or privy shall not be considered as having received the approval of the Health Department until the required permit for it has been issued, the installation is completed in compliance with this Ordinance as determined by the Health Department, and indicated on the permit card by the signature of the Health Officer or his/her duly appointed representative.
- (F) The Health Department shall be allowed to inspect the work at any stage of construction. The applicant for the permit and/or installer shall notify the Health Department forty-eight (48) hours prior to the work being ready for final inspection. The inspection and determination shall be made within two (2) working days of the receipt of notice by the Health Department and shall be completed before any underground portions of a system are covered, except in the case of extenuating circumstances as determined by the Health Department. The authorized representative of the Health Department allowing the covering of a system or parts of a system without inspection, shall set forth the extenuating circumstances in writing, and the report shall be permanently filed with the Health Department.
- (G) Any installation which is covered before being inspected by the Health Department without written authorization, must be uncovered for final inspection prior to approval being given for the work.

- (H) The permit issued for a private sewage disposal system shall be posted in a conspicuous place at, or near, the building where the private sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving the building.
- (I) A permit to install a new private sewage disposal system or privy issued after January 1, 1994, shall expire on the last day of the month twenty-four (24) calendar months after the date of issuance if the installation has not been completed and approved by the Monroe County Health Department prior to that time. The expiration date will be clearly marked on the permit.
- (J) A permit to replace or repair an existing private sewage disposal system or privy issued after January 1, 1994, shall expire on the last day of the month twenty-four (24) calendar months after the date of issuance if the replacement or repair has not been completed and approved by the Monroe County Health Department prior to that time. The expiration date on the permit does not relieve a property owner of responsibility for any violation of the ordinance occurring prior to that date or extend any deadline for compliance with an order issued by the Health Officer or his duly appointed representative.
- (K) A property owner may apply to the Monroe County Health Department to reinstate a permit which has expired under 365-3(I). The original soil analysis must indicate suitability for on-site sewage disposal utilizing a system which is approved for use in Monroe County by the Monroe County Health Department. The Health Department shall have the sole determination in this regard.
- (L) A permit reinstatement fee, in the amount specified in Section 310-4 of the Monroe County Code shall be paid to the Health Department at the time the application to reinstate a permit is filed.
- (M) **Temporary Septic Permits**

Notwithstanding any other provision of this chapter, the Health Department may issue a temporary permit to install a private sewage disposal system or add to an existing system in order to serve an additional structure which has been placed or constructed on the property for medical reasons, provided that the structure has been approved by the Monroe County Building Department and the applicable planning authority.

 - (1) The existing system must comply with state and county requirements at the time of application.
 - (2) The installation shall be completed within the period established by the Department at the time of application.
 - (3) The site and installation shall be inspected at the time of issuance of the permit and thirty (30) days thereafter and at the expiration of one year.

(4) The temporary permit shall expire at the end of one (1) year and may thereafter be renewed for successive periods of one year following inspection by the Department.

365-4. Minimum Size of Building Sites

(A) In order to be considered for a private sewage disposal system, a proposed building site shall have a minimum area of forty-three thousand five hundred sixty (43,560) square feet (one acre).

(B) In order to be considered for a private sewage disposal system, the proposed site must have room for the approved septic absorption field and an additional area, approved by the Monroe County Health Department, set aside for installation of a second septic absorption field to be utilized as deemed necessary to repair the septic system or an area large enough to maintain a mound, or sand lined system. Such determination (to repair the septic system) may be made by the Health Department. A variance to the dual field area requirement may be granted by the Monroe County Health Board, in its sole discretion, if the applicant:

- (1) makes the variance request in writing;
- (2) presents clear and convincing evidence that special conditions warrant such a variance; and
- (3) presents clear and convincing evidence that the variance, if granted, will present no significant risk that sewage will flow off-site, pollute groundwater or create a health hazard. The cost of installation and maintenance will not, in and of itself, constitute a special condition justifying a variance.

(C) Individual lots in subdivisions designed to utilize on-site sewage disposal systems, for which plats were approved by the local plan commission or recorded prior to September 1, 1993, are exempt from the provisions of 365-4(A) of this Ordinance provided they meet all the other requirements of this chapter.

365-5. Minimum Soil Loading Rate

(A) A minimum soil loading rate of .025 gallons per day, per square foot of trench bottom, shall be required for consideration of an application for a permit to install, construct, maintain or operate a private sewage disposal system.

(B) The soil loading rate termination of each building site for which a permit is applied for shall be made according to recognized procedures of the United States Resources Conservation Service, including, but not necessarily limited to, site surveys, soil borings, measurements and observations. This information shall be reported as part of a soil

inventory and evaluation report.

(C) A list of State Approved Soil Scientists shall be made available to an applicant and the soil inventory and evaluation must be conducted by someone on this list or by authorized Monroe County Health Department staff.

365-6.

Approved Installers

(A) Any person engaged in or intending to engage in the installation, construction or repair of sewage disposal systems or equipment shall make application to the Monroe County Health Officer to have his name placed on the "Register for those engaged in the installation, construction and repair of sewage disposal systems or equipment." The application form shall contain the name and address of the applicant or firm represented by the applicant, and such other information as the Monroe County Health Officer may reasonably require to aid him in the administration and enforcement of these regulations, or to help him determine whether there is any reason why he should not approve the applicant's request to be placed on the register.

(B) Any person making application to have his name placed on the "Register for those engaged in the installation, construction and repair of sewage disposal systems or equipment," shall demonstrate his knowledge of all applicable portions of the current Monroe County Ordinance, and any and all applicable Regulations related to the design, installation, construction, and repair of sewage disposal systems or equipment, and all applicable State Rules. (ISDH Rules 410 IAC 6-10, Bulletins S.E. 13 and S.E. 11). Such demonstration shall be made in the form of the successful completion of an examination covering these topics. The form and content of this examination shall be determined by the Monroe County Health Officer or his designated representative.

(C) Any person making application to have his name placed on the "Register for those engaged in the installation, construction, and repair of sewage disposal systems or equipment," agrees to abide by and to install, construct or repair any and all sewage disposal systems or equipment in accordance with this Ordinance, current regulations, and any future Ordinance or regulation established by the Monroe County Board of Health.

(D) The Monroe County Health Officer or his designated representative may remove the name of any person from the "Register of persons engaged in the installation, construction, and repair of sewage disposal systems or equipment," who have demonstrated inability or unwillingness to comply with this ordinance. The Monroe County Health Officer or his designated representative must first give such person written notice of his intention to take such action, and the reason(s) for such action. The affected person has a right to a hearing before the Monroe County Health Officer or his designated representative if the person makes written request to the Monroe County Health Officer within ten (10) days of the receipt of this notice. The person may appeal an adverse decision to the Monroe County Health Board by sending written notice of appeal to the Monroe

County Health Officer within ten (10) days of receipt of the Health Officer's decision. All notices, whether by the Health Officer, his designated representative, or the affected person, must be delivered in person or sent by certified mail, return receipt requested. In all cases, a receipt must be obtained which indicates the date and to whom the notice was delivered. Once removed, such person may not engage in the installation, construction, or repair of any sewage disposal system or equipment in Monroe County until such person applies to have his name reinstated on said Register by the Monroe County Health Officer. The person must satisfactorily demonstrate his or her ability and willingness to comply with this ordinance and post a bond with the Monroe County Board of Health, with surety acceptable to the Board, in the penal sum of not less than Twenty Thousand Dollars (\$20,000.00) Dollars in favor of the Monroe County Board of Health. The bond shall be conditioned upon registrant's faithful compliance with this Ordinance and with rules and regulations which may from time-to-time be established by the Monroe County Board of Health relating to the installation of private sewage disposal systems.

(E) A list of the currently registered installers in Monroe County will be supplied, upon request, to an applicant for an on-site sewage disposal system permit.

365-7.

Installation, Construction, Maintenance, Operation, and Repair Requirements

(A) At any commercial facility which is not connected to a public sewer system, and where no public sewer system is available, there shall be established, installed, constructed, maintained, operated, and, if necessary, repaired a private sewage disposal system that shall comply with the standards of the State Department of Health as contained in Rule 410 I.A.C. 6-10, Bulletin S.E. 13 and amendments thereto or in such other manner as approved by the State Department of Health. Rule 410 I.A.C. 6-10 and Bulletin S.E. 13 are incorporated by reference as part of this Section, and two (2) copies are filed in the office of the County Auditor and the Health Department for public inspection.

(B) Any commercial facility which is to be served by an on-site sewage disposal system shall obtain a Monroe County permit for the installation of a private sewage disposal system and the approval for such from the Indiana State Department of Health and approval of the installed system by the Monroe County Health Department.

(C) All private, one or two-family dwelling on-site sewage disposal systems shall be installed, constructed, maintained, operated, and, if necessary, repaired in an approved manner as described in Regulation 410 I.A.C. 6-8.1 and amendments thereto of the State Department of Health and in the regulations of the Health Department and amendments thereto. These rules and regulations are incorporated by reference as a part of this Chapter, and two (2) copies are filed in the office of the County Auditor and Health Department for public inspection.

(D) All two-family dwelling units in the County are required to have each

separate dwelling portion or unit served by a separate sewage disposal system.

- (E) Any privy situated within Monroe County shall be of the sanitary type, shall be installed, constructed, operated, and, if necessary, repaired, so that insects and rodents cannot enter the vault, and shall be maintained in a clean condition. Any privy shall be so located as to avoid contamination of water supplies. The installation, construction, maintenance, operation, and repair of such privies shall be as described by Bulletin S.E. 11 and amendments thereto of the State Department of Health, with the exception that the pit or vault shall be an approved septic tank with the outlet sealed. These rules and regulations are incorporated by reference as a part of this Section, and two (2) copies are filed in the office of the County Auditor and the Health Department for public inspection.
- (F) Privies may not be utilized for wash, bath, kitchen, or other wastewater disposal. ("gray water"). In addition, all privies shall be accessible by a licensed septic tank pumper to within fifty feet (50') of an all-weather access road.
- (G) The installation of any private sewage disposal system, not described in State Department of Health Regulation 410 I.A.C. 6-8.1, Bulletin S.E. 11, Bulletin S.E. 13, and amendments thereto or in the regulations of the Health Department and amendments thereto may be approved by the Board of Health. Plans and specifications for any such alternative private sewage disposal system must bear the written approval of the State Department of Health. If such experimental system thereafter causes a public health hazard, or nuisance, as determined by the Health Department, a septic tank- absorption field system, or other suitable system, as defined, shall, upon order of the Health Department, be installed to replace such experimental system within ninety (90) days after official notice to do so from the Health Department.
- (H) Septic tanks shall have a minimum capacity below the water line of one thousand (1,000) gallons.
- (I) Absorption trench sizing requirements listed in 410 I.A.C. 6-8.1 will be considered minimum size requirements.
- (J) Absorption fields for new private sewage disposal systems or privies shall not be located on any slope greater than fifteen percent (15%).
- (K) Perimeter drainage tile outlets require varmint guards, and a construction design that protects the drainage tiles from future damage or collapse.
- (L) Low flow or low volume toilets must be installed in any new house or business falling under this Ordinance.
- (M) Garbage grinders or disposers shall not be installed in a dwelling served by a private sewage disposal system, unless the system contains a properly installed multiple compartment septic tank.
- (N) A concrete riser shall be installed around the access lid of a septic tank

and brought up to ground level. Lids or risers shall be of an approved "lock down" or childproof type.

(O) Holding tanks may only be approved for installation where absorption field repairs cannot be made or on a temporary basis (as approved by the Health Department) pending hook-up to the sanitary sewer. A permit shall not be issued until a completed maintenance agreement is filed with the Health Department.

(P) The Health Department, through the Health Board, shall have the right to promulgate reasonable rules and regulations for its own guidance, as may be deemed necessary or desirable to protect, promote, or improve public health or to control disease, not in connection with any provision contained in this Section, or any regulation promulgated from time to time, by either the Indiana Legislature or the State Department of Health.

(Q) When a permit for the inspection, repair, expansion and/or replacement of a septic system is required by the Building Department or the Planning Department of Monroe County for a home improvement project or for property subdivision, or is issued for any other purpose, the Health Department will not approve or accept the sufficiency of a septic system if any of the following conditions have not be resolved to the satisfaction of the Health Department:

- (1) there is no permit on file with the Health Department of initial installation and inspection of a septic system for the property;
- (2) there has been an increase in number of bedrooms or an addition of a studio, loft or living quarters to the property since the existing permit was issued that would required a larger septic system than that required by the existing permit;
- (3) if a holding tank is being used for the property in place of a septic system meeting the requirements this chapter, provided that the property can accommodate an approved septic system; or
- (4) if the Health Department determines that the existing septic system is failing.

If any of the four (4) above-listed conditions exist, the Health Department does not recognize the property as being served by a septic system that is sufficient or otherwise meeting the Department's approval.

365-8.

Prohibited Acts

(A) It shall be unlawful for any person to place, deposit, or permit any human excrement, or sewage, to be deposited in an unsanitary manner upon public or private property within Monroe County. Failure to discharge human excrement or sewage into a public sewer, to have it removed by a licensed waste hauler or to treat it through a Health Department-

approved and properly functioning private sewage disposal system shall be considered as an unsanitary manner of deposit or disposal.

- (B) It shall be unlawful to install a private sewage disposal system in any area defined by the Indiana Department of Natural Resources as a flood plain.
- (C) It shall be unlawful to occupy a dwelling not served by a public or private sewage disposal system.

365-9. Violations--Investigation, Corrective Action

- (A) The Health Department may enter upon and inspect private or public property, at proper times, in regard to the possible presence, source, and cause of disease or any suspected violation of this Chapter or Sections of the State Department of Health Regulations 410 I.A.C. 6-10, Bulletin S.E. 13, or Bulletin S.E. 11.
- (B) Any person found to be violating any provision of this Chapter may be notified by the Health Department with a written order stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.
- (C) After receiving an order in writing from the Health Department, the owner, the agent of the owner, the occupant, or the agent of the occupant of the property shall comply with the provisions of this Chapter as set forth in such order within the time limit included therein. The order shall be served on the owner, the owner and the occupant, or the agent of the owner or occupant, 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.

365-10. Violations and Penalties

- (A) A person who violates any provision of this Chapter commits an ordinance violation, which:
 - (1) for the first violation is a Class C Ordinance Violation; and
 - (2) for the second, and any subsequent violation, is a Class B Ordinance Violation.
- (B) Each day after the expiration of the time limit for abating unsanitary conditions, or completing improvements to abate such conditions, as ordered by the Health Department, shall constitute a distinct and separate violation.

[end of chapter]

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