

LAGRANGE COUNTY ORDINANCE REGULATING THE INSTALLATION, CONSTRUCTION, MAINTENANCE AND OPERATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS IN ALL AREAS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Be It Ordained And Enacted By The Board of Commissioners Of LaGrange County, State of Indiana, as follows:

ARTICLE I

Definitions

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

- Section 101: "Sewage" shall mean any combination of human excreta and waste water from water closets, laundries, sinks, bathing facilities, and other objectionable waste waters.
- Section 102: "Public sewer" shall mean 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 103: "Sewer" shall mean a pipe or conduit for carrying sewage.
- Section 104: "Combined sewer" shall mean a sewer receiving both surface water run-off and sewage.
- Section 105: "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- Section 106: "Sewage disposal system" shall mean any arrangement of devices and structures used for receiving, treating, and disposing of sewage.
- Section 107: "Private sewage disposal system" shall mean any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality or a taxing district established for that purpose.
- Section 108: "Person" shall mean an individual, firm or corporation, city or town within the County of LaGrange.
- Section 109: "Residence" shall mean any living facility for human habitation whether used for part time or full time purposes and includes without limitation all homes, mobile homes, cottages, permanently established travel trailers, permanent pads or other parking spaces wherein

there is constructed any private sewage disposal system for travel trailers, motor homes or mobile homes.

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 for private sewage disposal systems.
- 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 LaGrange, 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 LaGrange, 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 system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E. 13, 1976 of the Indiana State Board of Health or in such other manner as approved by the Indiana State Board of Health. Copies of said Bulletin S.E. 13, 1976 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 Officer for public inspection.
- Section 204: ✓ At any business building situated within the County of LaGrange, State of Indiana, where there is installed a privy, said privy shall be sanitary and maintained in clean condition that insects and rodents cannot enter the vault. Any privy shall be located properly to protect water supplies from contamination and be constructed according to State Board of Health Bulletin S.E. 11.
- Section 205: ✓ All private sewage disposal systems utilizing sanitary privies shall conform to the standards as specified in Bulletin S.E. 11 of the Indiana State Board of Health.
- Section 206: The installation of any other private residential sewage disposal system not described in Indiana State Board of Health Bulletin S.E. 8 and 11 of mechanical, chemical, or other means may be approved by the LaGrange County Health Officer, or his agent, after the Board of County Commissioners has filed the requirements, plans and specifications of such device or system in the office of

the Auditor and County Health Office of LaGrange County; said requirements, plans and specifications must bear the written approval of the Indiana State Board of Health.

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 Section 203, Section 204, and Section 205 and cause an unsanitary condition, 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 1102 of this Ordinance.

Section 208: Wherever a public combined or sanitary sewer becomes available and is within 500 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 LaGrange, State of Indiana, a direct connection shall be made to said sewer and any septic tanks, seepage pits, out-houses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner within 90 days from date of notification by the Health Officer or his agent.

Section 209: Whenever a new business or subdivision is developed in an area where a public combined or sanitary sewer is available within 1000 feet of the property line, a connection shall be made.

Section 210: After receiving an order in writing from the County Board of Health or the duly appointed Health Officer or his agent, the owner or agent of the owner, the occupant or agent of 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 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.

ARTICLE III

Permits and Inspection

Section 301: Before commencement of construction of any building or private resident, or before locating a mobile home on a plot of ground where a private sewage disposal system or privy is to be installed, or where any alteration, repair or addition to an existing private sewage dis-

posal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the County Health Officer or his agent, on a form provided by the LaGrange County Health Department, stating his intention to construct such private sewage system or privy, giving date or dates of the intended construction, exact location, any plans, specifications and other information available and expressly stating that he has complied, and will at all times comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E. 8, in the case of residential building, or with the standards contained in Bulletin S.E. 11, in case of business building.

A permit and inspection fee of \$10.00 shall be paid to the County Treasurer at the time the application is filed. This permit is valid for one year.

Section 302: The County Health Officer, or his agent, shall be allowed to inspect the work at any stage of construction and, in any event, the owner or his agent shall notify the County Health Officer or his agent 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 or his agent. In the event that the County Health Officer or his agent shall find violations in that the sewage system or privy has not been constructed in accordance with standards established by the Indiana State Board of Health and to the satisfaction of the LaGrange County Health Officer or his agent, he shall have the power to order a stoppage of the work until such time when all necessary changes, corrections or modifications shall have been made before completion of construction.

Section 303: The permit card 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: 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 purpose of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this Ordinance.

Section 305: The installation, maintenance and satisfactory operation of private sewage disposal systems shall be the responsibility of the property owner, the owner's agent, the occupant or agent of the occupant. The

issuance of a permit and inspection of an installation by the County Health Officer or his agent shall not be construed as a guarantee that the installation will function satisfactorily.

ARTICLE IV

Individual or Single Family Residences

Section 401: The County Health Officer or his agent shall issue permits for the installation of septic systems upon application according to soil as classified by the U.S. Department of Agriculture Soil Conservation Service. Such permits for individual residential construction shall be issued with a minimum tank size of 1000 gallon capacity and a field absorption area of a minimum of 500 square feet.

ARTICLE V

Multiple Family Residences

Section 501: Duplex living units located in soils with slight or moderate classifications shall be required to have the 10,000 square feet minimum lot area required for a family residence and an additional 50% (5,000) square feet of lot area. Each duplex shall have double requirements for single residences in field sizes and tank sizes. Any multiple of two living units in addition to the original two shall have an additional lot size and field size equivalent to the original two units.

ARTICLE VI

Commercial or Industrial Construction

Section 601: Before any construction of any commercial or industrial building site, plans must be approved by the Indiana State Board of Health where applicable.

Permits for commercial or industrial construction shall be issued using the estimated percolation rates currently established by the Soil Conservation Service in conjunction with the tables to be found in S.E. 13 Bulletin, 1976 of the Indiana State Board of Health. Lot size shall be the same as for residential use except in those situations where sewage flows are of such magnitude that additional areas would be required for installation of the filed system required. Commercial and industrial construction must first be approved by the Indiana State Board of Health.

Permits for the installation of septic tank and field

disposal systems for commercial or industrial construction shall not be issued by the County Health Officer or his agent, in those areas with soils classified as having severe properties because of slow permeability and poor drainage characteristics.

Permits for the installation of septic tank and field disposal systems for commercial or industrial construction may be issued for those areas whose soils have been classified as severe because of seasonal high water tables or ponding characteristics only after a review and determination by the County Health Officer or his agent that adequate provision has or will be instituted to provide acceptable drainage for the site without creation of additional problems elsewhere.

ARTICLE VII

Subdivisions

Section 701: No person shall install individual residential sewage disposal systems in new subdivisions unless it is considered to be impractical and inadvisable by the LaGrange County Board of Health, the County Health Officer or his agent and the Indiana State Board of Health to install a central sewage disposal system.

Section 702: When it is advisable for residential septic tanks instead of central sewage disposal system, soils must have moderately well drained characteristics as noted in the Soil Conservation Service Informational Data. Such permits for septic tank installations in these areas shall require a septic tank containing a minimum capacity of 1,000 gallons and a minimum field absorption system of 800 square feet of trench bottom area for each living unit. Each lot shall contain a minimum of 20,000 square feet of suitable soils and/or usable terrain for the installation of such systems, provided that the unimproved portions of adjoining right-of-way to such lots may be included in the computation of the minimum area required under this section. Percolation tests will be required for each lot, to be conducted by a registered engineer.

ARTICLE VIII

Percolation Tests

Section 801: In those cases where percolation tests are utilized as the basis for permit issuance, such tests shall be conducted and submitted by a registered engineer and/or land surveyor whose stamp and signature shall be affixed to the data sheet or sheets.

Such tests shall be conducted as outlined in the S.E. 8 Bulletin of the Indiana State Board of Health currently in use. Where tests are submitted for specific lots there shall be a minimum of three test holes and they shall be spaced a minimum of 50 feet from any other test hole and all tests shall be conducted in the area designated for the installation of the disposal field. Any such test results when percolation rates greater than 60 minutes per inch shall not be acceptable.

Section 802: If, however, in the future the Indiana State Board of Health shall approve of any other mechanical, chemical or other device that shall be deemed adequate, permits for the construction of such mechanical, chemical or other device may be granted by the Health Officer.

ARTICLE IX

Construction Specifications

Section 901: On all new constructions and on existing properties when work is being done on absorption field, whenever possible all perforated pipe shall be connected on bottom end of absorption field, with an inspection riser pipe on farthest point of field.

Risers shall be installed to ground level on all new septic tank installations and on all dry wells when and where they are approved by the local health department.

Risers shall also be installed on existing tanks when they are being pumped or serviced by a state licensed pumper.

In absorption field all runs must go directly into distribution box and cannot be tee'd or branched anywhere in the field.

On all new construction and on existing properties where there is no previous one a cleanout shall be installed between main outlet point and septic tank when sewage work is being done.

On all repair work, if system has to be relocated in same area as the old absorption field and soil is too heavily saturated for efficient service, old soil shall be replaced with a new fill.

Section 902: On all seasonal homes and/or summer cottages in lake or recreational areas a minimum absorption field of 300 square feet shall be required.

If this minimum cannot be met, a holding tank will be the only approved system.

On all lake or recreational area properties if required distance above water table cannot be met an innovative or approved alternative system shall be required.

Section 903: If any of the above standards or the standards of the Indiana State Board of Health, as complied in Bulletin S.E. 8, 1976, cannot be met by the property owner, an on-site meeting between sanitarian and owner or his agent or both shall be held before any construction can commence.

ARTICLE X

Appeals

Section 1001: The LaGrange County Board of Health is empowered to herein determine appeals from and review any order, requirement, decision or determination made by the LaGrange County Health Officer or his agent or employee who is charged with enforcement of any section of this Ordinance or regulations of the Indiana State Board of Health.

A majority of the members of the LaGrange County Board of Health may authorize, upon appeal in specific cases, such variance of the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the special provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. In exercising these powers, the LaGrange County Board of Health may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the LaGrange County Health Officer.

An appeal may be taken by any applicant who has been denied a permit for the installation of a septic tank by the LaGrange County Health Officer or his agent upon the fulfillment of the following requirements:

- A. The applicant must file with the LaGrange County Board of Health his written, verified application for an appeal upon forms provided him by said Board.
- B. A filing fee of ten dollars (\$10.00) must accompany such application.

ARTICLE XI

Violations

- Section 1101: Any person found to be violating any provision of this Ordinance shall be served by the County Board of Health or the duly appointed Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- Section 1102: Any person who shall continue any violation of this Ordinance beyond the time limit provided for in Section 1101 of this Ordinance shall be guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred (\$500.00) dollars; for the second offense by a fine of not more than one thousand (\$1,000.00) dollars to which may be added imprisonment for any determinate period not exceeding ninety days, and each day after the expiration of the time limit for abating unsanitary conditions and completion 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.
- Section 1103: Any person violating any provision of this article or failing to comply with any order of the State Board of its duly authorized agents or a local Board of Health or County Health Officer shall be liable for all costs and expenses paid or incurred by a Board of Health or duly authorized agents or a local Health Officer in executing the order. This may be recovered in a civil action brought by the Board or its duly authorized agents, or the County Health Officer, as the case may be, who shall also recover such attorney's fees reasonable in the action.

ARTICLE XII

Validity

- Section 1201: All ordinances or parts of ordinances in conflict herewith are hereby repealed, Ordinance #1-1967 is hereby repealed.
- Section 1202: The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this Ordinance.

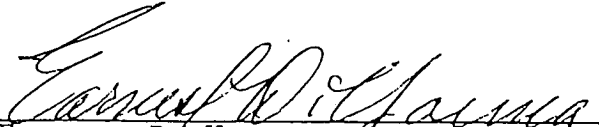
ARTICLE XIII

Ordinance in Force

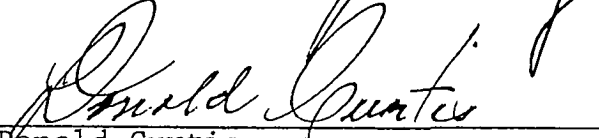
Section 1301: This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Enacted this 16 day of April, 1985


LaGrange County Board of Commissioners



Earnest D. Young

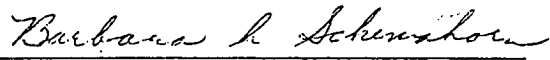


Donald Curtis



Kirby L. Bollinger

ATTEST:



Barbara A. Schemahorn
LaGrange County Auditor