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Filed for Record in
GIBSON COUNTY, INDIANA
DEBBIE S WETHINGTON, RECORDER
06-16-2014 At 01:58:59 pm.
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GIBSON COUNTY AUDITOR
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**AMENDED ORDINANCE REGULATING PRIVATE SEWER SYSTEMS LOCATED IN GIBSON COUNTY, INDIANA**

**ORDINANCE NO. 2013 - 3**

**WHEREAS,** an ordinance pertaining to and regulating the design, construction, maintenance and operation of private sewage disposal systems located in Gibson County, Indiana, providing for the issuance of permits therefore and providing penalties for the violation thereof, is needed in Gibson County, Indiana, was passed by Gibson County Commissioners on September 15, 1997, Ordinance No. 1997-5.

**WHEREAS,** Gibson County Commissioners desire to update said prior ordinance.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS** of Gibson County as follows:

(1) **TITLE:** This Ordinance and all ordinances supplemental or amendatory hereto shall be known as the Private Sewage Disposal Ordinance of Gibson County, and may be cited as such and will be referred to herein as "this Ordinance".

(2) **PURPOSE:** The purpose of this Ordinance is to provide minimum standards for the prevention and suppression of disease and health risk associated with the use of private sewage disposal systems and to otherwise promote public safety and welfare and protection of the environment.

(3) **AUTHORITY:** The Health Officer of Gibson County, as hereinafter defined, and the health officer's agents 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.

(4) **ADOPTION OF STATE REGULATIONS BY REFERENCE.**

A. The regulations found in 410 IAC 6-8.3 are hereby incorporated by reference into this Ordinance and shall include any later amendments to those regulations the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein.

B. Copies of 410 6-8.3 are available and on file in the office of the Gibson County Health Department and the Gibson County Auditor.

(5) **SUPPLEMENTAL DEFINITIONS.** In addition to or otherwise to supplement those definitions in 410 IAC 6-8.3 (which is incorporated herein by reference) this Ordinance shall include the following definitions:

**HEALTH OFFICER:** Shall mean the Health Officer of Gibson County, appointed by the Board of Commissioners of Gibson County.

**BOARD:** Shall mean the Gibson County Board of Health.

**RESIDENCE:** Means a dwelling, as defined in 410 IAC 6-8.3-15.

**COMMERCIAL:** This applies to all structures that are not residences and includes structures used for not-for-profit purposes.

(6) **SYSTEM REQUIREMENTS:** Where a sanitary sewage system is not available, all persons owning, leasing or otherwise occupying property shall comply with IAC 6-8.3 and 410 IAC 6-10.1 and the following provisions of this Ordinance for a private sewage disposal system.

A. No person shall throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of Gibson County, or cause, permit, or suffer to be thrown, run, drained, allowed to seep or otherwise disposed into such waters, any organic or inorganic matter from a dwelling or private sewage disposal system, that would cause or contribute to a health hazard or water pollution.

B. Privies shall not be installed in Gibson County unless it can be shown that a water carriage sewage disposal system cannot be used. (The privy has limited capacity to handle water borne waste, and assurances that a water supply either public or private will not be installed or would not produce sewage will be required by the owner. Failure to abide by those assurances will be a violation of this Ordinance.)

C. Should a private sewage disposal system fail, the failure shall be corrected by the owner or occupant of the property served by such system within the time limit set by the Health Officer.

D. Whenever a public sanitary sewage system becomes available and is within 300 feet of the property line or property upon which a building is situated within Gibson County, Indiana, and that building is used as a dwelling or commercial building and is served by a private sewage disposal system or privy, a direct connection of the building sewer shall be made to said sanitary sewer and any septic tanks, seepage pits, outhouse, privy pits and similar sewage

disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner. The direct connection shall be made within 180 days of issuance of orders to connection. (If such a connection would produce an unreasonable hardship in the affected parties opinion, the party may appeal to the Board of Health.)

(7.) **PERMITS:**

A. **APPLICATION:**

(1) Before the commencement of construction, alterations or repair of a private sewage disposal system, the owner or the owner's agent shall apply in writing to the Gibson County Health Office for a permit to construct, alter or repair a private sewage disposal system, which application shall contain information deemed necessary by the Health Officer as well as the information required in 410 IAC 6-8.3 and 410 IAC 6-10.1.

(2) A permit for the installation of a private sewage disposal system, whether issued prior to or after the adoption of this Ordinance, shall lapse and be void if work has not been started within a year and completed within 60 days.

(3) The permit to install private sewage disposal system shall be posed in a conspicuous place at or near the building where the sewage disposal system is to be constructed. The notice shall be plainly visible from the public thoroughfare serving the building.

(4) A permit shall not be issued if it would violate the provisions of 410 IAC 6-8.3 and 410 IAC 6-10.1 or any other statute or regulation, or could be reasonably expected to cause or contribute to unsanitary conditions or unacceptable pollution of the environment.

(5) Before replacement of any broken or failed part of an existing functioning septic system, the owner shall apply for a permit which the Health Department shall grant, if satisfied that the system is properly functioning. If, upon review of the application, the proposed repair increases or modifies the volume or the distribution capabilities of the system, the application shall be handled in accordance with Section 1 of this paragraph.

B. **FEE:**

(1) A fee of Thirty Dollars ($30.00) Thirty Dollars for all new systems and a Fifteen Dollar ($15.00) fee shall be charged for repairs.

(2) Funds generated by this Ordinance shall be deposited in the Gibson County Health Department Fund.

(8.) **INSPECTION:** The Board, its agent or the Health Officer or officer's agent shall be permitted, with cause, to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing necessary to insure compliance with this Ordinance and to determine if a private sewage disposal system has failed.

(9) **ABANDONED TANKS:** All abandoned septic and drywell tanks shall be removed from the ground, or shall be opened and filled with an inert material approved by the County Health Department. (Reference Rule 410 IAC 6-8.3).

(10) **PETITION FOR REVIEW:**

A. The Gibson County Board of Health may hear appeals incidental to the issuance and revocation of permits, if, within fifteen (15) days following the date of receipt of the permit specification, an issued permit, permit modification, notice of permit denial or revocation, any person aggrieved by such action shall file a petition for review concerning such action with the Board.

B. A petition for review shall state the following:

(1) The name, address and telephone number (if applicable) of the person making the request;

(2) Identify the interests of the petitioner which is affected by the permit action;

(3) Identify any person the petitioner represents;

(4) State with particularity the reason for the request;

(5) State with particularity the issues proposed to be considered;

(6) Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of the law and 410 IAC 6-8.3 or 410 IAC 6-10.1 governing such permits.

(11) **Enforcement;**

A. Any person found to be violating any provision of this Ordinance shall be served with a written order which states the nature of the violation and provides a reasonable time limit for correction of the specified violations of this Ordinance. The written order shall be served upon the owner and the occupants by certified mail; personal service by the Health Officer or agent; or the County Sheriff.

B. Any person who shall continue any violation of this Ordinance beyond the time limit provided in the notice, or who performs any act prohibited in the ordinance or who 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 first offense by a fine of One Hundred Dollars ($100.00). Each day a violation of this Ordinance continues shall constitute a separate offense for which a separate fine may be levied. The Health Officer shall have discretion to waive or reduce fines if appropriate.

C. Application of this Ordinance or any part of this Ordinance is intended to be consistent with 410 IAC 6-8.3 and 410 IAC 6-10.1. Any inconsistency in the application of this Ordinance to the regulations shall be resolved in favor of enforceability of those regulations.

D. To the extent the provisions of 410 IAC 6-8.3 and 410 IAC 6-10.1 are inconsistent with each other then that interpretation provided by 410 IAC 6-10.1 shall apply for private sewage disposal systems serving commercial buildings and that interpretation provided by IAC 6-8.3 shall apply for private sewage disposal systems serving residences.

12. **REMEDIES:** The Health Officer may, in the name of the Gibson County Health Department, bring actions in the Courts of Gibson County for mandatory and injunctive relief for the enforcement of and to secure compliance with any order or orders made by the Health Officer, or to otherwise provide for the enforcement of this Ordinance. Any such action for mandatory or injunctive relief may be jointed with an action to recover the penalties, costs and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Health Officer may seek recovery of costs and expenses reasonably incurred to enforce the provisions of the Ordinance including, but not limited to, reasonable attorney's fees.

13. **SEVERABILITY:** Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not

be affected thereby and shall remain in full force and effect.

14. **EFFECTIVE DATE:** This Ordinance shall apply to all of gibson County as of the date from and after its adoption by the Commissioners of gibson County as stated herein and the publication required by law.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GIBSON COUNTY, INDIANA** this 5th day of November, 2013.

BOARD OF COMMISSIONERS
OF GIBSON COUNTY, INDIANA

Gerald L Bledsoe
GERALD BLEDSOE, PRESIDENT

STEPHEN ALAN DOUGLAS

STEVE BOTTOMS

ATTEST: (SEAL)

Sherri Smith
SHERRI SMITH, AUDITOR
OF GIBSON COUNTY, INDIANA