

RESOLUTION NO. 2014- 44

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE HENDRICKS COUNTY
REGIONAL SEWER DISTRICT DECLARING AN OFFICIAL INTENT TO
REIMBURSE EXPENDITURES**

WHEREAS, the Board of Trustees of the Hendricks County Regional Sewer District (the "District") intends to undertake the acquisition, construction and equipping of sewage works improvements in the vicinity of the intersection of Interstate 74 and Ronald Reagan Parkway in Hendricks County, Indiana (collectively, the "Projects"); and

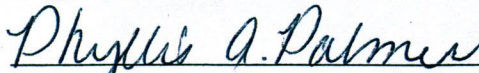
WHEREAS, the District reasonably expects to reimburse expenditures for all or any portion of the Projects with proceeds of bonds to be issued by or on behalf of the District in the maximum principal amount of \$2,000,000 (the "Bonds"), to be issued for the purpose of financing all or any portion of the Projects; and

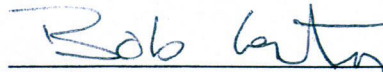
WHEREAS, the District desires to establish its intent, pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c), that said costs of the Projects are to be reimbursed from the proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE HENDRICKS COUNTY REGIONAL SEWER DISTRICT that the District hereby declares its intent to reimburse expenditures for all or any portion of the Projects with proceeds of the Bonds.

Dated this 25th day of November, 2014.

THE BOARD OF TRUSTEES OF THE
HENDRICKS COUNTY REGIONAL SEWER
DISTRICT


Phyllis A. Palmer, President


Bob Gentry, Vice President


Matthew D. Whetstone, Member

ORDINANCE No. 2014- 13
HENDRICKS COUNTY REGIONAL SEWER DISTRICT
ORDINANCE FOR FEES AND CHARGES
EXIT 59 SERVICE AREA

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et.seq.; and

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates; and

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges; and

WHEREAS, I.C. 13-26-11, et.seq. grants certain powers to the District dealing with the establishment and collection of rates and charges; and

WHEREAS, the Board of Trustees of the District finds and determines that it is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable;

NOW, THEREFORE: be it ordained by the Board of Trustees of the District rates and charges schedule Ordinance entitled *"Hendricks County Regional Sewer District Ordinance for Rates and Charges, Ordinance No.: 2014-_____"* be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area known as the Exit 59 Service Area.
3. These rates amend and supersede the rates and charges adopted in Ordinance 1995-28, in Ordinance 2001-32, and in Ordinance No. 2010-05 for the Exit 59 service area.
4. All rates and charges adopted hereby become of full force and effect as described.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

HENDRICKS COUNTY REGIONAL SEWER DISTRICT FEES
PERTAINING TO EXIT 59 SERVICE AREA

Application Fees	Amount
Wasteload Allocation	\$100.00/Application
Wastewater Facility (sewer) construction permit	\$100.00/Application
Lateral construction permit	\$100.00/Application
Capacity Fees:	
Capacity Fee for all commercial and residential connection:	\$6,000.00/EDU
The entire capacity fee is due and payable prior to issuance of wasteload allocation	
Monthly Service Fee:	
Monthly Service Fee per EDU	\$76.00/EDU/Month
Vacant Premise Credit per policy dated June 1, 2010	\$20.00/EDU/Month
Inspection Fees	
Wastewater Facility Construction	\$90.00/Hour
Acceptance of Facilities (post construction)	\$90.00/Hour
Lateral Construction	\$175.00/Lateral
Plan Review Fees	
Wasteload Allocation and Plan Review	\$125.00/Hour
Lateral Plan Review	\$125.00/Hour
Miscellaneous Fees	
Late Payment Penalty Fee:	10% of unpaid current charges
Retuned Check Fee	\$25.00/occurrence
Disconnect Fee for nonpayment:	\$125.00/event
Lien Charges:	Cost of attachment of lien, plus the amount of fees owed

Industrial Waste Discharge Permit (Non-Domestic)¹

Annual Discharge Permit Fee	\$50.00
Laboratory Testing Charges	Actual Charge plus 15% handling for samples collected and processed by the District

Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set forth by the United States of America Environmental Protection Agency and includes significant users who discharge greater than 25,000-gallons/day flow or

contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

¹The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from Excessive Strength Surcharge fees for excessive waste strength, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

Excessive Strength Surcharge Rates

Excessive Strength Surcharge Rates shall be applicable to all industrial and commercial users who generate wastewater which contains any nonconventional pollutants or strengths of Carbonaceous Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), Ammonia (NH₃) or Total Phosphorus that exceed the system average strengths listed in the table below, as determined by special laboratory analysis by a certified laboratory. Other special service rates shall be charged on a case-by-case basis for toxic pollutant discharges, with the charges being based on the difficulty of treating the toxic pollutant as well as sampling, testing, and disposal charges. Strength charges are to be computed on actual measured strengths and volumes on a monthly basis.

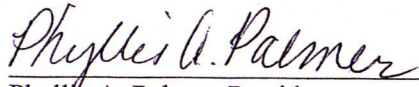
Excessive Strength Surcharge rates shall be calculated from the number of pounds delivered to the treatment plant in excess of the concentrations and at the cost per pound listed below:

Constituent	Concentration Limit	Surcharge cost per pound
BOD ₅	300 mg/l	\$0.52
TSS	265 mg/l	\$0.45
NH ₃ -N	30 mg/l	\$2.06
Total Phosphorus	10 mg/l	\$2.00
Fats, Oil, Grease	100 mg/l	\$1.05

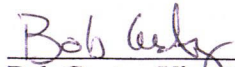
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

PASSED AND ADOPTED by the Hendricks County Regional Sewer Board of
Hendricks County, State of Indiana on this ____ day of _____, 2014.

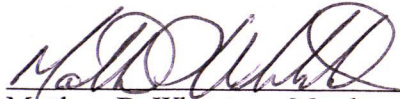
HENDRICKS COUNTY REGIONAL SEWER BOARD



Phyllis A. Palmer, President

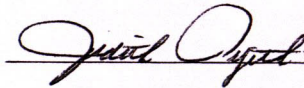


Bob Gentry, Vice President



Matthew D. Whetstone, Member

ATTEST:



ORDINANCE NO. 2014-12
HENDRICKS COUNTY REGIONAL SEWER DISTRICT
ORDINANCE FOR COLLECTION OF FEES AND CHARGES

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates.

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges.

WHEREAS, I.C. 13-26-11, et Seq., grants certain powers to the District dealing with the collection of rates and charges.

WHEREAS, the Board of Trustees of the District finds and determines that is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District rates and charges schedule Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Collecting Rates and Charges," Ordinance No. 2014-____ be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area.
3. These rates amend and supersede the rates and charges adopted in Ordinance 1995-28, District Ordinance 2001-32, and in Ordinance 2011-16.
4. This Ordinance does not alter any Regional Sewer District agreement in existence including the following:

Agreement

Oakhurst Realty, LLC

Mobile Home Park Associates, DBA: Lake of Lanterns

Eden Gate

Dated

November 3, 1997

December 20, 1999

February 11, 2014

5. All rates and charges adopted hereby become of full force and effect as described.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

Industrial Waste Discharge Permit (Non-Domestic)¹:

Annual Discharge Permit Fee	\$50.00
Laboratory Testing Charges	Actual Charge plus 15% handling for samples collected and processed by the District

Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set forth by the United States of America Environmental Protection Agency and includes significant users who discharge greater than 25,000-gallons/day of flow or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)) or by categorical classification.

¹The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from Excessive Strength Surcharge fees for excess waste strength, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

Excessive Strength Surcharge Rates

Excessive Strength Surcharge Rates shall be applicable to all industrial and commercial users who generate wastewater which contains any nonconventional pollutants or strengths of Carbonaceous Biochemical Oxygen Demand (CBOD₅), Total Suspended Solids (TSS), Ammonia (NH₃), or Total Phosphorus that exceed the system average strengths listed in the table below, as determined by special laboratory analysis by a certified laboratory. Other special service rates shall be charged on a case-by-case basis for toxic pollutant discharges, with the charges being based on the difficulty of treating the toxic pollutant as well as sampling, testing, and disposal charges. Strength charges are to be computed on actual measured strengths and volumes on monthly basis.

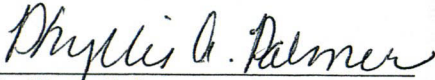
Excessive Strength Surcharge rates shall be calculated from the number of pounds delivered to the treatment plant in excess of the concentrations and at the cost per pound listed below:

Constituent	Concentration Limit	Surcharge cost per pound
BOD ₅	300 mg/l	\$0.52
TSS	265 mg/l	\$0.45
NH ₃ -N	30 mg/l	\$2.06
Total Phosphorus	10 mg/l	\$2.00
Fats, Oil, Grease	100 mg/l	\$1.05


All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana, on this ____ day of _____, 2014.

HENDRICKS COUNTY REGIONAL SEWER BOARD


Phyllis A. Palmer, President


Bob Gentry, Vice President


Matthew D. Whetstone, Member

ATTEST:



ORDINANCE NO. 2014- 04

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the 14th day of January, 2014 at approximately 9:00 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 2014 – enacted by the Board of Commissioners of Hendricks County, Indiana be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided)

Price based on VFC maximum allowable administration fee.
(No charge if the patient is unable to pay)

Nursing services, and county purchased immunizations, tests, and blood screens.

Prices shall be based on cost of supplies, vaccines and other necessary components of service.

Exception will be given to patients who meet the financial hardship policy adopted by the Hendricks County Health Board.

Other Services

Vaccination Records

\$2.00 per copy

Universal Precautions Training

\$10.00 per person

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy)	\$ 10.00
Legitimization	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00
Genealogy search (per name)	\$ 3.00
Plastic wallet size BC sleeve	\$1.00

2. Death Records

Death Certificate (per copy)	\$ 10.00
------------------------------	----------

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review	\$125.00
Pre-opening inspections (for 3rd and subsequent visits)	\$ 50.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only	\$ 75.00 per year
Minimal food preparation	\$175.00 per year
Extensive handling of raw ingredients	\$250.00 per year
Additional Fee for Late Renewal	\$ 50.00 per application
Pushcart with all food prepackaged	\$ 25.00 per unit per year
Mobile Retail Food Establishment with no food preparation	\$ 40.00 per unit per year
Mobile Retail Food Establishment with food preparation	\$ 75.00 per unit per year
Temporary Food Establishments	\$ 25.00 per event
Additional Fee for Late Application	\$ 25.00 per application
Bed and Breakfast Establishments	\$ 50.00 per year
Farmer's Market Vendor (no Potentially Hazardous Food)	\$ 25.00 per year at one location (maximum \$ 75.00 per year)
Farmer's Market Vendor (with Potentially Hazardous Food)	\$ 75.00 per year at one location (maximum \$225.00 per year)

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

Gravity trench system	\$ 75.00
Pump assisted trench system	\$125.00
Sand Mound	\$200.00
System other than those listed above	\$250.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance	
Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground

Temporary Campground Inspection	\$ 50.00 per visit
---------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	
Annual permit for public pool – indoor (first per location)	\$125.00

Indoor pool permits are valid from January 1 to December 31 of that year

Annual permit for each additional public pool (same location/owner) \$ 75.00

The term "public pool" includes a wading pool, hot tub, or spa

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

G. Tattoo Operations

Fixed or mobile facility

\$50.00 per booth/station per year

\$250.00 per year maximum

Fixed issued after June 30th (to December 31st)

Half of annual fee

Temporary Event Coordinator Plan Review

\$25.00 per artist station in plan

Temporary Event Artist Fee

\$50.00 per Artist

Late Renewal Fee

\$50.00

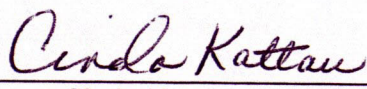
SECTION IV. REPEAL AND DATE OF EFFECT

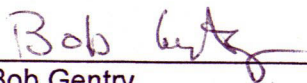
In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county. Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made. Any failure to obtain a permit and/or payment of the fee shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect after its passage and approval accordingly. If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment. Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 14th day of January, 2014.

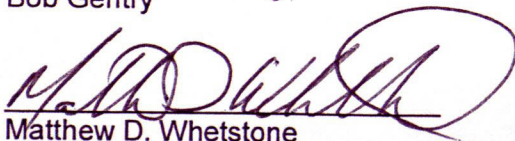
BOARD OF COMMISSIONERS:

ATTEST:


Phyllis A. Palmer


Cinda Kattau
Hendricks County Auditor


Bob Gentry


Matthew D. Whetstone

ORDINANCE NO. 2013- 06

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the 26th day of March, 2013 at approximately 9:00 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 2011 – 10 enacted by the Board of Commissioners of Hendricks County, Indiana be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided) \$5.00 per child
(No charge if the patient is unable to pay)

Immunizations, tests and blood
screens (county purchased).

Prices shall be based on cost of supplies,
vaccines and other necessary
components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy)	\$ 10.00
Legitimization	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00
Genealogy search (per name)	\$ 3.00
Plastic wallet size BC sleeve	\$1.00

2. Death Records

Death Certificate (per copy)	\$ 10.00
------------------------------	----------

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review	\$125.00
Pre-opening inspections (for 3rd and subsequent visits)	\$ 50.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only	\$ 75.00 per year
Minimal food preparation	\$175.00 per year
Extensive handling of raw ingredients	\$250.00 per year
Additional Fee for Late Renewal	\$ 50.00 per application
Pushcart with all food prepackaged	\$ 25.00 per unit per year
Mobile Retail Food Establishment with no food preparation	\$ 40.00 per unit per year
Mobile Retail Food Establishment with food preparation	\$ 75.00 per unit per year
Temporary Food Establishments	\$ 25.00 per event
Additional Fee for Late Application	\$ 25.00 per application
Bed and Breakfast Establishments	\$ 50.00 per year
Farmer's Market Vendor (no Potentially Hazardous Food)	\$ 25.00 per year at one location (maximum \$ 75.00 per year)
Farmer's Market Vendor (with Potentially Hazardous Food)	\$ 75.00 per year at one location (maximum \$225.00 per year)

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

Gravity trench system	\$ 75.00
Pump assisted trench system	\$125.00
Sand Mound	\$200.00
System other than those listed above	\$250.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance

Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground

Temporary Campground Inspection	\$ 50.00 per visit
---------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for each additional public pool (same location/owner) \$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

G. Tattoo Operations


Fixed or mobile facility	\$50.00 per booth/station per year \$250.00 per year maximum Half of annual fee
Fixed issued after June 30 th (to December 31 st)	
Temporary Event Coordinator Plan Review	\$25.00 per artist station in plan
Temporary Event Artist Fee	\$50.00 per Artist
Late Renewal Fee	\$50.00

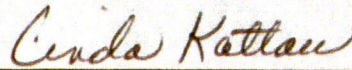
SECTION IV. REPEAL AND DATE OF EFFECT

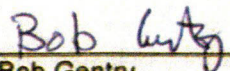
In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county. Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made. Any failure to obtain a permit and/or payment of the fee shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect after its passage and approval accordingly. If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment. Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 26th day of March, 2013.


BOARD OF COMMISSIONERS:

ATTEST:


Phyllis A. Palmer


Cinda Kattau
Hendricks County Auditor


Bob Gentry


Matthew D. Whetstone

ORDINANCE NO 2013- 05

HENDRICKS COUNTY

ONSITE SEWAGE SYSTEM ORDINANCE

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on March 26th at approximately 9:00 a.m.; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: (1) That there are public health hazards associated with the improper disposal of sewage; (2) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, onsite sewage systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and (3) That there was a need to establish standards for design, construction and inspection of onsite sewage systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing onsite sewage systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana the following ordinance entitled, "Hendricks County Onsite Sewage System Ordinance", be adopted.

I. Definitions

- A. In additions to the definitions in 410 IAC 6-8.3, the following definitions apply throughout this Ordinance.
1. "Affidavit Form" means a form provided by the Hendricks County Health Department that is signed by the owner, notarized and recorded.
 2. "Board of Health" means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.
 3. "Commercial" means any type of building other than a one or two family dwelling.
 4. "Hearing" means a session in which witnesses are heard and testimony is taken.
 5. "Health Officer" means the Health Officer having jurisdiction in Hendricks County Indiana.
 6. "Indiana State Department of Health" means the state agency having authority to regulate onsite sewage systems.
 7. "Notice of Violation" means a written notification of an ordinance violation.
 8. "Order" means a written mandate a person is directed to obey.
 9. "Plot Plan" means a graphic representation certified by an engineer, professional surveyor or architect currently registered in Indiana, which identifies the topography, locations, current ground elevations and elevations of the proposed improvements.
 10. "Repair Installation" means the repair or replacement of any onsite sewage system component other than the replacement or expansion of a soil absorption field.

11. Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" means an Indiana State Department of Health regulation that establishes standards for residential sewage systems and any amendments thereto.
12. Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" means an Indiana State Department of Health regulation that establishes standards for commercial onsite sewage disposal systems.
13. "Soil Profile Analysis Report" means a written description and interpretation of the physical and chemical properties of a soil from sample sites. The written soil profile report must include a detailed soil profile description of the properties of the soil at each sample site. All sample sites must be evaluated and described in the soil profile report.
14. "Staked" means a lathe stake or equivalent at each end of all proposed trenches or the four corners of the basal area and aggregate bed for a sand mound system.
15. "Violation" means a breach of law.

II. General Requirements

- A. All residential onsite sewage systems shall be designed and installed in accordance with Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" except as stated below:
 1. The minimum size of a new septic tank used in all installations shall be a minimum of one thousand (1000) gallons.
 2. An outlet filter shall be required for all installations.
 3. All subsurface drain system trenches installed shall be:
 - a. Filled to within six (6) inches of final grade with aggregate which meets the minimum requirements of Rule 410 IAC 6-8.3-68, washed aggregate with a gradation in the range of INDOT Specifications 8-11 INDOT Specification 23 sand or equivalent and the final six (6) inches to final grade with cover soil material.
 4. Temporary sewage holding tanks must be watertight, and constructed of durable material such as concrete, fiberglass, or polyethylene; that is equipped with both audible and visible alarms.
 5. All designs for commercial onsite sewage systems must have approval from the Indiana State Department of Health, prior to installation. All designs and installations must be done in accordance with Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" and amendments unless specific written exemption is obtained from the Indiana State Department of Health.
 6. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an onsite sewage system, holding tank, or sanitary vault privy; a direct connection shall be made to said sewer and the onsite sewage system, holding tank, or sanitary vault privy be abandoned according to Rule 410 IAC 6-8.3-90.
 7. The onsite sewage system shall be installed by a person, who is certified by the Indiana Onsite Wastewater Professionals Association or by a certification entity recognized by the Health Officer.

III. Permitting

- A. The application for an onsite sewage system permit shall be made on a form provided by the Hendricks County Health Department. At all times, from the start of construction to the time of inspection, the approved plot plan and permit shall be available on site.

- B. Any deviation from the permit or approved plan must be approved by the Hendricks County Health Department prior to modification. An as-built plot plan showing the actual installation details including the unplanned modifications will be required before final approval.
- C. All Permits are valid for a period of one year after the date issued. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee. This reapplication procedure may be waived by the Hendricks County Health Department.
- D. The applicant shall provide the following:
 - 1. Residential Onsite Sewage System Permit
 - a) A signed application for an onsite sewage system permit.
 - b) Two copies of the plot plan prepared by an engineer, professional surveyor or architect currently registered in Indiana. The plot plan shall certify that the sewage system will comply with this Ordinance and Rule 410 IAC 6-8.3, Residential Onsite Sewage Systems, if properly constructed, operated and maintained.
 - c) A soil profile analysis report prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field. The samples sites must be representative of the soils within the absorption field.
 - d) A floor plan of the proposed dwelling.
 - e) Confirmation that the proposed onsite sewage system has been staked, prior to the on site plan review by the Hendricks County Health Department.
 - f) All appropriate fees outlined in the Hendricks County Ordinance for Collection of Fees.
 - g) Any additional information deemed necessary by the Health Officer.
 - 2. Residential Onsite Sewage System Repair Permit
 - a) A signed application for an onsite sewage system repair permit.
 - b) A drawing of the proposed repair, unless waived by the Hendricks County Health Department.
 - c) All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
 - d) Any additional information deemed necessary by the Health Officer.
 - 3. Commercial Onsite Sewage System Permit
 - a) A signed application for an onsite sewage system permit.
 - b) A soil profile analysis report prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field.
 - c) An approval letter and two copies of the approved plot plan from the Indiana State Department of Health, or the Technical Specification Data Report, with two copies of the plot plan that meets the specified requirements, prepared by a an engineer or architect currently registered in Indiana.
 - d) All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
 - e) Any additional information deemed necessary by the Health Officer.

IV. Approval

The Health Officer or agent shall be allowed to inspect the work at any stage of construction. The permittee shall notify the Health Officer or agent when the work is ready for final inspection and at least two working days before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the Health Officer or agent. The Health Officer or agent, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of

inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this Ordinance, and Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1. Final approval of the installation for an onsite sewage system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent.

V. Permit Denial

Upon denial of a valid permit application, the applicant may request a hearing with the Hendricks County Board of Health. The request must be in writing and received with ten (10) calendar days after receipt of the denial. Upon receipt of a request of a hearing, the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided that IC 5-14-1.5-5(Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.

At such hearing, the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied. At the conclusion of the hearing, the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems". If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the Chairperson of the Board of Health.

All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

VI. Enforcement

Whenever the Health Officer or agent determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems", or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems", the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, as hereafter provided. Such notice shall:

1. Indicate the date and location of the violation.
2. Clearly indicate the nature of the violation and the related ordinance citation.
3. Allow a reasonable time for the performance of necessary remediation.
4. Be properly served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:
 - a) Sent to the person directly.
 - b) Sent by registered mail to the last known mailing address of the person.
 - c) Posted in a conspicuous place in or about the property affected by the notice.
 - d) Other method of service authorized or required under the laws of this state.

Any person or persons affected by any such notice issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department.

Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.

Such hearing shall be held as soon as practical after receipt of request hereof, provided that IC 5-14-1.5-5 (Open Door Law) is complied with. Any notice served pursuant to Section V of this Ordinance shall automatically become an order if a written request for a hearing is not received within ten (10) calendar days after receipt of the Notice of Violation is served.

At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such Notice of Violation should be modified or withdrawn. Additionally, the Health Officer or agent shall be given time to explain the circumstances of the Notice of Violation.

After such hearing, the Hendricks County Board of Health shall sustain, modify or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems", have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order.

The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

Whenever the Health Officer, or his representative, find that an emergency exists which requires immediate action to protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" and Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" such order shall be effective immediately.

Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible in the manner provided in Section V. After such hearing, depending upon the findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.3 Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

VII. Penalties

Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

VIII. Unconstitutionality Clause

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

IX. Repeal and Effective Date

Any ordinance or parts of ordinances in conflict with this Ordinance, Rule 410 IAC 6-8.3 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10.1 "Commercial Onsite Sewage Systems" are hereby repealed. This Ordinance shall be in full force and effect from and after its passage and approved according to law. Passed and adopted by the Board of Commissioners of Hendricks County on March 26th, 2013.

BOARD OF COMMISSIONERS:

Phyllis A. Palmer

Phyllis A. Palmer, President

Bob Gentry

Bob Gentry, Vice President

Matthew D. Whetstone

Matthew D. Whetstone, Member

ATTEST:

Cinda Kattau

Cinda Kattau, Hendricks County Auditor

ORDINANCE NO. 2013 - 04

HENDRICKS COUNTY

TATTOO, PIERCING, and BODY MODIFICATION ORDINANCE

Whereas, the Hendricks County Commissioners find it necessary to regulate the *tattoos, body piercing, and body modification* in Hendricks County, Indiana, and

Whereas, the Indiana State Department of Health has developed state wide rules regarding tattoos and body piercing; and

Whereas, the Indiana State Department of Health regulates these facilities through 410 IAC 1-5, IC 16-19-3-4.1 and IC 35-42-2-7; and

Whereas, tattoo and body piercing operations and procedures are becoming more and more common among the residents of the State of Indiana and the residents in Hendricks County, Indiana; and

Whereas, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing, body piercing, or body modification of a person if tattoo, body piercing, and/or body modification establishments or their employees are not sufficiently skilled and knowledgeable of the dangers associated with said activity and

Whereas, the Hendricks County Commissioners are empowered to protect the health and safety of the citizens of Hendricks County, and

Whereas, the Hendricks County Commissioners believe that tattoo, body piercing, and/or body modification establishments should be licensed and subjected to reasonable inspections of the Health Department; and

Whereas, the Hendricks County Commissioners desire to adopt an ordinance to regulate the operation of tattoo, body piercing, and/or body modification establishments in Hendricks County, Indiana; and

Whereas, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances;

Be it Ordained and enacted by the Board of County Commissioners of Hendricks County, State of Indiana, Ordinance #2010 - 09 regulating the practice of tattoo, body piercing and/or body modification within Hendricks County, Indiana, requiring permits, and providing penalties for violations thereof to read as follows:

Hendricks County will regulate Tattoo, Body Piercing, and Body Modification Establishments by establishing a permitting system for enforcing standards in this Ordinance and those set forth in, amended to, and incorporated by reference, in 410 IAC 1-5.

The incorporated materials are available for public review at the office of the Hendricks County Health Department.

Where exceptions (exclusions) to incorporated state rules are necessary, these exceptions will be noted in the text of this ordinance.

For the purposes of this Ordinance, all requirements in this Ordinance and the requirements of 410 IAC 1-5 apply to all permanent, mobile, and temporary Tattoo, Body Piercing, and Body Modification Establishments in Hendricks County, except as specifically noted in this Ordinance.

I. Definitions

A. In addition to the Definitions in 410 IAC 1-5, the following definitions apply throughout this Ordinance.

1. "Artist" means a person employed by an Establishment to perform body piercing, body modification or to affix a permanent tattoo to an individual. This includes those defined as "body piercer" or "tattoo artist" by 410 IAC 1-5, or any person who performs tattooing, boring, penetration or tunneling through the body of a Client.
2. "Body Modification" means any tattoo, body piercing, or other penetrating body art, or the use of needles, scalpels or other medical devices to insert devices or modify the body for the purpose of adornment. This does not include henna tattoos or other surface adornment.
3. "Branding" means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
4. "Client" is a person or patron who receives tattooing, body piercing or body modification services.
5. "Establishment" means a location where body piercing, body modification and/or tattooing are performed. This includes a Facility as defined by 410 IAC 1-5 and includes Temporary Events and Mobile Establishments.
6. "Health Department" means the Hendricks County Health Department having jurisdiction in Hendricks County, Indiana.
7. "Health Officer" means the duly appointed Health Officer having jurisdiction in Hendricks County, Indiana.
8. "Implanting" means a procedure involving the placement of an object or multiple objects under the skin to mold or shape the skin outwardly for a particular appearance.
9. "Mobile Establishment" means a tattoo, body piercing, or body modification establishment that is wheeled; mounted on a vehicle; or otherwise readily movable; that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.
10. "Operator" means a person who controls, operates, conducts, manages, or owns any Establishment or any artist at a Temporary Event.
11. "Event Coordinator" means a person or persons responsible for the event.
12. "Scarification" means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.
13. "Suspension" means hanging the body from (or partially from) hooks that are placed by body piercing.
14. "Temporary Event" means an Establishment located within a permanent structure that operates for a period of no more than fourteen consecutive days for the purposes of product demonstration, industry trade show, or education.
15. "Tongue splitting" means tongue bifurcation or a type of body modification in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.

II. General Requirements

- A. No person shall do any of the following:
1. Offer tattooing, body-piercing, or other body modification services, without a valid permit issued by the Health Officer.
 2. Perform a tattooing, body-piercing, or other body modification procedure in a manner that does not meet the requirements of this Ordinance, 410 IAC 1-5, and IC 35-42-2-7.

III. Physical Facilities

- A. In addition to the requirements of 410 IAC 1-5, all Body Modification Establishments must comply with the following:
1. The premises in which tattooing and/or body piercing shall be conducted in an enclosed building or establishment. Each artist station shall be reasonably separated from each other and from waiting Clients or observers.
 2. Tattoo, body piercing, and other body modification establishments shall be equipped with artificial light sources equivalent to at least twenty foot-candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.
 3. All walls and floors near equipment used for tattooing, body-piercing or other body modification activities shall be smooth, nonabsorbent and easily cleanable surface and be maintained in a sanitary manner at all times.
 4. All tables and other equipment shall be constructed with a smooth, nonabsorbent and easily cleanable finish. If used, disposable table paper shall be changed between Clients.
 5. Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight-fitting screens.
 6. Restroom facilities shall be available to employees at all times the establishment is open for operation. The restroom shall be equipped with a toilet, toilet paper, hand sink supplied with warm running water, liquid soap, paper towels in dispensers or hand dryers, and a waste receptacle.
 7. A hand sink supplied with running water at a temperature of 100–120 degrees Fahrenheit, liquid soap, paper towels in dispensers, and a waste receptacle shall be located in close proximity of each Artist's station and shall be readily accessible and available without passing through any door or barrier. One hand sink shall serve no more than six Artists' stations.
 8. Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized within the restroom.

IV. Operator and Artist Responsibilities

- A. In addition to the requirements of 410 IAC 1-5 and 29 CFR 1910.1030, the Operator shall ensure the following:
1. The use of properly calibrated autoclave sterilization units on all reusable items and monthly spore testing of the autoclave are mandatory. A copy of the results of all spore tests must be submitted to the Health Department upon receipt of each test report. Autoclave indicator tape or other verifiable indication of sterilization must be used and maintained with each reusable item until used.
 2. A copy of all applicable regulations must be retained on premises.
 3. The following records must be maintained by all Operators for at least two (2) years:
 - a) a government issued ID with a photo and date of birth on each Client,
 - b) if the Client is under age 18, parental consent forms, and
 - c) with respect to tattooing services, written records must also include the professional tattooing ink used for each tattoo performed.

4. Verbal and written instructions for the aftercare of the tattoo or other body modification shall be provided to each Client or legal guardian if Client is under eighteen (18). The written public education materials shall:

- a) advise the Client to consult a physician or dentist as appropriate at the first sign of infection,
- b) shall contain the name, address and phone number of the establishment or artist, and
- c) shall be signed and dated by the Artist and the Client, with a copy given to the Client.

5. The following information for each Artist and Operator shall be kept on file at the Establishment and available for inspection by the Health Department:

- a) full name, date of birth, gender, and identification photos, and
- b) written documentation of one of the following:
 - i. The completion or declination of the Hepatitis B vaccination series,
 - ii. Antibody testing that has revealed immunity to Hepatitis B, or
 - iii. The Hepatitis B vaccine is contraindicated for medical reasons.

6. Before and after performing tattoos, body piercings, or other body modification procedures, the Artist must thoroughly wash hands in warm running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants. Single-use, disposable paper products are to be used.

V. Additional Requirements for Mobile Establishments

A. In addition to all other requirements in this Ordinance and 410 IAC 1-5, all Mobile Establishments must meet the following:

1. Tattooing and/or body-piercing performed pursuant to this section shall be done only from inside an enclosed unit.
2. The Mobile Establishment shall be used only for the purpose of performing body modification procedures. No habitation or cooking is permitted inside the Mobile Establishment.
3. An adequate supply of potable water shall be maintained for the Mobile Establishment at all times during operation.
4. All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifteen (15) percent greater than the capacity of the on board potable water supply. Liquid wastes shall be disposed of in accordance with all applicable regulations at a site approved by the Health Department.
5. A Mobile Establishment must receive an initial inspection at a location specified by the Health Department prior to permit issuance to insure compliance with requirements. Additional inspections may be performed at any location where the mobile unit is operating.

VI. Prohibited Acts

A. The following activities are strictly prohibited:

1. tongue splitting; and
2. tattoo removal.

B. The following activities are strictly prohibited to minors (under age 18):

1. branding;
2. implanting;
3. suspension;
4. scarification; and
5. piercing of the genitalia or nipples.

VII. Exceptions

A. Ear lobe piercing and medical procedures performed by a State Licensed Medical Practitioner are exempt from this Ordinance.

VIII. Permits

A. General:

1. No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate an Establishment unless it has first received a valid permit issued by the Health Officer.
2. The valid permit shall be prominently displayed in the Establishment and shall not be defaced or altered in any manner.
3. Only Establishments who comply with the provisions of 410 IAC 1-5, as well as all applicable provisions of this Ordinance shall be entitled to obtain and keep a permit.
4. A separate permit shall be required for each Establishment.
5. A separate permit shall be required for each artist at Temporary Event.
6. An Establishment Permit shall not be transferable from one Establishment or Operator to another.

B. Permit Period:

1. A Permit for an Establishment shall be issued for a term beginning January 1, or the date of commencement of operation, and expiring December 31, of the same year, and shall be applied for by the Operator annually.
2. A permit for an artist participating at a Temporary Event shall be issued for no more than 14 days and shall not exceed the duration of a single event at a single location.

IX. Revocation of Permit

- A. The Health Officer may revoke a permit for any violation of this Ordinance, IC 35-42-2-7, 29 CFR 1910.1030, 410 IAC 1-5, other applicable local, state or federal regulation.
- B. The revocation shall be effective immediately upon issuance by the Health Officer.
- C. The Health Officer may reinstate the Establishment permit upon satisfactory compliance with this Ordinance, IC 35-42-2-7, 29 CFR 1910.1030, 410 IAC 1-5, other applicable local, state or federal regulation.
- D. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 et. seq.

X. Application for Plan Review/Application for Permit

- A. The Operator of a proposed Establishment, or in the case of a Temporary Event the Event Coordinator shall submit the following to the Health Department at least 30 days prior to scheduling the pre-operational inspection by the Health Department, and 30 days prior to the proposed first day of operation:
 1. Properly prepared plans and specifications for review and approval before the construction or conversion of an existing structure for the use as an Establishment.
 2. Proof of contract with infectious waste removal company.
 3. Copy of bloodborne pathogen training for all employees.
 4. Copy of written policy to meet IOSHA Bloodborne Pathogen Standard (29 CFR 1910.1030).
 5. Any other documentation deemed necessary by the Health Officer.
- B. The plans and specifications for an Establishment shall be satisfactory and approved by the Health Department before a permit can be issued.
- C. A pre-operational inspection shall be conducted to ensure that the Establishment is built, remodeled, or set up in accordance with the approved plans and specifications and to assure the Establishment is in compliance with this Ordinance, and 410 IAC 1-5.
- D. Any application for a Temporary Event shall also include the signature of the venue owner acknowledging that the requirements of this Ordinance must be met during the Temporary Event.

XI. Additional Requirements for all Body Piercing/Body Modification

- A. All supplies that come into contact with the piercing station should be in "single portion" form, including, but not limited to, anti-bacterial ointments, iodine swabs, alcohol wipes, and corks. These packages must be wiped down with a hospital level, hard surface disinfectant and air dried, prior to being stored in very clean, closed containers.
- B. All oral piercing shall be preceded by the Client performing a one-minute, vigorous application of an antiseptic mouthwash.
- C. All insertable jewelry is to be sterilized and kept in an individual sterile, closed container.
- D. All jewelry placed in new piercings must be made of one of the following, and mill certificates from the manufacturer or an independent assay must be available to prove material composition:
 - 1. solid 14k or higher white or yellow nickel-free gold;
 - 2. surgical implant stainless steel, CrNiMo 316LVM, ASTM F-138;
 - 3. niobium;
 - 4. surgical implant grades of titanium;
 - 5. solid platinum; or
 - 6. inert plastics.
- E. Jewelry must have a mirror finish and be free of nicks, scratches, burrs and polishing compounds.

XII. Fees

- A. Permit Fees
 - 1. The fee for an Establishment shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and shall be applied for by the Operator annually.
 - 2. Fees for Temporary Events shall be charged per Artist and a fee shall be charged to the Event Coordinator of each event.
 - 3. Permit fees for the issuance of a permit under this Ordinance to an Establishment shall be specified in the Hendricks County Health Department Ordinance for Collection of Fees.
 - 4. The fees paid under this Ordinance are not transferable or refundable. A permit may not be issued to any Establishment where outstanding or unpaid fees, or late fees, are due.
- B. Late Fees
 - 1. A late renewal fee shall be assessed as set by the Health Department for failure to renew a permit within 14 days after the expiration of the permit to operate an Establishment.

XIII. Inspections

- A. The Health Department may conduct inspections of Establishments located in Hendricks County, Indiana.
- B. The results of the inspections shall be provided to the Operator.
- C. Violations noted by the Health Department shall be corrected immediately.

XIV. Penalties for Violation of Sanitary Requirements

- A. Civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.
- B. In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

XV. Unconstitutionality Clause

- A. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

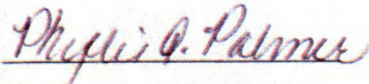
XVI. Repeal and Effective Date

- A. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 26th day of March, 2013.

BOARD OF COMMISSIONERS:

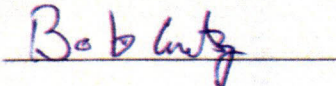
ATTEST:



Phyllis A. Palmer, President



Cinda Kattau, Hendricks County Auditor



Bob Gentry, Vice President



Matthew D. Whetstone, Member

HENDRICKS COUNTY ONSITE SEWAGE SYSTEM ORDINANCE

ORDINANCE NO 2011- 08

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on April 26, 2011 at approximately 9:30 a.m.; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: (1) That there are public health hazards associated with the improper disposal of sewage; (2) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, onsite sewage systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and (3) That there was a need to establish standards for design, construction and inspection of onsite sewage systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing onsite sewage systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana the following ordinance entitled, "Hendricks County Onsite Sewage System Ordinance", be adopted.

DEFINITIONS

Affidavit Form-means a form provided by the Hendricks County Health Department that is signed by the owner, notarized and recorded.

Board of Health-means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.

Commercial-means any type of building other than a one or two family dwelling

Hearing-means a session in which witnesses are heard and testimony is taken

Health Officer-means the Health Officer having jurisdiction in Hendricks County Indiana

Indiana State Department of Health-means the state agency having authority to regulate onsite sewage systems.

Notice of Violation-means a written notification of an ordinance violation

Order-mean a written mandate a person is directed to obey

Plot Plan-means a graphic representation certified by an engineer, professional surveyor or architect currently registered in Indiana, which identifies the topography, locations, current ground elevations and elevations of the proposed improvements.

Repair Installation-means the repair or replacement of any onsite sewage system component other than the replacement or expansion of a soil absorption field.

Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems"-means an Indiana State Department of Health regulation that establishes standards for residential sewage systems and any amendments thereto.

Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal"-means an Indiana State Department of Health regulation that establishes standards for commercial onsite sewage disposal systems.

Soil Profile Analysis Report-means a written description and interpretation of the physical and chemical properties of a soil from sample sites. The written soil profile report must include a detailed soil profile description of the properties of the soil at each sample site. All sample sites must be evaluated and described in the soil profile report.

Staked-means a lathe stake or equivalent at each end of all proposed trenches or the four corners of the basal area and aggregate bed for a sand mound system.

Violation-means a breach of law.

SECTION I-GENERAL REQUIREMENTS

- A. All residential onsite sewage systems shall be designed and installed in accordance with Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" except as stated below:
1. The minimum size of a new septic tank used in all installations shall be a minimum of one thousand (1000) gallons.
 2. An outlet filter shall be required for all installations.
 3. All subsurface drain system trenches installed shall be:
 - a) Filled to within six (6) inches of final grade with aggregate which meets the minimum requirements of Rule 410 IAC 6-8.2-67, washed aggregate with a gradation in the range of INDOT Specifications 8-11 INDOT Specification 23 sand or equivalent and the final six (6) inches to final grade with cover soil material
 4. Temporary sewage holding tanks must be watertight, and constructed of durable material such as concrete, fiberglass, or polyethylene; that is equipped with both audible and visible alarms.
 5. All designs for commercial onsite sewage systems must have approval from the Indiana State Department of Health, prior to installation. All designs and installations must be done in accordance with Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal" and amendments unless specific written exemption is obtained from the Indiana State Department of Health
 6. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an onsite sewage system, holding tank, or sanitary vault privy; a direct connection shall be made to said sewer and the onsite sewage system, holding tank, or sanitary vault privy be abandoned according to Rule 410 IAC 6-8.2-86.
 7. Beginning January 1, 2012, the onsite sewage system shall be installed by a person, who is certified by the Indiana Onsite Wastewater Professionals Association or by a certification entity recognized by the Health Officer.

SECTION II-PERMITTING

- A. The application for an onsite sewage system permit shall be made on a form provided by the Hendricks County Health Department. At all times, from the start of construction to the time of inspection, the approved plot plan and permit shall be available on site.

- B. Any deviation from the permit or approved plan must be approved by the Hendricks County Health Department prior to modification. An as-built plot plan showing the actual installation details including the unplanned modifications will be required before final approval.
- C. All Permits are valid for a period of one year after the date issued. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee. This reapplication procedure may be waived by the Hendricks County Health Department.
- D. The applicant shall provide the following:

1. Residential Onsite Sewage System Permit

- a) A signed application for an onsite sewage system permit.
- b) Two copies of the plot plan prepared by an engineer, professional surveyor or architect currently registered in Indiana. The plot plan shall certify that the sewage system will comply with this Ordinance and Rule 410 IAC 6-8.2, Residential Onsite Sewage Systems, if properly constructed, operated and maintained.
- c) A soil profile analysis report prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field. The samples sites must be representative of the soils within the absorption field.
- d) A floor plan of the proposed dwelling.
- e) Confirmation that the proposed onsite sewage system has been staked, prior to the on site plan review by the Hendricks County Health Department.
- f) All appropriate fees outlined in the Hendricks County Ordinance for Collection of Fees.
- g) Any additional information deemed necessary by the Health Officer.

2. Residential Onsite Sewage System Repair Permit

- a) A signed application for an onsite sewage system repair permit.
- b) A drawing of the proposed repair, unless waived by the Hendricks County Health Department.
- c) All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
- d) Any additional information deemed necessary by the Health Officer.

3. Commercial Onsite Sewage System Permit

- a) A signed application for an onsite sewage system permit.
- b) A soil profile analysis report prepared by a Soil Scientist consisting of at least three (3) samples sites within the proposed soil absorption field.
- c) An approval letter and two copies of the approved plot plan from the Indiana State Department of Health, or the Technical Specification Data Report, with two copies of the plot plan that meets the specified requirements, prepared by an engineer or architect currently registered in Indiana.
- d) All appropriate fees as outlined in the Hendricks County Ordinance for Collection of Fees.
- e) Any additional information deemed necessary by the Health Officer.

SECTION III APPROVAL

The Health Officer or agent shall be allowed to inspect the work at any stage of construction. The permittee shall notify the Health Officer or agent when the work is ready for final inspection and at least two working days before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the Health Officer or agent. The Health Officer or agent,

bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this Ordinance, and Rule 410 IAC 6-8.2 or Rule 410 IAC 6-10. Final approval of the installation for an onsite sewage system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent.

SECTION IV PERMIT DENIAL

Upon denial of a valid permit application, the applicant may request a hearing with the Hendricks County Board of Health. The request must be in writing and received with ten (10) calendar days after receipt of the denial. Upon receipt of a request of a hearing, the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided by IC 5-14-1.5-5 (Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.

At such hearing, the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied. At the conclusion of the hearing, the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal". If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the Chairperson of the Board of Health.

All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

SECTION V ENFORCEMENT

Whenever the Health Officer or agent determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems", or Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal", the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, as hereafter provided. Such notice shall:

1. Indicate the date and location of the violation.
2. Clearly indicate the nature of the violation and the related ordinance citation.
3. Allow a reasonable time for the performance of necessary remediation.
4. Be properly served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:
 - a) Sent to the person directly.
 - b) Sent by registered mail to the last known mailing address of the person.
 - c) Posted in a conspicuous place in or about the property affected by the notice.
 - d) Other method of service authorized or required under the laws of this state.

Any person or persons affected by any such notice issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department.

Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.

Such hearing shall be held as soon as practical after receipt of request hereof, provided that IC 5-14-1.5-5 (Open Door Law) is complied with. Any notice served pursuant to Section V of this Ordinance shall automatically become an order if a written request for a hearing is not received within ten (10) calendar days after receipt of the Notice of Violation is served.

At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such Notice of Violation should be modified or withdrawn. Additionally, the Health Officer or agent shall be given time to explain the circumstances of the Notice of Violation.

After such hearing, the Hendricks County Board of Health shall sustain, modify or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal", have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order.

The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

Whenever the Health Officer, or his representative, find that an emergency exists which requires immediate action to protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" and Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal" such order shall be effective immediately.

Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible in the manner provided in Section V. After such hearing, depending upon the findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

SECTION VI PENALTIES

Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10 "Commercial Onsite Wastewater disposal" beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

SECTION VII UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION VIII REPEAL AND EFFECTIVE DATE

Any ordinance or parts of ordinances in conflict with this Ordinance, Rule 410 IAC 6-8.2 "Residential Onsite Sewage Systems" or Rule 410 IAC 6-10 "Commercial Onsite Wastewater Disposal" are hereby repealed. This Ordinance shall be in full force and effect from and after its passage and approved according to law. Passed and adopted by the Board of Commissioners of Hendricks County on April 26, 2011.

BOARD OF COMMISSIONERS:

ATTEST:

Phyllis A. Palmer

Phyllis A. Palmer

[Signature]

Eric L. Wathen

Cinda Kattau

Cinda Kattau

Hendricks County Auditor

Robert L. Gentry

Robert L. Gentry

Temporary Campground Ordinance #2011 - 09

This Ordinance establishes a general permit for temporary campgrounds in Hendricks County by prescribing the policies, procedures, and technical criteria to operate under the requirements of a general permit. This rule establishes the requirements and procedures for submitting a Notice of Intent (NOI) letter under this Ordinance. Compliance with all requirements of applicable general permit rules will replace the Hendricks County individual temporary campground permit issued under previous Hendricks County Ordinance.

This Ordinance regulates temporary campgrounds where ten (10) or more campsites are operated not more than ten (10) consecutive days per event and not more than thirty (30) days a calendar year, and providing for incorporation selected portions of the following Indiana State Department of Health Rules: 410 IAC 6-7.1 Campgrounds; 410 IAC 6-12, 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13; 327 IAC 8, 675 IAC 16, 312 IAC 13 and IC 13-18-12.

Whereas, the Hendricks County Commissioners find it necessary to regulate camping in Hendricks County, in order to protect the health and welfare of the citizens of Hendricks County from the unsanitary conditions of temporary camping activities.

Whereas, State Campground requirements define temporary campgrounds as under the jurisdiction of local health officers:

SECTION I. DEFINITIONS

Campground – means an area or tract of land where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or vacation mobile homes. A campground is established, operated, and maintained for recreational, health, education, sectarian, business, or tourist activities away from established residences. The term, as used in this rule, does not include primitive campgrounds, youth camps, or tracts of land divided into individually deeded lots.

Campsite – means an individual camping space set aside in a campground for a tent, recreational vehicle, or vacation mobile home.

Department – means an authorized representative of the Hendricks County Health Department.

Health Officer – means the Health Officer of Hendricks County in Indiana, or the authorized representative thereof, and shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20.

Notice of Intent (NOI) - written information provided to the Hendricks County Health Department prior to operation of a temporary campground.

Person – means any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity owning, conducting, controlling, managing, or operating a campground.

Primitive campground – means an area or tract of land without water supply systems, electricity, or toilets and having no vehicular access.

Public water supply – means water supplied by a utility, municipality, conservancy district, regional water district, rural water corporation, or not-for-profit water corporation.

Recreational Vehicle – means a travel trailer, park model, collapsible trailer, truck-mounted camper, or motor home.

Temporary campground – means a campground operated not more than ten (10) consecutive days per event and not more than thirty (30) days a calendar year.

Youth camp – means any area or tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences away from established residences for educational, recreational, sectarian, or health purposes to ten (10) or more children who are under eighteen (18) years of age and not accompanied by a parent or guardian. Youth camps are under the jurisdiction of the Indiana State Department of Health.

SECTION II PLAN REVIEW

All public campgrounds that are hereafter constructed, altered, or repaired shall conform to the applicable requirements of the Indiana State Department of Health and the Hendricks County Health Department. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled temporary campground must submit an application on forms provided by the Hendricks County Health Department at least ninety (90) days prior to scheduling the work and at least forty-five (45) days prior to the first pre-opening compliance inspection.

SECTION III MINIMUM SANITATION REQUIREMENTS FOR CAMPGROUNDS

A. General Requirements:

1. A temporary campground may not operate for more than ten (10) consecutive days.
2. A temporary campground may not operate for more than thirty (30) days in one calendar year. Any campground operating for more than thirty (30) days in one calendar year is subject to regulation and inspection by the Indiana State Department of Health under 410 IAC 6-7.1.
3. All campsites shall be on a level or gently sloping land, and
4. All campsites shall be located at least 65 feet from the centerline of all state and county roads, and
5. An adequate area, of not less than 200 square feet, shall be provided for each campsite, and
6. No more than 250 campsites are permitted in a temporary campground.

B. Notice of Intent Requirements

Any person subject to the requirements of this Ordinance shall:

1. Submit a NOI letter that complies with this Ordinance, on a form provided by the Hendricks County Health Officer.

2. The property owner or other person responsible for the operation of the Temporary Campground must submit a NOI letter to the Health Officer at least eighteen (18) days prior to operating a Temporary Campground in Hendricks County.
3. Unless otherwise specified under an applicable general permit rule, the NOI letter shall be sent to the following address:
Hendricks County Health Department, 355 South Washington Street, #210 Danville, IN 46122
4. The NOI letter shall include the following:
 - a. Name, mailing address, and location of the campground for which the notification is submitted.
 - b. The person's name, address, telephone number, e-mail address (if available), ownership status, and status as federal, state, private, public, or other entity.
 - c. Dates of proposed operation of the Temporary Campground event.
 - d. A description and drawing of how the campground complies with the applicability requirements of this Ordinance, and a site plan showing the proposed layout of the campsites including the location of the sanitary facilities and the water supply. The site plan shall include a measured map of buildings, camp sites, water supplies, dump station(s), utility connections, and common areas.
 - e. When wells not otherwise regulated are used as the source of water, a current satisfactory bacteriological water result must be presented to the Hendricks County Health Department.
 - f. A written contract with a licensed solid waste disposal provider from pickup to disposal.
 - g. A written contract with a licensed waste hauler, if holding tanks or privies are utilized.
 - h. Any additional information required by the Hendricks County Health Officer.
 - i. The NOI letter must be signed by the owner or the responsible person in charge.

C. Water Supply

1. Campgrounds shall be provided with an adequate and convenient supply of potable water that meets 327 IAC 8.
2. Wells shall be constructed, installed, and located in accordance 327 IAC 8 and 312 IAC 13. Campground shall exclusively use a public water supply if public water is available within a reasonable distance. If a public water supply is not available, a campground shall have water supplied from a well that complies with the requirements of 327 IAC 8.
3. The campground water supply shall have capacity to meet total daily water demands. If a well or pump cannot meet peak or daily water demand, campgrounds shall be provided with sufficient usable storage capacity to meet the demand.
4. Each campground shall provide one (1) or more accessible water stations of an approved design.
5. Water stations and sanitary dumping stations shall be a minimum of fifty (50) feet apart.
6. A water station having an inside or outside threaded faucet shall have a pressure vacuum breaker installed to protect against back-flow.
7. Stop-and-waste valves or yard hydrants that would allow aspiration or backflow of contaminated water into the potable water system shall not be used.
8. All water sample results must be submitted to the Hendricks County Health Department.
9. There shall be no direct physical connection between the campground potable water supply system and any non-potable water supply system.

D. Sewage Disposal

1. All sewage generated by a campground, including gray water, shall be disposed of via a connection to a public sewer if available within a reasonable distance from the campground. If a public sewer is not available within a reasonable distance, sewage disposal must comply with 410 IAC 6-12, 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Hendricks County Health Department and the Indiana Department of Environmental Management and the Indiana State Department of Health.
2. If individual sewer connections are provided for recreational vehicles, these connections shall meet the following minimum requirements:
 - a. Each individual sewer riser shall be at least four (4) inches in diameter.
 - b. Each individual sewer connection shall be tightly capped when a recreational vehicle is not connected.
 - c. The rim of the riser pipe shall extend four (4) inches above the ground, and surface drainage shall be diverted away from the riser.
3. Only wastewater management businesses licensed pursuant to IC 13-18-12 shall clean campground privies and portable toilets of waste. Privies must be pumped when the accumulated waste is within eighteen (18) inches of the privy floor.

E. Sanitary Dumping Station

1. All campgrounds where recreational vehicles are allowed, except those having only campsites with individual water and sewer connections, shall have at least one (1) sanitary dumping station or the campground owner shall make available an alternative off site dumping station approved by the Hendricks County Health Department, and the details of which are provided in the NOI.
2. If provided, each sanitary dumping station must be equipped with the following:
 - a. A four (4) inch sewer riser pipe with a self-closing hinged cover or other tight-fitting closure.
 - b. A concrete apron at least three (3) feet in diameter and sloped to drain the area surrounding the inlet of the riser pipe.
 - c. A water outlet for sanitary maintenance of the station.
 - d. A sign located at the water outlet which states that the water is not for drinking, but for flushing and cleaning holding tanks and the dump station area.
 - e. A vacuum breaker properly installed on the water supply
3. Sanitary dumping stations utilizing holding tanks shall be capable of receiving a sewage flow of at least sixty (60) gallons per day for each dependent campsite served.

F. Campground Sanitary Facilities

1. A campground with campsites without individual sewer connections shall have flush toilets, sanitary vault privies, or portable toilets, in the following ratios:
2. Number of Dependent Campsites to Toilet Facilities

	Urinals*Men	Women	Men
1-15	1	1	0
16-30	1	2	1
31-45	2	3	1
46-60	2	4	2
61-100	3	5	2
*Toilets may be substituted for the required number of urinals on a one-for-one basis.			

sanitary vault privy, or portable toilet for each sex in the ratio of one (1) per thirty (30) dependent campsites and one (1) urinal for each one hundred (100) additional campsites.

3. The entrance to a sanitary facility shall have a sign to designate which sex may use the facility. Solid walls extending from floor to ceiling shall separate facilities for each sex located in the same building.
4. For all common use rooms that contain sanitary or laundry facilities, excluding sanitary vault privies and portable toilets, the following minimum requirements shall apply:
 - a. Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable.
 - b. Bathing and hand washing facilities shall have hot and cold water under pressure. Bathing facilities shall have an approved, properly operating automatic temperature control valve. The valve must control the water temperature at the point of use so it will not exceed one hundred twenty (120) degrees Fahrenheit.
 - c. Exterior openings shall be screened utilizing screening of not less than sixteen (16) mesh.
 - d. Entrances to toilet and bathing facilities shall have self-closing doors.
 - e. Toilet and bathing facilities shall be configured to prevent viewing of the interior through the entrance door.
 - f. Light fixtures shall have guards or shields to prevent shattering.
5. Campground plumbing fixtures shall comply with 675 IAC 16.
6. Privies shall be constructed and maintained in compliance with Bulletin S.E. 11.
7. Campground sanitary facilities shall be:
 - a. maintained in a clean condition and in good repair;
 - b. properly lighted; and
 - c. ventilated

G. Refuse Collection and Disposal

1. The campground owner and/or operator shall be responsible for satisfactory storage, collection and disposal of all solid waste, garbage, and refuse.

2. Refuse, including garbage, shall be collected, stored, and disposed of properly so the campground is clean and litter free. Refuse shall not accumulate in a manner that could:
 - a. Result in rodent harborage or promote insect breeding; or
 - b. Cause a fire, safety, or health hazard.
3. Each dumpster in a campground shall be covered with a tight-fitting lid.
4. Garbage and refuse collection and disposal shall occur at least once a week or more often when necessary.
5. Community dumpsters shall be at least twenty-five (25) feet from any campsite.

H. Emergency equipment and services

1. Telephone service shall be made available to all campers, and access shall be provided at all times to such service for emergency use.
2. A register containing the name and home address of the campsite occupant and the dates of arrival and departure must be maintained and available for inspection by the department or the local health officer.

SECTION IV RIGHT OF ENTRY

- A. The department or the local health officer may enter public or private property at reasonable times and, upon presentation of credentials, to do any of the following:
 1. Inspect facilities, equipment, or records.
 2. Investigate allegations, conduct tests, or collect samples.
 3. Obtain information necessary to the issuance of a permit pursuant to this rule.
 4. Determine whether any person is subject to, or in violation of, this rule or a permit issued pursuant to this rule.

SECTION V INSPECTION FEES

- A. An inspection fee, of the amount specified in the Hendricks County Board of Health Ordinance for Collection of Fees, shall be paid to the Hendricks County Health Department if an inspection of a temporary campground results in verification of a violation of this Ordinance or of applicable State law.
- B. Payment of such fee is due within 30 days of invoice by the Hendricks County Health Department.
- C. Any campground where outstanding or unpaid fees or penalties are due is in violation of this Ordinance.

SECTION VI COMPLIANCE AND ENFORCEMENT

- A. A temporary campground in violation of this Ordinance may not operate in Hendricks County.
- B. Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.
- C. If the violation is not satisfactorily abated within the specified time, a notice regarding operation without a permit shall be served in the same manner as specified for initial notices, and the matter shall be referred to the attorney for the Hendricks County Health Department or the county prosecutor for appropriate legal action as specified in *Section VII* of this Ordinance.

SECTION VII ENFORCEMENT AND PENALTIES

- A. In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.
- B. The department may commence an action under IC16-20-1-25, IC16-20-1-26 and IC 4-21.5-3-6, or IC 4-21.5-3-8 against a campground operator who:
1. fails to comply with this rule; or
 2. interferes with or obstructs the department or its designated agent in the performance of duties pursuant to this rule.
- C. Any person or persons who shall continue to violate any section of this Ordinance, beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

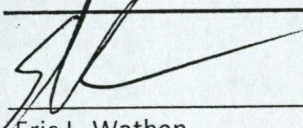
SECTION VIII UNCONSTITUTIONALITY CLAUSE

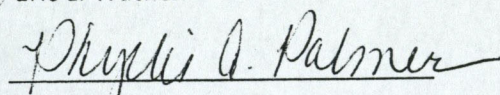
Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

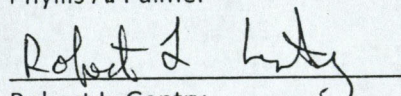
SECTION IX REPEAL AND DATE OF EFFECT

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 26th date of April, 2011.

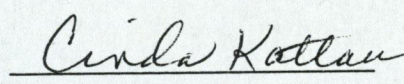
BOARD OF COMMISSIONERS


Eric L. Wathen


Phyllis A. Palmer


Robert L. Gentry

ATTEST:


Cinda Kattau

Hendricks County Auditor

ORDINANCE NO. 2011 – 10

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the 26th day of April, 2011 at approximately 9:30 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 2010 – 10 enacted by the Board of Commissioners of Hendricks County, Indiana be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided) \$5.00 per child
(No charge if the patient is unable to pay)

Child Health Clinic \$1.00 per child

Immunizations, tests and blood
screens (county purchased).

Prices shall be based on cost of supplies,
vaccines and other necessary
components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy)	\$ 10.00
Legitimization	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00
Genealogy search (per name)	\$ 3.00
Plastic wallet size BC sleeve	\$1.00

2. Death Records

Death Certificate (per copy)	\$ 10.00
------------------------------	----------

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review	\$125.00
Pre-opening inspections (for 3rd and subsequent visits)	\$ 50.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only	\$ 75.00 per year
Minimal food preparation	\$175.00 per year
Extensive handling of raw ingredients	\$250.00 per year
Additional Fee for Late Renewal	\$ 50.00 per application
Pushcart with all food prepackaged	\$ 25.00 per unit per year
Mobile Retail Food Establishment with no food preparation	\$ 40.00 per unit per year
Mobile Retail Food Establishment with food preparation	\$ 75.00 per unit per year
Temporary Food Establishments	\$ 25.00 per event
Additional Fee for Late Application	\$ 25.00 per application
Bed and Breakfast Establishments	\$ 50.00 per year
Farmer's Market Vendor (no Potentially Hazardous Food)	\$ 25.00 per year at one location (maximum \$ 75.00 per year)
Farmer's Market Vendor (with Potentially Hazardous Food)	\$ 75.00 per year at one location (maximum \$225.00 per year)

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

Gravity trench system	\$ 75.00
Pump assisted trench system	\$125.00
Sand Mound	\$200.00
System other than those listed above	\$250.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance

Record of Health Inspection available –

Record dated January 1, 2000 to present no charge

Record dated prior to January 1, 2000 \$ 25.00

No Health Inspection record available \$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground

Temporary Campground Inspection	\$ 50.00 per visit
---------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for each additional public pool (same location/owner) \$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

G. Tattoo Operations

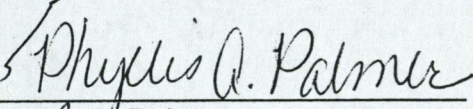
Fixed or mobile facility	\$50.00 per booth/station per year \$250.00 per year maximum
Issued after June 30 th (to December 31 st)	Half of annual fee
Temporary Tattoo Event	\$75.00 per event plus \$50.00 per booth/station
Late Renewal Fee	\$50.00

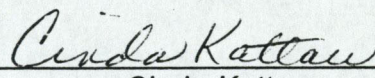
SECTION IV. REPEAL AND DATE OF EFFECT

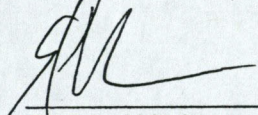
In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county. Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made. Any failure to obtain a permit and/or payment of the fee shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect after its passage and approval accordingly. If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment. Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 26th day of April, 2011.

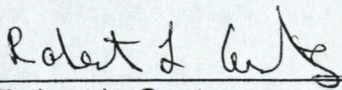
BOARD OF COMMISSIONERS:

ATTEST:


Phyllis A. Palmer


Cinda Kattau
Hendricks County Auditor


Eric L. Wathen


Robert L. Gentry

ORDINANCE NO. 2010 - 28

**ORDINANCE NO. 2010 - HENDRICKS COUNTY REGIONAL SEWER DISTRICT
ORDINANCE FOR COLLECTION OF FEES AND CHARGES**

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates.

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges.

WHEREAS, I.C. 13-26-11, et Seq., grants certain powers to the District dealing with the collection of rates and charges.

WHEREAS, the Board of Trustees of the District finds and determines that is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District rates and charges schedule Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Collecting Rates and Charges," Ordinance No. 2001 – be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area.
3. These rates amend and supersede the rates and charges adopted in Ordinance 1995-28, and in District Ordinance 2001-32.
4. This Ordinance does not alter any Regional Sewer District agreement in existence as of December 10, 2001 including the following:

<u>Agreement</u>	<u>Dated</u>
Raceway Water Conservancy District	October 13, 1997
Oakhurst Realty, LLC	November 3, 1997
MAC Storage Company, an Ohio Corporation DBA: Broadacre MHP	December 28, 1998
Mobile Home Park Associates, DBA: Lake of Lanterns	December 20, 1999

5. All rates and charges adopted hereby become of full force and effect as described. The Monthly Service Reservation Fees will be initiated on December 10, 2002, and will be applicable to all allocations existing as of December 10, 2001, including wasteload reservations made between October 8, 2001 and December 10, 2001. The District will assess Monthly Service Reservation Fees, applicable to wasteload allocations reserved after November 1, 2001, beginning one year from the date of Wasteload Allocation.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

HENDRICKS COUNTY REGIONAL SEWER DISTRICT FEES

Application Fees:

Wasteload	\$100.00
On-Site Sewer Construction Permit	\$100.00

Capacity Fees:

The Capacity Fee for all commercial and residential wasteload allocations shall be:

Capacity Fee:	\$3,900/EDU
---------------	-------------

The entire Capacity Fee is due and payable prior to the issuance of a wasteload allocation letter.

For all residential wasteload allocations requested prior to July 1, 2007, one-third of the connection fee is due and payable prior to issuance of wasteload allocation. The other two-thirds of the connection fee shall be due prior to the issuance of a construction permit.

Interceptor Fees:

The Interceptor Fee for all commercial and residential wasteload allocations shall be:

Interceptor Fee	\$1,550 per EDU
-----------------	-----------------

The entire Interceptor Fee is due and payable prior to the issuance of a wasteload allocation letter.

Monthly Service Fees:

Monthly Service Fee:	\$45.00 per EDU
Monthly Service Reservation Fee, if applicable:	\$25.00 per EDU

Inspection Fees:

Wastewater Facility Construction:	\$90.00/hour
Acceptance of Facilities (post construction):	\$90.00/hour
Inspection Fee (service lateral):	\$175.00

Plan Review Fees:

Wasteload Allocation	\$125.00/hour
----------------------	---------------

Miscellaneous Fees:

Late Payment Penalty Fee:	10% of unpaid current charges
Returned Check Fee:	\$25.00
Disconnect/Reconnect Fee:	\$125.00
Lien Charges:	Cost of attachment of lien plus the amount of fees owed.

Industrial Waste Discharge Permit (Non-Domestic):

Annual Discharge Permit Fee
Laboratory Testing Charges
Excess Strength Wastewater

\$5,000.00
*Actual Charge plus 15% handling
10% surcharge per lb. of total cost to
treat BOD, TSS and NH₃*

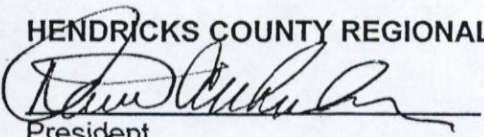
Note: Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set forth by the United States of America Environmental Protection Agency. Examples include significant users of 25,000-gallons/day flow or by categorical classification.

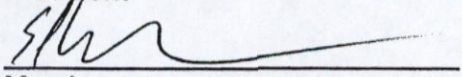
The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from excess waste strength fees, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

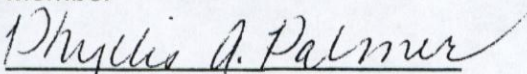
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana, on this 3rd day of NOVEMBER, 2010.

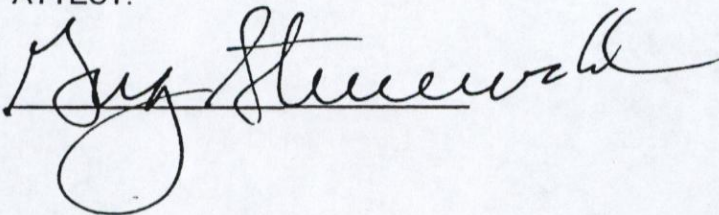
HENDRICKS COUNTY REGIONAL SEWER BOARD


President


Member


Member

ATTEST:



28A

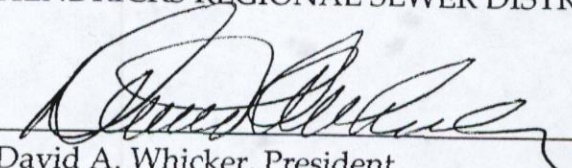
AMENDMENT TO ORDINANCE NO. 2010-05

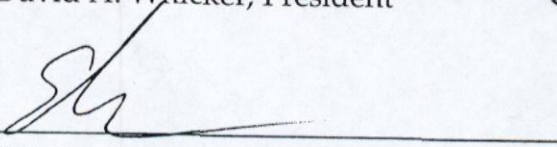
WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-6-2, et. seq.; and

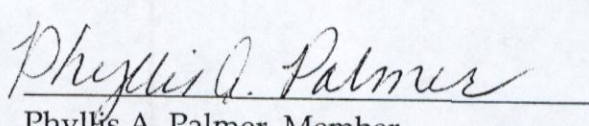
WHEREAS, the District wants to change the effective date of Ordinance 2010-05;

NOW, THEREFORE, be it ordained by the District that effective date of the Ordinance 2010-05²⁸ is to be and is here now the 1st day of February, 2011.

HENDRICKS REGIONAL SEWER DISTRICT

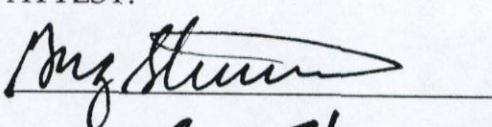

David A. Whicker, President


Eric L. Wathen, Vice President


Phyllis A. Palmer, Member

Dec 21, 2010
CLK

ATTEST:



Printed: Greg Steuerwald

ORDINANCE NO. 2010 - 10

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the 23rd day of February, 2010 at approximately 9:00 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 2007 – 27 enacted by the Board of Commissioners of Hendricks County, Indiana be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided) \$0.50 per vaccine
(No charge if the patient is unable to pay)

Child Health Clinic \$1.00 per child

Immunizations, tests and blood
screens (county purchased). Prices shall be based on cost of supplies,
vaccines and other necessary
components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy) \$ 5.00

Legitimization \$10.00

Affidavit of Amendment \$10.00

Paternity Affidavits \$25.00

Genealogy search (per name) \$ 3.00

2. Death Records

Death Certificate (per copy) \$ 5.00

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review \$125.00

Pre-opening inspections (for 3rd and subsequent visits) \$ 25.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only \$ 75.00 per year

Minimal food preparation \$175.00 per year

Extensive handling of raw ingredients \$250.00 per year

Late Renewal Fee \$ 50.00 per application

Pushcart with all food prepackaged \$ 25.00 per unit per year

Mobile Retail Food Establishment with no food preparation \$ 40.00 per unit per year

Mobile Retail Food Establishment with food preparation \$ 75.00 per unit per year

Temporary Food Establishments \$ 25.00 per event

Late Application Fee \$ 25.00 per application

Bed and Breakfast Establishments \$ 50.00 per year

Farmer's Market Vendor (no Potentially Hazardous Food) \$ 25.00 per year at one location
(maximum \$ 75.00 per year)

Farmer's Market Vendor (with Potentially Hazardous Food) \$ 75.00 per year at one location
(maximum \$225.00 per year)

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

New and Replacement - gravity system	\$ 75.00
New and Replacement - pump assisted system	\$125.00
New and Replacement - Sand Mound or other system	\$200.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance	
Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground License

Temporary Campground License	\$ 40.00 per event
------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for each additional public pool (same location/owner) \$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

G. Tattoo Operations

Fixed or mobile facility

\$50.00 per booth/station per year

\$250.00 per year maximum

Issued after June 30th (to December 31st)

Half of annual fee

Temporary Tattoo Event

\$75.00 plus \$50.00 per booth set up

Late Renewal Fee

\$50.00

SECTION IV. REPEAL AND DATE OF EFFECT

In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made.

Any failure to obtain a permit and/or payment of the fee shall be considered a violation of this ordinance.

Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

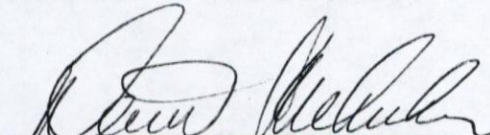
This ordinance shall be in full force and effect from and after its passage and approval accordingly.

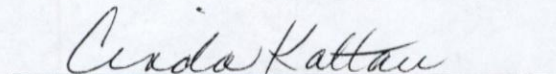
If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

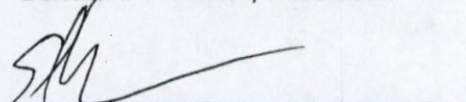
Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 23rd day of February, 2010.

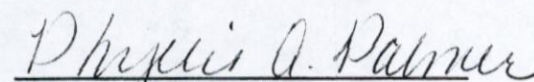
BOARD OF COMMISSIONERS:

ATTEST:


David A. Whicker, President


Cinda Kattau
Hendricks County Auditor


Eric L. Wathen, Vice President


Phyllis A. Palmer, Member

ORDINANCE NO. 2010 – 09

HENDRICKS COUNTY

TATTOO, PIERCING, and BODY MODIFICATION ORDINANCE

I. Definitions

- A. In addition to the Definitions in 410 IAC 1-5, the following definitions apply throughout this Ordinance.
1. "Artist" refers to a person employed by an Establishment to perform body piercing, body modification or to affix a permanent tattoo to an individual. This includes those defined as "body piercer" or "tattoo artist" by 410 IAC 1-5, and any person who performs boring, penetration or tunneling through the body of a Client.
 2. "Body Modification" means any tattoo, body piercing, or other penetrating body art, or the use of needles, scalpels or other medical devices to insert devices or modify the body for the purpose of adornment. This does not include henna tattoos or other surface adornment.
 3. "Branding" means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
 4. "Client" is a person or patron who receives tattooing, body piercing or body modification services.
 5. "Establishment" is a location where body piercing, body modification and/or tattooing are performed. This includes a Facility as defined by 410 IAC 1-5 and includes temporary and mobile establishments.
 6. "Health Department" means the Hendricks County Health Department having jurisdiction in Hendricks County, Indiana.
 7. "Health Officer" means the duly appointed Health Officer having jurisdiction in Hendricks County, Indiana.
 8. "Implanting" is a surgical procedure involving the placement of an object or multiple objects under the skin to mold or shape the skin outwardly for a particular appearance.
 9. "Mobile Establishment" means a tattoo, body piercing, or body modification establishment that is wheeled; mounted on a vehicle; or otherwise readily movable; that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.
 10. "Operator" means any person who controls, operates, conducts, manages, or owns any Establishment or who organizes any temporary event.
 11. "Scarification" means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.
 12. "Suspension" means hanging the body from (or partially from) hooks that are placed by body piercing.
 13. "Temporary Establishment" means an Establishment located within a permanent structure that operates for a period of no more than fourteen consecutive days for the purposes of product demonstration, industry trade show, or education.
 14. "Tongue splitting" means tongue bifurcation or a type of body modification in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.

II. General Requirements

B. No person shall do any of the following:

1. Operate a business that offers tattooing, body-piercing, or other body modification services, unless the Hendricks County Health Department has issued a permit to the business under this Ordinance, and the business is in compliance with 410 IAC 1-5.
2. Perform a tattooing, body-piercing, or other body modification procedure in a manner that does not meet the requirements of this Ordinance, 410 IAC 1-5, and IC 35-42-2-7.

III. Physical Facilities

- A. In addition to the requirements of 410 IAC 1-5, all tattoo, body piercing, or other body modification establishments must comply with the following:
1. The premises in which tattooing and/or body piercing shall be conducted in an enclosed building. Each artist station shall be reasonably separated from each other and from waiting Clients or observers.
 2. Tattoo, body piercing, and other body modification establishments shall be equipped with artificial light sources equivalent to at least twenty foot-candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.
 3. All walls and floors near equipment used for tattooing, body-piercing or other body modification activities shall be smooth, nonabsorbent and easily cleanable surface and be maintained in a sanitary manner at all times.
 4. All tables and other equipment shall be constructed with a smooth, nonabsorbent and easily cleanable finish. If used, disposable table paper shall be changed between Clients.
 5. Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight-fitting screens.
 6. Restroom facilities shall be available to employees at all times the establishment is open for operation. The restroom shall be equipped with a toilet, toilet paper, hand sink supplied with warm running water, liquid soap, paper towels in dispensers or hand dryers, and a waste receptacle.
 7. A hand sink supplied with running water at a temperature of 100–120 degrees Fahrenheit, liquid soap, paper towels in dispensers, and a waste receptacle shall be located in close proximity of each Artist's station and shall be readily accessible and available without passing through any door or barrier. In a Temporary Establishment, one hand sink shall serve no more than six Artists' stations.
 8. Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized within the restroom.

IV. Operator and Artist Responsibilities

- A. In addition to the requirements of 410 IAC 1-5 and 29 CFR 1910.1030, the Establishment Operator shall ensure the following:
1. The use of properly calibrated autoclave sterilization units on all reusable items and monthly spore testing of the autoclave are mandatory. A copy of the results of all spore tests must be submitted to the Health Department upon receipt of each test report.
 2. A copy of all applicable regulations must be retained on premises
 3. The following records must be maintained by all Operators for at least two (2) years:
 - a) a government issued ID with a photo and date of birth on each Client
 - b) If the Client is under age 18, parental consent forms.
 - c) With respect to tattooing services, written records must also include the professional tattooing ink used for each tattoo performed.

4. Verbal and written instructions for the aftercare of the tattoo or other body modification shall be provided to each Client or legal guardian if Client is under eighteen (18). The written public education materials shall:
 - a) advise the Client to consult a physician or dentist as appropriate at the first sign of infection,
 - b) shall contain the name, address and phone number of the establishment, and
 - c) shall be signed and dated by the Artist and the Client, with a copy given to the Client.
5. The following information shall be kept on file on the premises of a body modification establishment and available for inspection by the Health Department:
 - a) Full names, date of birth, gender, and identification photos of all Operators/Artists; and
 - b) Each Artist and Operator should be able to provide documentation of the following information upon request of the Health Department: that each Artist and Operator has either completed or been offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons.
6. Before and after performing tattoos, body piercing, or other body modification procedures the Artist must thoroughly wash hands in warm running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants. Single-use, disposable paper products are to be used.

V. Additional Requirements for Mobile Units

- A. In addition to all other requirements in this Ordinance and 410 IAC 1-5, all mobile Establishments must meet the following:
 1. Tattooing and/or body-piercing performed pursuant to this section shall be done only from inside an enclosed unit.
 2. The mobile unit shall be used only for the purpose of performing tattoos, body-piercing, or body modification procedures. No habitation or cooking is permitted inside the mobile unit.
 3. An adequate supply of potable water shall be maintained for the mobile unit at all times during operation.
 4. All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifteen (15) percent greater than the capacity of the on board potable water supply. Liquid wastes shall be disposed of in accordance with all applicable regulations at a site approved by the Health Department.
 5. A mobile unit must receive an initial inspection at a location specified by the Health Department prior to permit issuance to insure compliance with requirements. Additional inspections may be performed at any location where the mobile unit is operating.

VI. Prohibited Acts

- A. The following activities are strictly prohibited:
 1. Tongue splitting,
 2. Tattoo removal, and
- B. The following activities are strictly prohibited to minors (under age 18).
 1. branding,
 2. implanting,
 3. suspension,
 4. scarification and
 5. piercing of the genitalia or nipples

VII. Exceptions

- A. Ear lobe piercing and medical procedures performed by a State Licensed Medical Practitioner are exempt from this Ordinance.

VIII. Permits

A. General:

- 1. No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate an Establishment unless it has first received a valid permit from the Hendricks County Health Department.
- 2. The valid permit shall be prominently displayed in the Establishment and shall not be defaced or altered in any manner.
- 3. Only Establishments who comply with the provisions of 410 IAC 1-5, as well as all applicable provisions of this Ordinance shall be entitled to obtain and keep a permit.
- 4. A separate permit shall be required for each Establishment, mobile unit, and/or Temporary Establishment.
- 5. An Establishment Permit shall not be transferable from one Establishment or Operator to another.

B. Permit Period:

- 1. A Permit for an Establishment shall be issued for a term beginning January 1, or the date of commencement of operation, and expiring December 31, of the same year, and shall be applied for by the Operator annually.
- 2. A permit for a Temporary Establishment shall be issued for 14 days or less and for the duration of a single event at a single location.

IX. Revocation of Permit

- A. The Health Officer may revoke the permit of any Establishment for any violation of this Ordinance, IC 35-42-2-7, 29 CFR 1910.1030, 410 IAC 1-5, other applicable local, state or federal regulation.
- B. The revocation shall be effective immediately upon issuance by the Health Officer.
- C. The Health Officer may reinstate the Establishment permit upon satisfactory compliance with this Ordinance, IC 35-42-2-7, 29 CFR 1910.1030, 410 IAC 1-5, other applicable local, state or federal regulation.
- D. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 et. seq.

X. Application for Plan Review/ Application for Permit

- A. The Operator of a proposed Establishment, mobile unit, or Temporary Establishment shall submit the following to the Health Department at least 30 days prior to scheduling the pre-operational inspection by the Health Department, and 30 days prior to the proposed first day of operation:
 - 1. Properly prepared plans and specifications for review and approval before the construction or conversion of an existing structure for the use as an Establishment
 - 2. Proof of contract with infectious waste removal company
 - 3. Copy of bloodborne pathogen training for all employees
 - 4. Copy of written policy to meet IOSHA Bloodborne Pathogen Standard (29 CFR 1910.1030),
- B. The plans and specifications for an Establishment shall be deemed satisfactory and approved by the Health Department before a permit can be issued.

- C. A pre-operational inspection shall be conducted to ensure that the establishment is built, remodeled, or set up in accordance with the approved plans and specifications and to assure the Establishment is in compliance with this Ordinance, and 410 IAC 1-5.
- D. Any application for a Temporary Establishment shall also include the signature of the venue owner acknowledging that the requirements of this Ordinance must be met during the temporary event.

XI. Additional Requirements for all Body Piercing/Body Modification

- A. All supplies that come into contact with the piercing station should be in "single portion" form, including, but not limited to, anti-bacterial ointments, iodine swabs, alcohol wipes, and corks, . These packages must be wiped down with a hospital level, hard surface disinfectant and air dried, prior to being stored in very clean, closed containers.
- B. All oral piercing shall be preceded by the Client performing a one-minute, vigorous application of an antiseptic mouthwash.
- C. All insertable jewelry is to be sterilized and kept in an individual sterile, closed container.
- D. All jewelry placed in new piercings must be made of one of the following, and mill certificates from the manufacturer or an independent assay must be available to prove material composition:
 - 1. Solid 14k or higher white or yellow nickel-free gold
 - 2. Surgical implant stainless steel, CrNiMo 316LVM, ASTM F-138
 - 3. Niobium
 - 4. Surgical implant grades of titanium
 - 5. Solid platinum
 - 6. Inert plastics
- E. Jewelry must have a mirror finish and be free of nicks, scratches, burrs and polishing compounds.

XII. Fees

- A. Permit Fees
 - 1. The fee for an Establishment, other than a Temporary Establishment, shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and shall be applied for by the Operator annually.
 - 2. Fees for Temporary Establishments shall be charged per Operator, and per Artist's Station.
 - 3. Permit fees for the issuance of a permit under this Ordinance to an Establishment shall be specified in the Hendricks County Health Department Ordinance for Collection of Fees.
 - 4. The fees paid under this Ordinance are not transferable or refundable. A permit may not be issued to any Establishment where outstanding or unpaid fees, or late fees, are due.
- B. Late Fees
 - 1. A late renewal fee shall be assessed as set by the Health Department for failure to renew a permit within 14 days after the expiration of the permit to operate an Establishment.

XIII. Inspections

- A. The Health Department may conduct inspections of Establishments located in Hendricks County, Indiana.
- B. The results of the inspections shall be provided to the Operator.
- C. Violations noted by the Health Department shall be corrected immediately.

XIV. Penalties for Violation of Sanitary Requirements

- A. Civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.
- B. In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

XV. Unconstitutionality Clause

- A. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

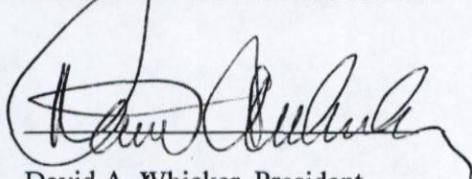
XVI. Repeal and Effective Date

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

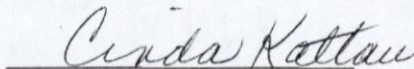
Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of February, 2010.

BOARD OF COMMISSIONERS:

ATTEST:

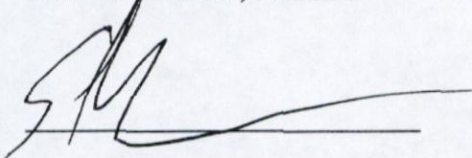


David A. Whicker, President

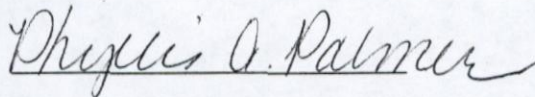


Cinda Kattau

Hendricks County Auditor



Eric L. Wathen, Vice President



Phyllis A. Palmer, Member

HENDRICKS COUNTY

FOOD ORDINANCE

ORDINANCE NO. 2010 - 08

An Ordinance pertaining to establishments requiring Permits and Permit fees for operation of a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of food and Bed and Breakfast Establishments; providing for enforcement of this Ordinance; providing for the fixing of penalties for violations of said Ordinance; and providing for incorporation by reference the following statutes and rules: Retail Food Establishment Sanitation Requirements Title 410 Indiana Administrative Code (IAC) 7-24 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5, Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, IC 16-42-5.2, 410 IAC 7-21, 410 IAC 7-22, and 410 IAC 7-23.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

DEFINITIONS

Bed and Breakfast Establishment - means an Operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Catering - means the preparation of food in an approved Retail Food Establishment and may include the transportation of such food for service and consumption at some other site.

Commissary - means a registered Catering establishment, restaurant, or any Retail Food Establishment in which food, food containers, or food supplies are kept, handled, prepared, packaged, or stored from which meals are catered and Mobile Retail Food Establishments or pushcarts are serviced.

Consecutive Inspection - means an inspection which occurs directly after another inspection, [e.g., an inspection occurs April 2010 and the next inspection occurs July 2010]. The type of inspection or period of time between inspections is not significant.

Critical Violation - means a violation that is more likely than other violations to significantly contribute to food contamination, illness, or an environmental health hazard. These may include items marked in the "C" column denoting Critical Violations on the Inspection Report form.

Farmers' Market Vendor - means a Retail Food Establishment, excluding a Mobile Food Establishment, which operates with the approval of the market master at a common facility where two (2) or more farmers or growers gather on a regular reoccurring basis to sell a variety of fruits, vegetables, and other farm products to consumers.

Habitual Non-compliance - means two or more inspections for an establishment meeting one of the following:

- (1) One (1) or more enforcement actions taken within the previous (3) years
- (2) Three (3) Consecutive Inspections documenting the same Critical Violation(s)
- (3) Four (4) Non-consecutive Inspections documenting the same Critical Violation(s)
- (4) Five (5) Consecutive Inspections documenting the same non-critical violations(s)
- (5) Six (6) Non-consecutive inspections documenting the same non-critical violations(s).

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.

Imminent Health Hazard – means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses, and nature, severity, and duration of the anticipated injury or illness.

Inspection Report – means the document prepared by the Hendricks County Health Department that is completed as a result of the inspection and provided to the Person-in-charge.

Mobile Food Establishment - means a Retail Food Establishment that is wheeled; on skids; mounted on a vehicle; a marine vessel; or otherwise readily movable; such as a pushcart or trailer that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.

Non-consecutive Inspection – means an inspection that does not occur directly after another inspection [e.g., inspections are conducted in October 2009, April 2010, July 2010; where October 2009 and July 2010 are non-consecutive inspections]. The type of inspection or period of time between inspections is not significant.

Operator – means the Person who has primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

Permit – means the document issued by the Hendricks County Health Department that authorizes a Person to operate a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment.

Person – means an association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

Person-in-charge – means the individual present at a Retail Food Establishment who is responsible for the operation at the time of inspection.

Retail Food Establishment- means an operation that:

- (1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:

- (A) A restaurant.
- (B) A satellite or catered feeding location.
- (C) A Catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
- (D) A market.
- (E) A grocery store.
- (F) A convenience store.
- (G) A conveyance used to transport people.
- (H) An institution.
- (I) A food bank.
- (J) A Commissary.
- (K) A cottage industry.
- (L) A health facility as defined in IC 16-18-2.
- (M) An assisted living facility as defined in IC 12-10-15.

(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(a) The term includes the following:

(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.

(2) An operation that is conducted in a:

- (a) mobile;
- (b) stationary;
- (c) temporary; or
- (d) permanent;

facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

(b) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A Bed and Breakfast Establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (5) A private home that receives catered or home-delivered food.
- (6) A private home.
- (7) Those exempted from the definition of "Food establishment" by IC 16-18-2.

Temporary Food Establishment - means a Retail Food Establishment that operates for a period of time no more than fourteen (14) consecutive calendar days, in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.

SECTION I APPROVAL OF PLANS

A. Submit Plan Review

All Retail Food Establishments, except for those listed under Subsection I B, that are hereafter constructed or re-constructed shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled establishment must submit a completed plan review application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection.

B. Establishments Exempt from Hendricks County Food Permit Plan Review

Regulated establishments are exempt from the plan review requirements of this Ordinance if:

- (1) The entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency, or
- (2) The establishment is a Mobile Food Establishment, or
- (3) The establishment is a Temporary Food Establishment, or
- (4) The establishment is a Farmers' Market Vendor, or
- (5) The establishment is a Bed and Breakfast Establishment.

SECTION II PERMITS

It shall be unlawful for any Person to operate a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment in Hendricks County, who does not possess a valid Permit from the Health Officer; except when the entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Permits shall be posted in a conspicuous place at the establishment at all times.

A. Only Persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit.

B. Permit duration for:

- (1) Retail Food Establishments and Bed and Breakfast Establishments shall be one year beginning from the date of issuance and shall be applied for by the establishment annually.
- (2) Mobile Retail Food Establishments shall include expiration on December 31st of the calendar year in which the permit is issued.
- (3) Temporary Food Establishments shall be for the term of one continuous event at one location. This Permit is not to exceed fourteen (14) consecutive days.
- (4) Farmers' Market Vendors permits shall expire on December 31st of the calendar year in which the Permit is issued.

C. Any Permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, duration of Permit, and other pertinent information required by the Health Officer.

D. Required Permits shall be provided by the Hendricks County Health Officer subject to a completed application, payment of fees, and compliance with all applicable state statutes, rules and regulations and local Ordinances. The applicant must be an owner and/or Operator of the Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment.

E. A late renewal fee will apply if a Permit for a Retail Food Establishment or Bed and Breakfast Establishment is not renewed by the date of expiration. Application for a Mobile Food Establishment, Temporary Food Establishment, or Farmers' Market Vendor Permit must be submitted to the Health Department at least 48 hours prior to start of the event or operation, or late application fees will apply.

F. Public events where catered food is served or prepared shall occur at a facility holding a valid Hendricks County Establishment Permit. This permitted establishment shall obtain a current copy of the caterer's local health department food Permit. If the site or the caterer is not permitted, the caterer must obtain a Temporary Food Establishment Permit for the event.

G. Any Person who desires to operate a Temporary Food Establishment in Hendricks County shall obtain from the Health Officer a Permit for a Temporary Food Establishment. Such Temporary Permit shall be provided by the Health Officer if a completed application for a Permit and appropriate fees are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

H. A Temporary Permit will not be issued to a Temporary Food Establishment in operation in one location for more than thirty (30) days in one calendar year.

I. A separate Permit shall be required for each Retail Food Establishment, Mobile Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment operated or to be operated by any Person. Any Permit issued under this Ordinance is not transferable from one Person to another, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

J. A nonrenewable provisional Permit is available for a Person taking over an existing, permitted establishment. The following conditions apply:

- (1) The provisional Permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (2) The provisional Permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (3) An annual Permit must be obtained before the expiration of the provisional Permit. The annual Permit will not be issued until all outstanding violations, if any, have been corrected and an acceptable compliance inspection by the Hendricks County Health Department is recorded.

- (4) The annual Permit shall have the anniversary date of the original date of provisional Permit.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection III B, all permitted establishments must pay Permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A receipt for the payment of such fee shall be provided by the Hendricks County Health Department. The fees paid under this Ordinance are not transferable or refundable. A Permit may not be issued to any establishment where outstanding or unpaid fees or penalties are due.

B. Permit Fee Exception

No Permit fee shall be required for a food establishment operated by a Public School as defined in IC 20-18-2, or for a food establishment owned and operated by Hendricks County Government.

SECTION IV MINIMUM REQUIREMENTS

A. General Requirements

All Retail Food Establishments, Mobile Food Establishments, Temporary Food Establishments, Farmers' Market Vendor, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-24 or 410 IAC 7-15.5. Copies of each are kept on file in the Hendricks County Health Department Office, Danville, Indiana, for public inspection.

B. Water Source

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

C. Wastewater Treatment

Each facility must have adequate wastewater treatment and disposal at all times of operation as determined by the Health Officer. In addition, sewage shall be disposed through an approved facility that is:

- (1) A public sewage treatment plant; or
- (2) An individual sewage disposal system that is:
 - (a) sized;
 - (b) constructed;
 - (c) maintained; and
 - (d) operated;according to law.

D. Responsibilities of the Operator

Upon acceptance of the Permit issued by the Hendricks County Health Department, the Operator in order to retain the Permit shall:

- (1) Comply with the provisions of this Ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
- (2) Immediately discontinue affected operations and notify the Hendricks County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;
- (3) If a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Hendricks County Health Department before resuming operations;
- (4) Allow representatives of the Hendricks County Health Department access to all parts of the Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment at all reasonable times; to collect evidence and/or exhibits; and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance;
- (4) Comply with the directives of the Hendricks County Health Department including time frames for corrective actions specified in Inspection Reports, notices, orders, warnings, and other directives issued by the Hendricks County Health Department in regard to the Operator's Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, Bed and Breakfast Establishment, property or facility, or in response to community emergencies;
- (5) Accept notices issued and served by the Hendricks County Health Department;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Ordinance or a directive of the Hendricks County Health Department.

SECTION V **SALE, EXAMINATION, AND CONDEMNATION OF**
UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any Person to sell through a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or Operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the Operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI **INSPECTIONS**

A. Schedule of Inspection

The Health Officer may establish an inspection schedule, the frequency of which is at the discretion of the Health Officer. The schedule will be based on public health risk associated with the establishment's menu; type of operation including the methods and extent of food storage, preparation, and service; the number of people served; and past performance.

B. Procedure when Violations Are Noted

If during an inspection of any establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order in the form of an Inspection Report listing such violation to the Operator, or in the Operator's absence, to the Person-in-charge, and setting a date by which the violation shall be abated. A copy of the Inspection Report shall be filed with the records of the Hendricks County Health Department.

C. Public Access to Inspection Records

After the Inspection Report is completed, the establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response. The public will have access to Inspection Reports either ten (10) days after the completion of the inspection; or after a written response to the Inspection Report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The Inspection Report and related public records may be inspected and copied under IC 5-14-3 if the Hendricks County Health Department takes any of the following actions with respect to an establishment that is the subject of the records:

- (1) schedules a hearing by the local health department or designee,

- (2) orders closure,
- (3) requests revocation of a Permit,
- (4) finds the existence of an imminent danger to the public health or a gross deception of or fraud upon the consumer.

D. Refusal to Sign Acknowledgement

Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the date by which the violation shall be abated.

SECTION VII COMPLIANCE AND ENFORCEMENT

A. Application Denial

If an application for a Permit to operate a Retail Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the Permit; and

Notice of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

B. Follow-up Inspection - Health Officer Response to Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, Person, or employee is violating any provisions of this Ordinance which were in violation on the previous inspection concerning which a written order was issued, and the date by which the violation shall be abated has passed, the Health Officer may do any or all of the following:

- (1) Offer the alleged violator an opportunity to enter into an agreed order providing for:
 - (a) the actions required to correct the violation; and
 - (b) if appropriate, the payment of a civil penalty.

The Health Officer is not required to extend the offer for more than thirty (30) days.

- (2) Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the Permit issued under the provision of Section II should not be revoked.
- (3) Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

C. Suspension of Permit

Any Permit issued under this Ordinance may be temporarily suspended by the Health Officer, without notice or hearing, for a period not to exceed thirty (30) days if the Health Officer determines through inspection, or examination of employee, food, records, or other means as specified in this Ordinance, that an Imminent Health Hazard exists.

D. Revocation of Permit

The Health Officer may revoke the Permit and promptly give written notice of the action to the permittee due to any of the following:

- (1) Upon a meeting with the Operator, as described in Subsection VII B(2), if the Operator should fail to show cause why their Permit should not be revoked;
- (2) Interference with the Health Officer in the performance of their duties;
- (3) Habitual Non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Permit Reinstatement

Any Person whose Permit has been suspended or revoked may, at any time, make application with demonstration of compliance to the Health Officer for reinstatement of his/her Permit.

SECTION VIII APPEALS SECTION

Any Person(s) aggrieved by an application denial, as described in Subsection VII A, or revocation of Permit, as described in Subsection VII D, shall be entitled to a review of the final order before the Hendricks County Health Board by filing a written request therefore with the Health Officer. The written request must be mailed certified or hand delivered to Health Officer; 355 South Washington Street #210; Danville, IN 46122 and must be received within fifteen (15) days after such final order is issued.

Upon the Health Officer's receipt of such request, the Hendricks County Health Board shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof to the aggrieved Person. (A shorter period of time may be granted, if requested by either party and agreed upon.)

The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the Permit application or such other address as the Person shall designate in the letter, of request to the Health Officer.

The Hendricks County Health Board establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.

The minutes from the hearing may act as the final order or determination of this matter. This completes the Appeals procedure.

SECTION IX INSPECTION OF TEMPORARY and FARMERS' MARKET VENDOR FOOD ESTABLISHMENTS

A. Schedule of Inspection

The Health Officer may establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any Temporary Food Establishment or Farmers' Market Vendor the Health Officer discovers a violation of the requirements of this Ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit for Continued Operation

Upon failure of any Person maintaining or operating a Temporary Food Establishment or Farmers' Market Vendor to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the Permit of the establishment and to forbid the further sale or serving of food therein.

D. Temporary Food Establishment or Farmers' Market Vendor Application Denial

If an application for a Permit to operate a Temporary Food Establishment or as a Farmers' Market Vendor is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the application and/or Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the application and/or Permit.

SECTION X PENALTIES

1. Certification of Food Handler Requirements Penalties

Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed for violations of Indiana Administrative Code 410 IAC 7-22:

<i>Indiana Code (IC) Section</i>	<i>Penalty Range</i>
<i>Section 15(a), (b), (c), (d), (e), and (f) [Section 15(a) through 15(f) of 410 IAC 7-22]</i>	<i>\$0-100 per day per violation</i>
<i>Section 16(a) of 410 IAC 7-22</i>	<i>\$0-100 per day per violation</i>
<i>Section 16(b) 410 IAC 7-22</i>	<i>\$0-50 per day per violation</i>
<i>Section 17(a), 1, 2, 3 and 4 [Section 17(1) through 17(4) of 410 IAC 7-22]</i>	<i>\$0-100 per day per violation</i>

2. Civil Penalties

(a) The Hendricks County Health Department may commence an action, under IC 16-42-5-28, to levy civil penalties against a Person who:

- (1) fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or
- (2) interferes with or obstructs the Hendricks County Health Department or its designated agent in the performance of duties under IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Hendricks County Health Department will consider, but is not limited to, the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) Degree of willfulness or negligence.
- (4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

<i>INDIANA CODE (IC) SECTION</i>	<i>PENALTY RANGE</i>
<i>IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21</i>	<i>\$0 to \$1,000</i>
<i>IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20</i>	<i>\$0 to \$500</i>
<i>IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22</i>	<i>\$0 to \$100</i>

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-24, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-24</i>	<i>PENALTY RANGE</i>
<i>107; 121, 129; 139; 142; 165; 171; 182; 269; 376; 423</i>	<i>\$0-\$500</i>
<i>108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450</i>	<i>\$0-\$250</i>
<i>113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436</i>	<i>\$0-\$100</i>
<i>119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287;</i>	<i>\$0-\$50</i>

288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451	
--	--

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-21</i>	<i>PENALTY RANGE</i>
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	\$0-\$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	\$0-\$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	\$0-\$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	\$0-\$100

(g) After re-inspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Hendricks County Health Department, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Hendricks County Health Department, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Hendricks County Health Department, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the Person found in violation has requested re-inspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for re-inspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Hendricks County Health Department may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in this Ordinance.

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.

In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION XI UNCONSTITUTIONALITY CLAUSE

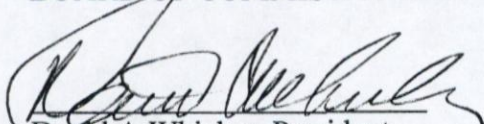
Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

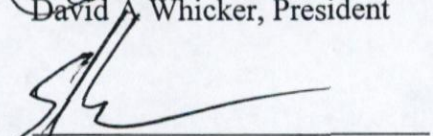
SECTION XII REPEAL AND DATE OF EFFECT

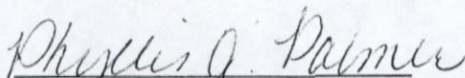
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of February, 2010.

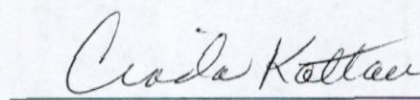
BOARD OF COMMISSIONERS:


David A. Whicker, President


Eric L. Wathen, Vice President


Phyllis A. Palmer, Member

ATTEST:


Cinda Kattau
Hendricks County Auditor

ORDINANCE NO. 2010 - 05
HENDRICKS COUNTY REGIONAL SEWER DISTRICT
ORDINANCE FOR FEES AND CHARGES
EXIT 59 SERVICE AREA

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et.seq.; and

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates; and

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges; and

WHEREAS, I.C. 13-26-11, et.seq. grants certain powers to the District dealing with the establishment and collection of rates and charges; and

WHEREAS, the Board of Trustees of the District finds and determines that it is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable;

NOW, THEREFORE: be it ordained by the Board of Trustees of the District rates and charges schedule Ordinance entitled "*Hendricks County Regional Sewer District Ordinance for Rates and Charges, Ordinance No.: 2010- 05*" be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area known as the Exit 59 Service Area.
3. These rates amend and supersede the rates and charges adopted in Ordinance 1995-28, and in ordinance 2001-32 for the Exit 59 service area.
4. All rates and charges adopted hereby become of full force and effect as described.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

HENDRICKS COUNTY REGIONAL SEWER DISTRICT FEES
PERTAINING TO EXIT 59 SERVICE AREA

Application Fees

Wasteload Allocation	\$ 100.00
Wastewater Facility Construction	\$ 100.00
One-Site Sewer Construction Inspection Permit	\$ 100.00

Construction Fees:

Service Fee for all commercial construction and residential construction after adoption of this ordinance shall be:

Connection Fee per EDU	\$ 6,000.00
------------------------	-------------

The entire connection fee is due and payable prior to issuance of wasteload allocation.

Fees:

Monthly Service Fee per EDU	\$ 76.00
-----------------------------	----------

Inspection Fees

Wastewater Facility Construction	\$ 90.00/Hour
Acceptance of Facilities	\$ 90.00/Hour
On-Site Sewer Construction	\$ 90.00/Hour

Plan Review Fees

Wasteload Allocation	\$ 115.00/Hour
On site Sewer Construction	\$ 115.00/Hour

Miscellaneous Fees per EDU

Returned Check Fee	\$ 25.00
Monthly Late Payment Fee	\$ 20.00

Security Device Replacement Fee

Actual Cost (\$100.00 Minimum)

Lien Charges

Cost of attachment of lien, plus one and one-half times the amount of fees owed

Industrial Waste Discharge Permit (Non-Domestic)

Annual Discharge Permit Fee

\$ 5,000.00

Laboratory Testing Charges

Actual Charges plus 15% Handling

Excess Strength Wastewater

10% Surcharge per lb of total cost to
treat BOD, TSS and NH-3

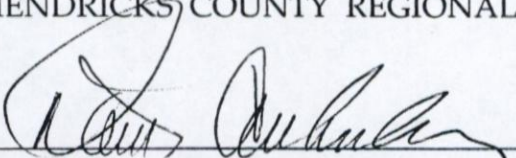
NOTE: Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set for by the United States of America Environmental Protection Agency. Examples include significant users of 25,000 - gallons/day flow or by categorical classification.

The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from excess waste strength fees, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

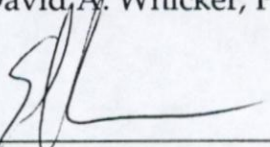
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

PASSED AND ADOPTED by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana on this 2 day of February, 2010.

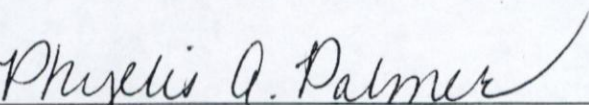
HENDRICKS COUNTY REGIONAL SEWER BOARD



David A. Whicker, President

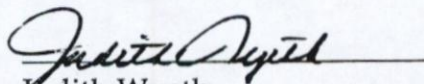


Eric L. Wathen, Vice President



Phyllis A. Palmer, Member

ATTEST:


Judith Wyeth

HENDRICKS COUNTY

FOOD ORDINANCE

ORDINANCE NO. 2007- 28

An Ordinance pertaining to establishments requiring Permits and Permit fees for operation of a Retail Food Establishment, Temporary Food Establishment, Mobile Food Establishment, or Bed and Breakfast Establishment; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of food and Bed and Breakfast Establishments; providing for enforcement of this Ordinance; providing for the fixing of penalties for violations of said Ordinance; and providing for incorporation by reference the following statutes and rules: Retail Food Establishment Sanitation Requirements Title 410 Indiana Administrative Code (IAC) 7-24 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5, Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, 410 IAC 7-21-47, 410 IAC 7-22, and 410 IAC 7-23.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

DEFINITIONS

Bed and Breakfast Establishment - means an Operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Catering - means the preparation of food in an approved Retail Food Establishment and may include the transportation of such food for service and consumption at some other site.

Commissary - means a registered Catering establishment, restaurant, or any Retail Food Establishment in which food, food containers, or food supplies are kept, handled, prepared, packaged, or stored from which meals are catered and Mobile Retail Food Establishments or pushcarts are serviced.

Consecutive Inspection - means an inspection which occurs directly after another inspection, [e.g., an inspection occurs April 2007 and the next inspection occurs July 2007]. The type of inspection or period of time between inspections is not significant.

Critical Violation - means a violation that is more likely than other violations to significantly contribute to food contamination, illness, or an environmental health hazard. These may include items marked in the "C" column denoting Critical Violations on the Inspection Report form.

Habitual Non-compliance - means two or more inspections for an establishment meeting one of the following:

- (1) One (1) or more enforcement actions taken within the previous (3) years
- (2) Three (3) consecutive inspections documenting the same critical violation(s)

- (3) Four (4) non-consecutive inspections documenting the same critical violation(s)
- (4) Five (5) consecutive inspections documenting the same non-critical violations(s)
- (5) Six (6) non-consecutive inspections documenting the same non-critical violations(s).

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.

Imminent Health Hazard – means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses, and nature, severity, and duration of the anticipated injury or illness.

Inspection Report – means the document prepared by the Hendricks County Health Department that is completed as a result of the inspection and provided to the Person-in-charge.

Mobile Retail Food Establishment - means a retail food establishment that is wheeled; on skids; mounted on a vehicle; a marine vessel; or otherwise readily movable; such as a pushcart or trailer that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.

Non-consecutive Inspection – means an inspection that does not occur directly after another inspection [e.g., inspections are conducted in October 2006, April 2007, July 2007; where October 2006 and July 2007 are non-consecutive inspections]. The type of inspection or period of time between inspections is not significant.

Operator – means the Person who has primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

Permit – means the document issued by the Hendricks County Health Department that authorizes a Person to operate a Bed and Breakfast Establishment, Retail Food Establishment, Mobile Retail Food Establishment, or Temporary Food Establishment.

Person – means an association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

Person-in-charge – means the individual present at a Retail Food Establishment who is responsible for the operation at the time of inspection.

Retail Food Establishment- means an operation as follows that:

(1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:

(A) A restaurant.

(B) A satellite or catered feeding location.

(C) A Catering operation if the operation provides food directly to a consumer or to a

- conveyance used to transport people.
- (D) A market.
- (E) A grocery store.
- (F) A convenience store.
- (G) A conveyance used to transport people.
- (H) An institution.
- (I) A food bank.
- (J) A Commissary.
- (K) A cottage industry.
- (L) A health facility as defined in IC 16-18-2.
- (M) An assisted living facility as defined in IC 12-10-15.

(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(a) The term includes the following:

(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.

(2) An operation that is conducted in a:

- (a) mobile;
- (b) stationary;
- (c) temporary; or
- (d) permanent;

facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

(b) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (5) A Bed and Breakfast Establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (6) A private home that receives catered or home-delivered food.
- (7) A private home.

Temporary Food Establishment - means a Retail Food Establishment that operates for a period of time no more than fourteen (14) consecutive calendar days, in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.

SECTION I APPROVAL OF PLANS

A. Submit Plan Review

All Retail Food Establishments, except for those listed under Subsection I B, that are hereafter constructed or re-constructed shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled establishment must submit a completed plan review application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection.

B. Establishments Exempt from Hendricks County Food Permit Plan Review

Regulated establishments are exempt from the plan review requirements of this Ordinance if:

- (1) The entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency, or
- (2) The establishment is a Bed and Breakfast Establishment, or
- (3) The establishment is a Mobile Retail Food Establishment, or
- (4) The establishment is a Temporary Food Establishment.

SECTION II PERMITS

It shall be unlawful for any Person to operate a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment in Hendricks County, who does not possess a valid Permit from the Health Officer; except when the entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Permits shall be posted in a conspicuous place at the establishment at all times.

A. Only Persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit.

B. Permit duration for:

- (1) Retail Food Establishments and Bed and Breakfast Establishments shall be one year beginning from the date of issuance and shall be applied for by the establishment annually.
- (2) Mobile Retail Food Establishments shall include expiration on December 31st of the calendar year in which the permit is issued.
- (3) Temporary Food Establishments shall be for the term of one continuous event at one location. This Permit is not to exceed fourteen (14) consecutive days.

C. Any Permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, duration of Permit, and other pertinent information required by the Health Officer.

D. Required Permits shall be provided by the Hendricks County Health Officer subject to a completed application, payment of fees, and compliance with all applicable state statutes, rules and regulations and local Ordinances. The applicant must be an owner and/or Operator of

the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment.

E. Public events where catered food is served or prepared shall occur at a facility holding a valid Hendricks County Establishment Permit. This permitted establishment shall obtain a current copy of the caterer's local health department food Permit. If the site or the caterer is not permitted, the caterer must obtain a Temporary Food Establishment Permit for the event.

F. Any Person who desires to operate a Temporary Food Establishment in Hendricks County shall obtain from the Health Officer a Permit for a Temporary Food Establishment. Such Temporary Permit shall be provided by the Health Officer if a completed application for a Permit and appropriate fees are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements. Application for a Temporary Food Establishment Permit must be submitted to the Health Department at least 48 hours prior to start of the event, or late application fees will apply.

G. A Temporary Permit will not be issued to a Temporary Food Establishment in operation in one location for more than thirty (30) days in one calendar year.

H. A separate Permit shall be required for each Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment operated or to be operated by any Person. Any Permit issued under this Ordinance is not transferable from one Person to another, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

I. A nonrenewable provisional Permit is available for a Person taking over an existing, permitted establishment. The following conditions apply:

- (1) The provisional Permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (2) The provisional Permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (3) An annual Permit must be obtained before the expiration of the provisional Permit. The annual Permit will not be issued until all outstanding violations, if any, have been corrected and an acceptable compliance inspection by the Hendricks County Health Department is recorded.
- (4) The annual Permit shall have the anniversary date of the original date of provisional Permit.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection III B, all permitted establishments must pay Permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A receipt for the payment of such fee shall be provided by the Hendricks County Health Department. The

fees paid under this Ordinance are not transferable or refundable. A Permit may not be issued to any establishment where outstanding or unpaid fees or penalties are due.

B. Permit Fee Exception

No Permit fee shall be required for food establishments operated by Public School Corporations as defined in Indiana Code 20-5, or for food establishments owned and operated by Hendricks County Government.

SECTION IV MINIMUM REQUIREMENTS

A. General Requirements

All Retail Food Establishments, Mobile Retail Food Establishments, Temporary Food Establishments, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-24 or 410 IAC 7-15.5. Copies of each are kept on file in the Hendricks County Health Department Office, Danville, Indiana, for public inspection.

B. Water Source

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

C. Wastewater Treatment

Each facility must have adequate wastewater treatment and disposal at all times of operation as determined by the Health Officer. In addition, sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
- (2) an individual sewage disposal system that is:
 - (a) sized;
 - (b) constructed;
 - (c) maintained; and
 - (d) operated;according to law.

D. Responsibilities of the Operator

Upon acceptance of the Permit issued by the Hendricks County Health Department, the Operator in order to retain the Permit shall:

- (1) Comply with the provisions of this Ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
- (2) Immediately discontinue affected operations and notify the Hendricks County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;
- (3) If a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Hendricks County Health Department before resuming operations;
- (4) Allow representatives of the Hendricks County Health Department access to all parts of the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment at all reasonable times; to collect evidence and/or exhibits; and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance;
- (4) Comply with the directives of the Hendricks County Health Department including time frames for corrective actions specified in Inspection Reports, notices, orders, warnings, and other directives issued by the Hendricks County Health Department in regard to the Operator's Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, Bed and Breakfast Establishment, property or facility, or in response to community emergencies;
- (5) Accept notices issued and served by the Hendricks County Health Department;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Ordinance or a directive of the Hendricks County Health Department.

SECTION V SALE, EXAMINATION, AND CONDEMNATION OF
UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any Person to sell through a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act: IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or Operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that

in the case of misbranding which can be corrected by proper labeling, such food may be released to the Operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule, the frequency of which is at the discretion of the Health Officer. The schedule will be based on public health risk associated with the establishment's menu; type of operation including the methods and extent of food storage, preparation, and service; the number of people served; and past performance.

B. Procedure when Violations Are Noted

If during an inspection of any establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order in the form of an Inspection Report listing such violation to the Operator, or in the Operator's absence, to the Person-in-charge, and setting a date by which the violation shall be abated. A copy of the Inspection Report shall be filed with the records of the Hendricks County Health Department.

C. Public Access to Inspection Records

After the Inspection Report is completed, the establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response. The public will have access to Inspection Reports either ten (10) days after the completion of the inspection; or after a written response to the Inspection Report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The Inspection Report and related public records may be inspected and copied under IC 5-14-3 if the Hendricks County Health Department takes any of the following actions with respect to an establishment that is the subject of the records:

- (1) schedules a hearing by the local health department or designee,
- (2) orders closure,
- (3) requests revocation of a Permit,
- (4) finds the existence of an imminent danger to the public health or a gross deception of or fraud upon the consumer.

D. Refusal to Sign Acknowledgement

Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the date by which the violation shall be abated.

SECTION VII COMPLIANCE AND ENFORCEMENT

A. Application Denial

If an application for a Permit to operate a Retail Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the Permit; and
- (3) Notice of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

B. Follow-up Inspection - Health Officer Response to Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, Person, or employee is violating any provisions of this Ordinance which were in violation on the previous inspection concerning which a written order was issued, and the date by which the violation shall be abated has passed, the Health Officer may do any or all of the following:

- (1) Offer the alleged violator an opportunity to enter into an agreed order providing for:
 - (a) the actions required to correct the violation; and
 - (b) if appropriate, the payment of a civil penalty.

The Health Officer is not required to extend the offer for more than thirty (30) days.

- (2) Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the Permit issued under the provision of Section II should not be revoked.
- (3) Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

C. Suspension of Permit

Any Permit issued under this Ordinance may be temporarily suspended by the Health Officer, without notice or hearing, for a period not to exceed thirty (30) days if the Health Officer determines through inspection, or examination of employee, food, records, or other means as specified in this Ordinance, that an Imminent Health Hazard exists.

D. Revocation of Permit

The Health Officer may revoke the Permit and promptly give written notice of the action to the permittee due to any of the following:

- (1) Upon a meeting with the Operator, as described in Subsection VII B(2), if the Operator should fail to show cause why their Permit should not be revoked;
- (2) Interference with the Health Officer in the performance of their duties;
- (3) Habitual Non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Permit Reinstatement

Any Person whose Permit has been suspended or revoked may, at any time, make application with demonstration of compliance to the Health Officer for reinstatement of his/her Permit.

SECTION VIII APPEALS SECTION

Any Person(s) aggrieved by an application denial, as described in Subsection VII A, or revocation of Permit, as described in Subsection VII D, shall be entitled to a review of the final order before the Hendricks County Health Board by filing a written request therefore with the Health Officer. The written request must be mailed certified or hand delivered to Health Officer; 355 South Washington Street #210; Danville, IN 46122 and must be received within fifteen (15) days after such final order is issued.

Upon the Health Officer's receipt of such request, the Hendricks County Health Board shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof to the aggrieved Person. (A shorter period of time may be granted, if requested by either party and agreed upon.)

The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the Permit application or such other address as the Person shall designate in the letter, of request to the Health Officer.

The Hendricks County Health Board establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.

The minutes from the hearing may act as the final order or determination of this matter. This completes the Appeals procedure.

SECTION IX INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any Temporary Food Establishment the Health Officer discovers a violation of the requirements of this Ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit for Continued Operation

Upon failure of any Person maintaining or operating a Temporary Food Establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the Permit of the establishment and to forbid the further sale or serving of food therein.

D. Temporary Food Establishment Application Denial

If an application for a Permit to operate a Temporary Food Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the application and/or Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the application and/or Permit.

SECTION X PENALTIES

1. Certification of Food Handler Requirements Penalties

Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed for violations of Indiana Administrative Code 410 IAC 7-22:

<i>Indiana Code (IC) Section</i>	<i>Penalty Range</i>
<i>Section 15(a), (b), (c), (d), (e), and (f) [Section 15(a) through 15(f) of 410 IAC 7-22]</i>	<i>\$0–100 per day per violation</i>
<i>Section 16(a) of 410 IAC 7-22</i>	<i>\$0–100 per day per violation</i>
<i>Section 16(b) 410 IAC 7-22</i>	<i>\$0–50 per day per violation</i>
<i>Section 17(a), 1, 2, 3 and 4 [Section 17(1) through 17(4) of 410 IAC 7-22]</i>	<i>\$0–100 per day per violation</i>

2. Civil Penalties

(a) The Hendricks County Health Department may commence an action, under IC 16-42-5-28, to levy civil penalties against a person who:

- (1) fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or
- (2) interferes with or obstructs the Hendricks County Health Department or its designated agent in the performance of duties under IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Hendricks County Health Department will consider, but is not limited to, the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) Degree of willfulness or negligence.
- (4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

<i>INDIANA CODE (IC) SECTION</i>	<i>PENALTY RANGE</i>
<i>IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21</i>	<i>\$0 to \$1,000</i>
<i>IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20</i>	<i>\$0 to \$500</i>
<i>IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22</i>	<i>\$0 to \$100</i>

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-24, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-24</i>	<i>PENALTY RANGE</i>
<i>107; 121; 129; 139; 142; 165; 171; 182; 269; 376; 423</i>	<i>\$0-\$500</i>
<i>108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450</i>	<i>\$0-\$250</i>
<i>113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436</i>	<i>\$0-\$100</i>
<i>119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451</i>	<i>\$0-\$50</i>

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-21</i>	<i>PENALTY RANGE</i>
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	\$0-\$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	\$0-\$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	\$0-\$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(i); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	\$0-\$100

(g) After re-inspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Hendricks County Health Department, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Hendricks County Health Department, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Hendricks County Health Department, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the person found in violation has requested re-inspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for re-inspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Hendricks County Health Department may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in this Ordinance.

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.

In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION XI UNCONSTITUTIONALITY CLAUSE

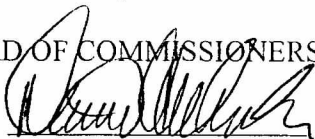
Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION XII REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this thirteenth day of November, 2007.

BOARD OF COMMISSIONERS:


DAVID A. WHICKER


PHYLLIS A. PALMER


ERIC L. WATHEN

ATTEST:


Nancy Marsh
HENDRICKS COUNTY AUDITOR

ORDINANCE NO. 2007 - 27

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the thirteenth day of November, 2007 at approximately 9:30 a.m. and;

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5, 1992-10, 1993-14, 1997-23, and 2005-10 amended by ordinance dated 10-25-1988 and 2-10-1992, 1997-23, 2001- 15, and 4-05-2005 enacted by the Board of Commissioners of Hendricks County, Indiana on the ____ day of _____, 2007 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided) \$0.50 per vaccine
(No charge if the patient is unable to pay)

Child Health Clinic \$1.00 per child

Immunizations, tests and blood
screens (county purchased).

Prices shall be based on cost of supplies,
vaccines and other necessary
components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy)	\$ 5.00
Legitimization	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00
Genealogy search (per name)	\$ 3.00

2. Death Records

Death Certificate (per copy)	\$ 5.00
------------------------------	---------

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review	\$125.00
Pre-opening inspections (for 3rd and subsequent visits)	\$ 25.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only	\$ 75.00 per year
Minimal food preparation	\$175.00 per year
Extensive handling of raw ingredients	\$250.00 per year
Pushcart with all food prepackaged	\$ 25.00 per unit per year
Mobile Retail Food Establishment with no food preparation	\$ 40.00 per unit per year
Mobile Retail Food Establishment with food preparation	\$ 75.00 per unit per year
Temporary Food Establishments	\$ 25.00 per event
Temporary Food Establishment Late Application	\$ 25.00 per application
Bed and Breakfast Establishments	\$ 50.00 per year

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

New and Replacement - gravity system	\$ 75.00
New and Replacement - pump assisted system	\$125.00

New and Replacement - Sand Mound or other system	\$200.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance

Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground License

Temporary Campground License	\$ 40.00 per event
------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for each additional public pool (same location/owner)	\$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa	

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

SECTION IV. REPEAL AND DATE OF EFFECT

In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance.

Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

This ordinance shall be in full force and effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this thirteenth day of November, 2007.

BOARD OF COMMISSIONERS:

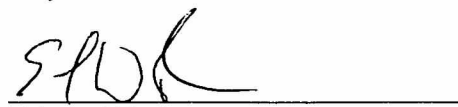
ATTEST:


David A. Whicker



Nancy Marsh
Hendricks County Auditor


Phyllis A. Palmer


Eric L. Wathen

ORDINANCE NO. 2006 – 20

AMENDING ORDINANCE NO. 2004 – 39

BOARD OF DIRECTORS MEMBERSHIP OF THE
HENDRICKS COUNTY SOLID WASTE MANAGEMENT DISTRICT

WEREAS, Hendricks County has designated itself as a county solid waste district pursuant to IC 13-21-4-2 and has established and appointed a board of directors pursuant to IC 13-21-3-4; and

WEREAS, the Indiana General Assembly changed the composition of the board of directors for a county solid waste district by amending IC 13-21-3-5 Sec. 5. (e); and

WHEREAS, Hendricks County has determined a need to amend Ordinance No. 2004-39 establishing the Hendricks County Solid Waste Management District to comply with IC 13-21-3-5 Sec. 5. (e).

NOW THEREFORE, be it ordained by the Hendricks County Board of Commissioners that the membership of the Board of Directors of the Hendricks County Solid Waste Management District be changed to comply with the provisions of IC 13-21-3-5 Sec. 5. (e) by amending Section 1 (Board of Directors) of Ordinance 2004 – 39 to read as follows.

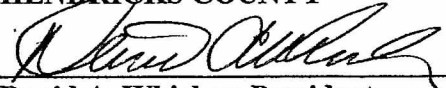
Section 1. (Board of Directors) The Hendricks County Solid Waste Management District will be governed by a board of 9 directors consisting of:

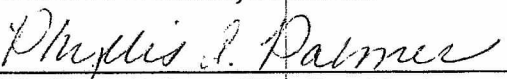
- (3) three members of the county executive;
- (2) two members of the county fiscal body, chosen by the county fiscal body;
- (4) four members of which one member of the town legislative bodies of Avon, Brownsburg, Danville and Plainfield shall serve, chosen by each of the towns' legislative bodies.

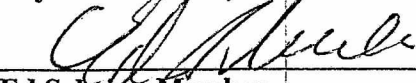
Section 2. (Effective Date) This ordinance shall become effective from and after the date of its passage.

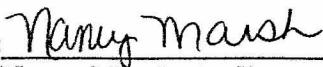
Adopted by the Board of Commissioner of Hendricks County in a regular meeting on the 26th day of September, 2006.

THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schrier, Member

ATTEST: 
Nancy Marsh, Auditor

ORDINANCE NO. 2006- 15

AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT
BOARD FOR HENDRICKS COUNTY

WHEREAS, THE General Assembly of the State of Indiana has made the determination that management of stormwater quality is a primary concern for the State of Indiana and its political subdivisions; and

WHEREAS, stormwater quality management is a required function for Hendricks County as mandated in Indiana Rule 327 IAC 15-13; and

WHEREAS, Hendricks County must establish a Stormwater Management Board for the purpose of providing direction for the creation of a Department of Stormwater Management; and

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities to implement stormwater programs within prescribed time frames, and the Environmental Protection Agency, pursuant to the Federal Clean Water Act, 33 U.S.C. 1251 et seq., and Indiana Rule 327 IAC 15-13 has published rules for stormwater programs addressing stormwater quality; and

WHEREAS, Indiana Code Annotated, § 8-1.5-5-1 et seq., provides that the purpose of the stormwater management statute is to facilitate county compliance with the Water Quality Act of 1977, and applicable EPA regulations, particularly those arising from § 405 of the Water Quality Act of 1987, and § 402(p) of the Clean Water Act of 1977, as well as Indiana Rule 327 IAC 15-13 and to enable counties to regulate stormwater quality; and

WHEREAS, I.C. 8-1.5-5-1 et seq. allows counties to adopt the provisions of said chapter, by ordinance, creating a Stormwater Management Board; and

WHEREAS, Indiana Code Annotated, § 8-1.5-5-1 et seq., provides that among other powers counties have with respect to stormwater quality, is the power by ordinance to:

- 1) Establish a board of directors; and
- 2) Appoint members to such board.

NOW, THEREFORE, BE IT ENACTED BY THE
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA, THAT:

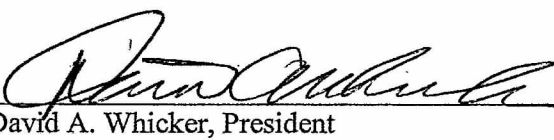
They declare and determine that a Stormwater Management Board shall be
established pursuant to IC 8-1.5-5-4.5; and that

The Board established pursuant to the terms of this Ordinance shall have those
powers provided for under I.C. 8-1.5-5.

This Ordinance shall be in full force and effect from and after its passage and approval.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on
this 11th day of July, 2006:

BOARD OF COMMISSIONERS OF HENDRICKS COUNTY:



David A. Whicker, President



Phyllis A. Palmer, Vice-President



Ed Schrier, Member

ATTEST:



Nancy Marsh, Hendricks County Auditor

10

ORDINANCE NO. 2006-03

ORDINANCE APPROVING INTERLOCAL AGREEMENT

WHEREAS, the Hendricks County Commissioners ("Commissioners") desire to authorize the Town of Whitestown ("Town") to own and operate sewage disposal facilities within the County for the limited purpose of serving individual Hendricks County residents on an as-needed basis as determined by the Commissioners for the Hendricks County Regional Sewer District ("District");

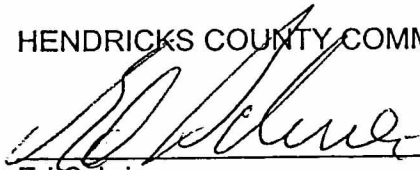
WHEREAS, Commissioners hereby approve the Interlocal Agreement attached hereto as Exhibit A.


NOW, THEREFORE, be it ordained by the Commissioners as follows:

The Commissioners hereby approve the Interlocal Agreement attached hereto as Exhibit A that allows the Town of Whitestown to own and operate wastewater disposal facilities in Hendricks County. The Commissioners, however, only allow Whitestown to provide wastewater treatment service to customers on a wholesale or retail basis within Hendricks County upon written request from the Commissioners or the District.

REVIEWED, APPROVED, AND ADOPTED BY THE HENDRICKS COUNTY COMMISSIONERS this 7th day of ~~February~~ March, 2006.

HENDRICKS COUNTY COMMISSIONERS


Ed Schrier


Phyllis Palmer


David Whicker

ORDINANCE NO. 2066-04

ORDINANCE APPROVING INTERLOCAL AGREEMENT

WHEREAS, the Hendricks County Regional Sewer District ("District") desires to authorize the Town of Whitestown ("Town") to own and operate sewage disposal facilities within the County for the limited purpose of serving individual Hendricks County residents on an as-needed basis as determined by the Commissioners for the Hendricks County Regional Sewer District ("District");

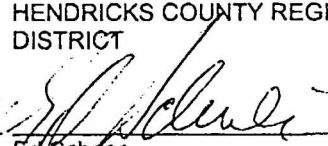
WHEREAS, the District hereby approves the Interlocal Agreement attached hereto as Exhibit A.

NOW, THEREFORE, be it ordained by the District as follows:

The District hereby approves the Interlocal Agreement attached hereto as Exhibit A that allows the Town of Whitestown to own and operate wastewater disposal facilities in Hendricks County. The District, however, only allows Whitestown to provide wastewater treatment service to customers on a wholesale or retail basis within Hendricks County upon written request from the Commissioners or District.

REVIEWED, APPROVED, AND ADOPTED BY THE HENDRICKS COUNTY REGIONAL SEWER DISTRICT this 17th day of ~~February~~ March, 2006.

HENDRICKS COUNTY REGIONAL SEWER DISTRICT


Ed Schrier


Phyllis Palmer


David Whicker

ORDINANCE NO. 2005-41

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR DETERMINATION OF WASTELOAD ALLOCATION

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to affect the purpose for which the District was created and operates.

WHEREAS, I.C. 13-26-5-4, provides for enforcement of rules to accomplish the purpose of the District.

WHEREAS, I.C. 13-26-5-3, et. Seq. grants certain powers to the District dealing with procedures for the board's actions.

WHEREAS, the Board of Trustees of the District finds and determines that it is to be the best interest of the District to adopt these procedures for determination of Wasteload Allocation, expressed in terms of equivalent dwelling units (EDU), and such determinations are believed to accomplish the purpose of the District.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District procedures for determination of Wasteload Allocation Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Determination of Wasteload Allocation be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The procedures included herein are adopted for all effects and purposes as the District's procedures of determination wasteload allocation regarding wastewater service in the Service Area.
3. All procedures adopted hereby become of full force and effect as described.

The procedures and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

Determination of EDU assessment

Equivalent Dwelling Unit, "EDU" shall be the unit of measurement of quantities of service, and shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more, by rounding the number up (.50 or greater) or down (.49 or less).

Commercial Service Connection

327 Indiana Administrative Code (327 IAC) 3-6-11, Table 11-1, shall be used to determine the equivalent dwelling unit(s) (EDU) of a wasteload allocation for each Commercial Service Connection Description listed in Table 11-1 that will utilize the Hendricks County Regional Sewer District sanitary sewer system.

Warehouse Service Connection

"Warehouse" shall be defined as a building whose primary purpose is the storage of goods or materials for distribution. The transfer of goods and materials between shipping containers and/or vehicles, and a small component of office activity to support these warehousing activities would be included in the definition. Manufacturing, assembly, fabrication, product preparation, service work and retail sales would not be considered warehousing functions.

The wasteload allocation calculation to be applied to each building of a proposed complex individually would be based on the following flow factors:

Gross Area of Warehouse [Sq.Ft.]	Flow Calculation Factor [gal/day/Sq.Ft.]
0 to 35,000	0.033
35,001 to 75,000	0.028
75,001 to 150,000	0.023
150,001 to 300,000	0.014
300,001 to 500,000	0.011
>500,000	0.009

Residential Service Connection

327 IAC 3-6-11(a) shall be used to determine the Residential Service Connection for a single-family home that will utilize the Hendricks County Regional Sewer District sanitary sewer system.

All Other Uses

For any commercial use not specified in Table 11-1, with the exception of Warehouse Use as defined in this ordinance, the assessment will be determined by calculating 0.1 gallons of flow per day, per square foot of floor space. Flow data from previous and/or like facilities will not be considered for determining the equivalent dwelling units (EDU) of a wasteload allocation.

Assessment-Connection Fees

The EDU assessment-connection fees for new construction must be paid in full prior to a building permit being obtained from the appropriate governmental entity. The EDU assessment-connection fees for existing structures connecting to the sanitary sewer must be paid-in-full prior to installation of the lateral connection.

The following flow calculation factors shall be used in the calculations to determine EDU assessment for Commercial Uses:

327 IAC 3-6-11

Table 11-1

Flow Calculation Factors (FCF)

<u>Service Connection Description</u>	<u>FCF (gallons per day)</u>
Agricultural labor camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Assembly hall	3 per seat
Athletic field (baseball, soccer, football, etc.)	1 per participant and spectator with additions for concessions
Auction and flea market: with full kitchen	5 per customer
Auction and flea market: with warming kitchen	4 per customer
Auction and flea market: without kitchen	3 per customer
Automatic self-cleaning bathroom	20 per cycle (3 per day)
Banquet caterer	10 per person
Bar (without food)	10 per seat
Beauty salon: perm or color changes	35 per customer
Beauty salon: cut with wash	10 per customer
Beauty salon: cut without wash	5 per person
Bed and breakfast	150 per bedroom
Bowling alley (with bar and/or food)	125 per lane
Bowling alley (without food)	75 per lane
Bus station	3 per passenger
Campground (organizational) with flush toilets, showers, central kitchen	40 per camper
Campground (organizational) without flush toilets, privy use, central dining hall, no showers, hand washing	20 per camper
Campground (recreational) with individual sewer connection	100 per campsite
Campground (recreational) without individual sewer connection	50 per campsite
Church with full kitchen	5 per sanctuary seat
Church with warming kitchen	4 per sanctuary seat
Church without kitchen	3 per sanctuary seat
Condominium, multi-family dwelling: one bedroom	200 per unit
Condominium, multi-family dwelling: two bedroom	300 per unit
Condominium, multi-family dwelling: three bedroom	350 per unit

Condominium, one and two family dwelling	150 per bedroom
Conferences	10 per attendee
Correctional facilities	120 per inmate
Day care center	20 per person
Dentist	200 per chair plus 75 per employee
Doctor's office	75 per doctor, plus 75 per nurse, plus 20 per support staff
Factory with showers	35 per employee
Factory without showers	20 per employee
Fire station: manned	75 per firefighter
Fire station: unmanned	35 per firefighter
Food service operations: cocktail lounge or tavern	35 per seat
Food service operations: restaurant (not open 24 hours)	35 per seat
Food service operations: restaurant (open 24 hours)	50 per seat
Food service operations: restaurant (not open 24 hours but located along an interstate)	50 per seat
Food service operations: restaurant (open 24 hours and located along an interstate)	70 per seat
Food service operations: tavern	35 per seat
Food service operations: curb service (drive-in)	50 per car space
Golf comfort station	3 per 50% of maximum number of golfers
Golf main clubhouse	5 per golfer with additions for food service and showers
Hospital, medical facility	200 per bed
Hotel	100 per room
Kennels and vet clinics (sum of all of the following services at a facility):	
1) a. cages;	5 per cage
b. inside runs;	10 per run
c. outside runs;	20 per run
d. grooming;	10 per animal
e. surgery; plus	50 per surgery room
2) staff	75 per veterinary doctor, plus 75 per veterinary assistant, plus 20 per support staff
Mental health facility	100 per patient
Mobile home park	200 per lot
Motel	100 per room
Nursing home	100 per bed
Office building without showers	20 per employee

Office building with showers	35 per employee
Outpatient surgical center	50 per patient
Picnic area	5 per visitor
Race tracks	5 per attendee, 20 per staff
School: elementary	15 per pupil
School: secondary	25 per pupil
School with dormitory	100 per bed
Service station: convenience store/service center	1,000 with additions for food preparation and seating
Service station with only two (2) restrooms	400 per restroom
Service station with only unisex restroom	600 per restroom
Service station: automatic self-cleaning bathroom	60 per day
Shopping center	0.1 per square foot of floor space, plus 20 per employee
Swimming pool bathhouse	10 per swimmer
Theater: drive-in	5 per car space
Theater: inside building	5 per seat

Determination of monthly sanitary sewer service fee

The monthly sanitary sewer service fee shall be based on the EDU assessment; with each EDU being assessed the monthly service fee as determined by the Hendricks County Regional Sewer District Ordinance for Collection Fees and Charges.

Modification of monthly sanitary sewer service fee

Any assessment of an EDU used to determine the monthly sanitary sewer service fee for an industrial or business customer may be modified upward or downward by the Board of Trustees during the first year of sanitary sewer service upon the request of the customer or as initiated by the District based on the findings of a determination of the actual service being provided. The actual service being provided shall be determined based upon flow meter data collected from the customer's facility with the customer responsible for any expense incurred to monitor flow.

The first year of service shall be defined as the first year following the initiation of trade in any buildings, pads or storefronts. Flow meter data shall consist of actual water meter readings as documented by the applicable water utility's invoices or sewage flow meter readings. Flow meter data of estimated water meter readings will not be accepted to determine a modification of the monthly service charge. Upon review of the water meter readings and or sewage flow meter readings by the Board of Trustees, it will be determined if a modification of the monthly sanitary sewer service fee is warranted; however, the minimum monthly sanitary sewer service fee shall be one (1) EDU. If a modification is warranted, the monthly sanitary sewer service fee shall be adjusted on the next billing cycle, and will not be retroactive to any previous month's service fees. Payment and collection of the adjusted monthly sanitary sewer service fee shall be in accordance with the Rules and Regulations of the Hendricks County Regional Sewer District.

The Hendricks County Regional Sewer District reserves its right, as allowed by the Rules and Regulations and Ordinances to adjust the monthly service fee and/or wasteload allocation in response to a future increase or decrease in wastewater flow.

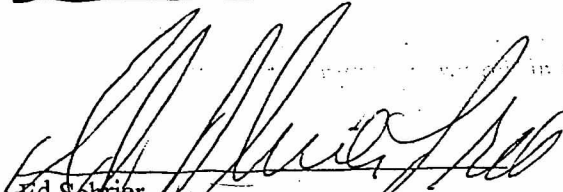
Any modification of the monthly sanitary sewer service fee shall apply only to the facility and facility usage as documented by the applicable water utility's invoices or sewage flow meter readings used to determine the modification. Any structural change of the facility or its use shall render the monthly sanitary sewer service fee modification null and void, and a new EDU assessment shall be determined as set out in the Hendricks County Regional Sewer District Rules and Regulations.

Any reduction of the monthly sanitary sewer service fee will not warrant reimbursement for previously paid EDU connect-assessment fees or result in a decrease of the waste load allocation.


All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effective upon its adoption and its publications as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana on this 15th day of November 2005.

HENDRICKS COUNTY REGIONAL SEWER BOARD


Ed Schrier


Phyllis Palmer


David Whicker

ORDINANCE NO. 2005- 10

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the fifth day of April, 2005 at approximately 11:55 a.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5, 1992-10, 1993-14, and 1997-23 amended by ordinance dated 10-25-1988 and 2-10-1992, 1997-23, and 2001- 15 enacted by the Board of Commissioners of Hendricks County, Indiana on the fifth day of April, 2005 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Tuberculosis (Mantoux)	\$3.00 per test
Immunization (state provided) (No charge if the patient is indigent)	\$0.50 per vaccine
Child Health Clinic	\$1.00 per child
Immunization (county purchased) and Blood Chemistries.	Prices shall be based on cost of supplies, vaccines and other necessary components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

SECTION II. VITAL RECORDS

A. Vital Record Services

1. Birth Records

Birth Certificate (per copy)	\$ 5.00
Legitimization	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00
Genealogy search (per name)	\$ 3.00

2. Death Records

Death Certificate, First Copy	\$ 5.00
Additional Copies	\$ 2.00 each

SECTION III. ENVIRONMENTAL HEALTH

A. Food Establishments

1. Plan Review Fees:

Plan Review	\$125.00
Pre-opening inspections (for 3rd and subsequent visits)	\$ 25.00 per inspection visit

2. Food Establishment Permit Fees

Pre-packaged potentially hazardous foods only	\$ 75.00 per year
Minimal food preparation	\$175.00 per year
Extensive handling of raw ingredients	\$250.00 per year
Pushcart with all food prepackaged	\$ 25.00 per unit per year
Mobile Retail Food Establishment with no food preparation	\$ 40.00 per unit per year
Mobile Retail Food Establishment with food preparation	\$ 75.00 per unit per year
Temporary Food Establishments	\$ 25.00 per event
Bed and Breakfast Establishments	\$ 50.00 per year

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.

B. On-Site Sewage Disposal (Septic) Systems

1. Permit Fees (Valid one (1) year from date of issue)

New and Replacement - gravity system	\$ 75.00
New and Replacement - pump assisted system	\$125.00
New and Replacement - Sand Mound or other system	\$200.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

2. Other Septic Inspection and On-Site visit fees

On-Site Investigation for Construction/Maintenance

Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

3. Re-inspection Fees

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

D. Solid Waste

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

E. Temporary Campground License

Temporary Campground License	\$ 40.00 per event
------------------------------	--------------------

F. Pools

1. Permit Fees:

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for second public pool (same location/owner)	\$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa	

2. Additional Inspection Fees:

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.

SECTION IV. REPEAL AND DATE OF EFFECT

In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance.

Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

This ordinance shall be in full force and effect from and after its passage and approval accordingly.


If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this fifth day of April, 2005.

BOARD OF COMMISSIONERS


Ed Schrier


Phyllis Palmer


Sonya Cleveland

ATTEST:


Nancy Marsh
Hendricks County Auditor

HENDRICKS COUNTY

FOOD ORDINANCE

ORDINANCE NO. 2005- 09

An Ordinance pertaining to establishments requiring Permits and Permit fees for operation of a Retail Food Establishment, Temporary Food Establishment, Mobile Food Establishment, or Bed and Breakfast Establishment; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of food and Bed and Breakfast Establishments; providing for enforcement of this Ordinance; providing for the fixing of penalties for violations of said Ordinance; and providing for incorporation by reference the following Indiana State Department of Health Rules: Retail Food Establishment Sanitation Requirements Title 410 Indiana Administrative Code (IAC) 7-24 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5, Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, 410 IAC 7-21-47, 410 IAC 7-22, and 410 IAC 7-23.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

DEFINITIONS

Bed and Breakfast Establishment - means an Operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Catering - means the preparation of food in an approved Retail Food Establishment and may include the transportation of such food for service and consumption at some other site.

Commissary - means a registered Catering establishment, restaurant, or any Retail Food Establishment in which food, food containers, or food supplies are kept, handled, prepared, packaged, or stored from which meals are catered and Mobile Retail Food Establishments or pushcarts are serviced.

Critical Violation - means a violation that contributes to food contamination, illness, or environmental degradation. These may include items marked in the "C" column denoting Critical Violations on the Inspection Report form.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County Inspection Report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.

Imminent Health Hazard – means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses, and nature, severity, and duration of the anticipated injury or illness.

Inspection Report – means the document prepared by the Hendricks County Health Department that is completed as a result of the inspection and provided to the Person-in-charge.

Mobile Retail Food Establishment - means a retail food establishment that is wheeled; on skids; mounted on a vehicle; a marine vessel; or otherwise readily movable; such as a pushcart or trailer that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Operator – means the Person who has primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

Permit – means the document issued by the Hendricks County Health Department that authorizes a Person to operate a Bed and Breakfast Establishment, Retail Food Establishment, Mobile Retail Food Establishment, or Temporary Food Establishment.

Person – means an association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

Person-in-charge – means the individual present at a Retail Food Establishment who is responsible for the operation at the time of inspection.

Retail Food Establishment- means an operation as follows that:

(1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:

- (A) A restaurant.
- (B) A satellite or catered feeding location.
- (C) A Catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
- (D) A market.
- (E) A grocery store.
- (F) A convenience store.
- (G) A conveyance used to transport people.
- (H) An institution.
- (I) A food bank.
- (J) A Commissary.
- (K) A cottage industry.
- (L) A health facility as defined in IC 16-18-2.

(M) An assisted living facility as defined in IC 12-10-15.

(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(a) The term includes the following:

(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.

(2) An operation that is conducted in a:

- (a) mobile;
- (b) stationary;
- (c) temporary; or
- (d) permanent;

facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

(b) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.
- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A Bed and Breakfast Establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home.

Temporary Food Establishment - means a Retail Food Establishment that operates for a period of time no more than fourteen (14) consecutive calendar days, in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.

SECTION I **APPROVAL OF PLANS**

A. Submit Plan Review

All Retail Food Establishments, except for those listed under Subsection I B, that are hereafter constructed or re-constructed shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled establishment must submit a completed plan review application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection.

B. Establishments Exempt from Hendricks County Food Permit Plan Review

Regulated establishments are exempt from the plan review requirements of this Ordinance if:

- (1) The entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency, or
- (2) The establishment is a Bed and Breakfast Establishment, or
- (3) The establishment is a Mobile Retail Food Establishment, or
- (4) The establishment is a Temporary Food Establishment.

SECTION II **PERMITS**

It shall be unlawful for any Person to operate a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment in Hendricks County, who does not possess a valid Permit from the Health Officer; except when the entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Permits shall be posted in a conspicuous place at the establishment at all times.

A. Only Persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit.

B. A Permit shall be for a term of one year beginning from the date of issuance and shall be applied for by the establishment annually. The Permit for a Temporary Food Establishment shall be for the term of one continuous event at one location. This Permit is not to exceed fourteen (14) consecutive days.

C. Any Permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, duration of Permit, and other pertinent information required by the Health Officer.

D. Required Permits shall be provided by the Hendricks County Health Officer subject to a completed application, payment of fees, and compliance with all applicable state statutes, rules and regulations and local Ordinances. The applicant must be an owner and/or Operator of the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment.

E. Public events where catered food is served or prepared shall occur at a facility holding a valid Hendricks County Establishment Permit. This permitted establishment shall obtain a current copy of the caterer's local health department food Permit. If the site or the caterer is not permitted, the caterer must obtain a Temporary Food Establishment Permit for the event.

F. Any Person who desires to operate a Temporary Food Establishment in Hendricks County shall obtain from the Health Officer a Permit for a Temporary Food Establishment. Such temporary Permit shall be provided by the Health Officer if a completed application for a Permit and appropriate fees are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

G. A Temporary Permit will not be issued to a Temporary Food Establishment in operation in one location for more than thirty (30) days in one calendar year.

H. A separate Permit shall be required for each Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment operated or to be operated by any Person. Any Permit issued under this Ordinance is not transferable from one Person to another, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

I. A nonrenewable provisional Permit is available for a Person taking over an existing, permitted establishment. The following conditions apply:

- (1) The provisional Permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (2) The provisional Permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (3) An annual Permit must be obtained before the expiration of the provisional Permit. The annual Permit will not be issued until all outstanding violations, if any, have been corrected and an acceptable compliance inspection by the Hendricks County Health Department is recorded.
- (4) The annual Permit shall have the anniversary date of the original date of provisional Permit.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection III B, all permitted establishments must pay Permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A receipt for the payment of such fee shall be provided by the Hendricks County Health Department. The fees paid under this Ordinance are not transferable or refundable. A Permit may not be issued to any establishment where outstanding or unpaid fees or penalties are due.

B. Permit Fee Exception

No Permit fee shall be required for food establishments operated by Public School Corporations as defined in Indiana Code 20-5, or for food establishments owned and operated by Hendricks County Government.

C. Exemption From Compliance

- (1) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this Ordinance that may be imposed upon the sale of food at that event if the following conditions are met:
 - (a) Members of the organization prepare the food that will be sold.
 - (b) Events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year.
 - (c) The name of each member who has prepared a food item is attached to the container in which the food item has been placed.
- (2) This section does not prohibit an exempted organization from waiving the exemption and applying for a Permit.

SECTION IV MINIMUM REQUIREMENTS

A. General Requirements

All Retail Food Establishments, Mobile Retail Food Establishments, Temporary Food Establishments, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-24 or 410 IAC 7-15.5. Copies of each are kept on file in the Hendricks County Health Department Office, Danville, Indiana, for public inspection.

B. Water Source

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

C. Wastewater Treatment

Each facility must have adequate wastewater treatment and disposal at all times of operation as determined by the Health Officer. In addition, sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
- (2) an individual sewage disposal system that is:
 - (a) sized;
 - (b) constructed;
 - (c) maintained; and
 - (d) operated;according to law.

D. Responsibilities of the Operator

Upon acceptance of the Permit issued by the Hendricks County Health Department, the Operator in order to retain the Permit shall:

- (1) Comply with the provisions of this Ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
- (2) Immediately discontinue affected operations and notify the Hendricks County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;
- (3) If a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Hendricks County Health Department before resuming operations;
- (4) Allow representatives of the Hendricks County Health Department access to all parts of the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment at all reasonable times; to collect evidence and/or exhibits; and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance;
- (4) Comply with the directives of the Hendricks County Health Department including time frames for corrective actions specified in Inspection Reports, notices, orders, warnings, and other directives issued by the Hendricks County Health Department in regard to the Operator's Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, Bed and Breakfast Establishment, property or facility, or in response to community emergencies;
- (5) Accept notices issued and served by the Hendricks County Health Department;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Ordinance or a directive of the Hendricks County Health Department.

SECTION V SALE, EXAMINATION, AND CONDEMNATION OF
UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any Person to sell through a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or Operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the Operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule, the frequency of which is at the discretion of the Health Officer. The schedule will be based on public health risk associated with the establishment's menu; type of operation including the methods and extent of food storage, preparation, and service; the number of people served; and past performance.

B. Procedure when Violations Are Noted

If during an inspection of any establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order in the form of an Inspection Report listing such violation to the Operator, or in the Operator's absence, to the Person-in-charge, and setting a date by which the violation shall be abated. A copy of the Inspection Report shall be filed with the records of the Hendricks County Health Department.

C. Public Access to Inspection Records

After the Inspection Report is completed, the establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response. The public will have access to Inspection Reports either ten (10) days after the completion of the inspection; or after a written response to the Inspection Report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The Inspection Report and related public records may be inspected and copied under IC 5-14-3 if the Hendricks County Health Department takes any of the following actions with respect to an establishment that is the subject of the records:

- (1) schedules a hearing by the local health department or designee,

- (2) orders closure,
- (3) requests revocation of a Permit,
- (4) finds the existence of an imminent danger to the public health or a gross deception of or fraud upon the consumer.

D. Refusal to Sign Acknowledgement

Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the date by which the violation shall be abated.

SECTION VII COMPLIANCE AND ENFORCEMENT

A. Application Denial

If an application for a Permit to operate a Retail Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the Permit; and
- (3) Notice of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

B. Follow-up Inspection - Health Officer Response to Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, Person, or employee is violating any provisions of this Ordinance which were in violation on the previous inspection concerning which a written order was issued, and the date by which the violation shall be abated has passed, the Health Officer may do any or all of the following:

- (1) Offer the alleged violator an opportunity to enter into an agreed order providing for:
 - (a) the actions required to correct the violation; and
 - (b) if appropriate, the payment of a civil penalty.

The Health Officer is not required to extend the offer for more than thirty (30) days.

- (2) Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the Permit issued under the provision of Section II should not be revoked.
- (3) Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

C. Suspension of Permit

Any Permit issued under this Ordinance may be temporarily suspended by the Health Officer, without notice or hearing, for a period not to exceed thirty (30) days if the Health Officer determines through inspection, or examination of employee, food, records, or other means as specified in this Ordinance, that an Imminent Health Hazard exists.

D. Revocation of Permit

The Health Officer, may revoke the Permit and promptly give written notice of the action to the permittee due to any of the following:

- (1) Upon a meeting with the Operator, as described in Subsection VII B(2), if the Operator should fail to show cause why their Permit should not be revoked;
- (2) Interference with the Health Officer in the performance of their duties;
- (3) Habitual Non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Permit Reinstatement

Any Person whose Permit has been suspended or revoked may, at any time, make application with demonstration of compliance to the Health Officer for reinstatement of his/her Permit.

SECTION VIII APPEALS SECTION

Any Person(s) aggrieved by an application denial, as described in Subsection VII A, or revocation of Permit, as described in Subsection VII D, shall be entitled to a review of the final order before the Hendricks County Health Board by filing a written request therefore with the Health Officer. The written request must be mailed certified or hand delivered to Health Officer; 355 South Washington Street #210; Danville, IN 46122 and must be received within fifteen (15) days after such final order is issued.

Upon the Health Officer's receipt of such request, the Hendricks County Health Board shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof to the aggrieved Person. (A shorter period of time may be granted, if requested by either party and agreed upon.)

The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the Permit application or such other address as the Person shall designate in the letter, of request to the Health Officer.

The Hendricks County Health Board establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.

The minutes from the hearing may act as the final order or determination of this matter. This completes the Appeals procedure.

SECTION IX INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any Temporary Food Establishment the Health Officer discovers a violation of the requirements of this Ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit for Continued Operation

Upon failure of any Person maintaining or operating a Temporary Food Establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the Permit of the establishment and to forbid the further sale or serving of food therein.

D. Temporary Food Establishment Application Denial

If an application for a Permit to operate a Temporary Food Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the application and/or Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the application and/or Permit.

SECTION X PENALTIES

1. Certification of Food Handler Requirements Penalties

Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed for violations of Indiana Administrative Code 410 IAC 7-22:

<i>Indiana Code (IC) Section</i>	<i>Penalty Range</i>
<i>Section 15(a), (b), (c), (d), (e), and (f) [Section 15(a) through 15(f) of 410 IAC 7-22]</i>	<i>\$0–100 per day per violation</i>
<i>Section 16(a) of 410 IAC 7-22</i>	<i>\$0–100 per day per violation</i>
<i>Section 16(b) 410 IAC 7-22</i>	<i>\$0–50 per day per violation</i>
<i>Section 17(a), 1, 2, 3 and 4 [Section 17(1) through 17(4) of 410 IAC 7-22]</i>	<i>\$0–100 per day per violation</i>

2. Civil Penalties

(a) The Hendricks County Health Department may commence an action, under IC 16-42-5-28, to levy civil penalties against a person who:

- (1) fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or
- (2) interferes with or obstructs the Hendricks County Health Department or its designated agent in the performance of duties under IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Hendricks County Health Department will consider, but is not limited to, the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) Degree of willfulness or negligence.
- (4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

<i>INDIANA CODE (IC) SECTION</i>	<i>PENALTY RANGE</i>
<i>IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21</i>	<i>\$0 to \$1,000</i>
<i>IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20</i>	<i>\$0 to \$500</i>
<i>IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22</i>	<i>\$0 to \$100</i>

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-24, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-24</i>	<i>PENALTY RANGE</i>
<i>107; 121, 129; 139; 142; 165; 171; 182; 269; 376; 423</i>	<i>\$0-\$500</i>
<i>108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450</i>	<i>\$0-\$250</i>
<i>113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436</i>	<i>\$0-\$100</i>
<i>119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451</i>	<i>\$0-\$50</i>

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-21</i>	<i>PENALTY RANGE</i>
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	\$0-\$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	\$0-\$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	\$0-\$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	\$0-\$100

(g) After re-inspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Hendricks County Health Department, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Hendricks County Health Department, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Hendricks County Health Department, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the person found in violation has requested re-inspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for re-inspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Hendricks County Health Department may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in this Ordinance.

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.

In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION XI UNCONSTITUTIONALITY CLAUSE

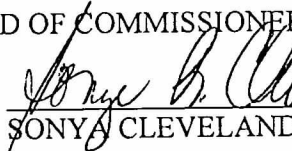
Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

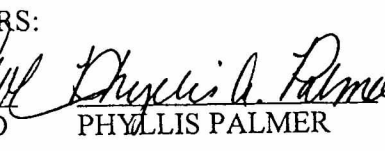
SECTION XII REPEAL AND DATE OF EFFECT


All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifth day of April, 2005.

BOARD OF COMMISSIONERS:


SONYA CLEVELAND


PHYLLIS PALMER


ED SCHRIER

ATTEST:


Nancy Marsh
HENDRICKS COUNTY AUDITOR

**ESTABLISHMENT OF THE
HENDRICKS COUNTY SOLID WASTE MANAGEMENT DISTRICT**

WHEREAS, Hendricks County has participated in the joint five county West Central Indiana Solid Waste District (WCISWD) since it was established on June 17, 1991, pursuant to IC 13-9.5-2; and

WHEREAS, the Hendricks County Commissioners passed two identical resolutions on March 9, 2004 and April 6, 2004 withdrawing from the WCISWD with an effective date of December 31, 2004 pursuant to IC 13-21-4-2; and

WHEREAS, Hendricks County must designate itself a new county district pursuant to IC 13-21-4-6 and establish and appoint a board of directors pursuant to IC 13-21-3-4.

NOW THEREFORE, be it ordained by the Hendricks County Board of Commissioners the establishment of the Hendricks County Solid Waste Management District for the purpose of meeting statewide goals for solid waste source reduction with powers pursuant to IC 13-21-3-12 and excluded powers pursuant to IC13-21-3-14.

Section 1 (Board of Directors). The Hendricks County Solid Waste Management District will be governed by a board of 7 directors consisting of:

3 members appointed by the county commissioners from the membership of the county commissioners;

1 member appointed by the county council from the membership of the county council;

2 members appointed by the town council/legislative body from the membership of the town council/legislative body of the town/municipality with the largest population;

1 member appointed from the membership of town councils that are not the municipality having the largest population in the county and who is Bob Grand (bob.grand@btlaw.com) appointed by the county commissioners to represent the municipalities in the county other than the municipality having the largest population.

The term of office of a member of the board of the district who is appointed from the membership of an executive, legislative, or fiscal body is coextensive with the member's term of office of that body. The term of office of other appointed members of the board

is two years. All members of the board serve at the pleasure of the appointing authority. The powers of the board are pursuant to IC 13-21-3-13.

Section 2 (Citizens Advisory Committee). The Hendricks County Solid Waste Management District will appoint and convene a solid waste management advisory committee of citizens pursuant to IC 13-21-3-11.

Section 3 (Territory). All of the incorporated and unincorporated territory of Hendricks County shall be included in the District pursuant to IC 13-21-3-2.

Section 4 (Plan). Until such time as the district adopts a new solid waste management plan, the district will follow the Comprehensive Solid Waste Management Plan prepared for the West Central Indiana Solid Waste District on July 1, 1992 by R.W. Beck and Associates and Commonwealth Engineers, Inc. The intent of the district is to meet or exceed that plan.

Section 5 (Financial Management). The district will impose fees on the final disposal of solid waste within the district under IC 13-21-13 as well as cost sharing fees for various recycling programs. All funds will be managed to Indiana State Board of Accounts guidelines and will be reported annually pursuant to IC 13-21-3-13.5.

Section 6 (Effective Date). This ordinance shall become effective from and after the date of its passage.

Adopted by the Board of Commissioners of Hendricks County in regular meeting on the 14th day of December, 2004.

THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY

Linda Palmer-Ryser, President

Sonya R. Cleveland
Sonya R. Cleveland, Vice President

Steven L. Ostermeier
Steven L. Ostermeier, Member

ATTEST:

Nancy D. Marsh
Nancy Marsh, AUDITOR

MAY 05 2004

ORDINANCE NO. 2004-17

Nancy L. Marsh
AUDITOR HENDRICKS COUNTY

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR DETERMINATION OF WASTELOAD ALLOCATION

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to affect the purpose for which the District was created and operates.

WHEREAS, I.C. 13-26-5-4, provides for enforcement of rules to accomplish the purpose of the District.

WHEREAS, I.C. 13-26-5-3, et. Seq. grants certain powers to the District dealing with procedure for the board's actions.

WHEREAS, the Board of Trustees of the District finds and determines that it is to be the best interest of the District to adopt these procedures for determination of Wasteload Allocation, expressed in terms of equivalent dwelling units (EDU), and such determinations are believed to accomplish the purpose of the District.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District procedures for determination of Wasteload Allocation Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Determination of Wasteload Allocation be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The procedures included herein are adopted for all effects and purposed as the District's procedures of determination of EDU regarding wastewater service in the Service Area.
3. All procedures adopted hereby become of full force and effect as described.

The procedures and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

Determination of EDU assessment

Equivalent Dwelling Unit, "EDU" shall be the unit of measurement of quantities of service, and shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more, by rounding the number up (.50 or greater) or down (.49 or less).

327 Indiana Administrative Code (327 IAC) 3-6-11, Table 11-1, shall be used to determine the equivalent dwelling unit (EDU) of a wasteload allocation for each Service Connection Description listed in Table 11-1 that will utilize the Hendricks County Regional Sewer District sanitary sewer system. 327 IAC 3-6-11(a) shall be used to determine the residential service connection for a single-family home that will be utilizing the Hendricks County Regional Sewer District sanitary sewer system. For any use not specified in Table 11-1, the assessment will be determined by calculating 0.1 gallons of flow per day, per square foot of floor space. Flow data from previous and/or like facilities will not be considered for determining the equivalent dwelling units (EDU) of a wasteload allocation.

The EDU assessment fees for new construction must be paid in full prior to a building permit being obtained from the appropriate governmental entity. The EDU assessment fees for existing structures connecting to the sanitary sewer must be paid-in-full prior to installation of the lateral connection.

The following flow calculation factors shall be used in the calculations to determine EDU assessment:

327 IAC 3-6-11

Table 11-1
Flow Calculation Factors (FCF)

Service Connection Description	FCF (gallons per day)
Agricultural labor camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Assembly hall	3 per seat
Athletic field (baseball, soccer, football, etc.)	1 per participant and spectator with additions for concessions
Auction and flea market: with full kitchen	5 per customer
Auction and flea market: with warming kitchen	4 per customer
Auction and flea market: without kitchen	3 per customer
Automatic self-cleaning bathroom	20 per cycle (3 per day)
Banquet caterer	10 per person
Bar (without food)	10 per seat
Beauty salon: perm or color changes	35 per customer
Beauty salon: cut with wash	10 per customer
Beauty salon: cut without wash	5 per person
Bed and breakfast	150 per bedroom
Bowling alley (with bar and/or food)	125 per lane
Bowling alley (without food)	75 per lane
Bus station	3 per passenger
Campground (organizational) with flush toilets, showers, central kitchen	40 per camper
Campground (organizational) without flush toilets, privy use, central dining hall, no showers, handwashing	20 per camper

Campground (recreational) with individual sewer connection	100 per campsite
Campground (recreational) without individual sewer connection	50 per campsite
Church with full kitchen	5 per sanctuary seat
Church with warming kitchen	4 per sanctuary seat
Church without kitchen	3 per sanctuary seat
Condominium, multi-family dwelling: one bedroom	200 per unit
Condominium, multi-family dwelling: two bedroom	300 per unit
Condominium, multi-family dwelling: three bedroom	350 per unit
Condominium, one and two family dwelling	150 per bedroom
Conferences	10 per attendee
Correctional facilities	120 per inmate
Day care center	20 per person
Dentist	200 per chair plus 75 per employee
Doctor's office	75 per doctor, plus 75 per nurse, plus 20 per support staff
Factory with showers	35 per employee
Factory without showers	20 per employee
Fire station: manned	75 per firefighter
Fire station: unmanned	35 per firefighter
Food service operations: cocktail lounge or tavern	35 per seat
Food service operations: restaurant (not open 24 hours)	35 per seat
Food service operations: restaurant (open 24 hours)	50 per seat
Food service operations: restaurant (not open 24 hours but located along an interstate)	50 per seat
Food service operations: restaurant (open 24 hours and located along an interstate)	70 per seat
Food service operations: tavern	35 per seat
Food service operations: curb service (drive-in)	50 per car space
Golf comfort station	3 per 50% of maximum number of golfers
Golf main clubhouse	5 per golfer with additions for food service and showers
Hospital, medical facility	200 per bed
Hotel	100 per room
Kennels and vet clinics (sum of all of the following services at a facility):	
1) a. cages;	5 per cage

b. inside runs;	10 per run
c. outside runs;	20 per run
d. grooming;	10 per animal
e. surgery; plus	50 per surgery room
2) staff	75 per veterinary doctor, plus 75 per veterinary assistant, plus 20 per support staff
Mental health facility	100 per patient
Mobile home park	200 per lot
Motel	100 per room
Nursing home	100 per bed
Office building without showers	20 per employee
Office building with showers	35 per employee
Outpatient surgical center	50 per patient
Picnic area	5 per visitor
Race tracks	5 per attendee, 20 per staff
School: elementary	15 per pupil
School: secondary	25 per pupil
School with dormitory	100 per bed
Service station: convenience store/service center	1,000 with additions for food preparation and seating
Service station with only two (2) restrooms	400 per restroom
Service station with only unisex restroom	600 per restroom
Service station: automatic self-cleaning bathroom	60 per day
Shopping center	0.1 per square foot of floor space, plus 20 per employee
Swimming pool bathhouse	10 per swimmer
Theater: drive-in	5 per car space
Theater: inside building	5 per seat

Determination of monthly sanitary sewer service fee

The monthly sanitary sewer service fee shall be based on the EDU assessment; with each EDU being assessed the monthly rate as determined by the Hendricks County Regional Sewer District Ordinance for Collection Fees and Charges.

Modification of monthly sanitary sewer service charge

Any assessment of an EDU used to determine the monthly sanitary sewer service charge for an industrial or business customer may be modified upward or downward by the Board of Trustees during the first year of sanitary sewer service upon the request of the customer or as initiated by the District based on the findings of a determination of the actual service being provided. The actual service being provided shall be determined based upon flow meter data collected from the customer's facility with the customer responsible for any expense incurred to monitor flow.

The first year of service shall be defined as the first year following the initiation of trade in any buildings, pads or storefronts. Flow meter data shall consist of actual water meter readings as documented by the applicable water utility's invoices or sewage flow meter readings. Flow meter data of estimated water meter readings will not be accepted to determine a modification of the monthly service charge. Upon review of the water meter readings and or sewage flow meter readings by the Board of Trustees, it will be determined if a modification of the monthly sanitary sewer service charge is warranted; however, the minimum monthly sanitary sewer service charge shall be one (1) EDU. If a modification is warranted, the monthly sanitary sewer service charge shall be adjusted on the next billing cycle, and will not be retroactive to any previous month's service charges. Payment and collection of the adjusted monthly sanitary sewer service charges shall be in accordance with the Rules and Regulations of the Hendricks County Regional Sewer District. The Hendricks County Regional Sewer District reserves its right, as allowed by the Rules and Regulations, to adjust the monthly service charge in response to future changes in wastewater flow.

Any modification of the monthly sanitary sewer service charge shall apply only to the facility and facility usage as documented by the applicable water utility's invoices or sewage flow meter readings used to determine the modification. Any modification of the facility or its use shall render the modification null and void, and a new EDU assessment shall be determined as set out in the Hendricks County Regional Sewer District Rules and Regulations.

Any modification of the monthly sanitary sewer service charge will not warrant reimbursement for previously paid EDU assessment fees or result in a modification of the waste load allocation.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effective upon its adoption and its publications as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana on this 3rd day of May 2004.

HENDRICKS COUNTY REGIONAL SEWER BOARD


Linda Palmer-Ryser


Sonya Cleveland


Steven L. Ostermeier

HENDRICKS COUNTY
PUBLIC POOL AND SPA ORDINANCE
ORDINANCE NO. 2003 - 27

PURPOSE: This ordinance is to regulate public and semi-public swimming pools, wading pools and spas with regard to the health and welfare of people in public and semi-public water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rule 410 IAC 6-2.1, as amended.

SECTION I DEFINITIONS

Full Time Pool – means any public or semi-public pool that operates for more than six (6) months per calendar year.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Executive Officer of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Public Pool –means “any pool, other than those pools defined as semi-public pool which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless ow whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a on (1) or two (2) family dwelling , and maintained by an individual for the sole ues of the household and house guests.

Seasonal Pool – means any public or semi-public pool that is operated outdoors for less than six (6) months each year.

Semi-public pool - means any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) schools, universities, and colleges;
- (2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) camps or mobile home parks; or
- (4) membership clubs or associations.

Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

Spa - "Spa" means a pool designed for recreational and/ or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

- (1) hydrojet circulation; (2) hot water; (3) cold water; (4) mineral baths; (5) air induction systems; or (6) any combination thereof.

Swimming Pool - means any structure, basin, chamber or tank containing water for swimming, diving or recreational bathing. This term includes diving pools, therapeutic pools and wave pools.

Wading Pool - "Wading pool" means a pool used for bathing that has a maximum depth of (2) feet.

However, nothing in these rules shall be construed as applying to any swimming pool, wading pool or spa constructed at and maintained by an individual for the sole use of the household and house guests.

SECTION II PERMITS

It shall be unlawful for any person to operate a public or semi-public swimming pool, public or semi-public wading pool or public or semi-public spa in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Pool/Spa permits shall be posted in a conspicuous place at all times.

- A. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
- B. A permit for a swimming pool, wading pool or spa shall be for a term of one year and shall be renewed annually.
- C. Any permit issued by the Health Officer shall contain the name of the facility, the address of the facility and other pertinent information required by the Health Officer.
- D. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the swimming pool, wading pool or spa complies with all applicable requirements.

- E. A separate permit shall be required for each swimming pool, wading pool or spa operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.

SECTION III PERMIT FEES

A. Permit Fees

All permitted swimming pool, wading pool or spa operators must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees.

B. Permit Fee Exception

No permit fee shall be required for swimming pools, wading pools or spas operated by not-for-profit organizations. Such establishments shall comply with all other provisions of this ordinance.

SECTION IV MINIMUM REQUIREMENTS FOR SWIMMING POOLS, WADING POOLS AND SPAS

A. General Requirements

Each public swimming pool, public wading pool or public spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2.1. Two copies of which are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

B. Facilities to be kept clean; summary closure

- (a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
- (b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

SECTION V COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule to insure that all permitted swimming pools, wading pools and spas are inspected at least one time per month. More frequent inspection may be assigned at the discretion of the Health Officer.

B. Procedure When Violations Are Noted

If during the inspection of any swimming pool, wading pool or spa, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

C. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a swimming pool, wading pool, spa, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the swimming pool, wading pool or spa; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provisions of Section II should not be revoked.
2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

D. Revocation of Permit

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Unsanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

F. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

All swimming pool, wading pool or spa operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION VIII UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION IX REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of December, 2003.

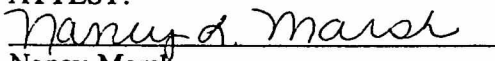
BOARD OF COMMISSIONERS


Sonya Cleveland

Steve Ostermeier


Linda Palmer-Ryser

ATTEST:


Nancy Marsh
Hendricks County Auditor

HENDRICKS COUNTY
GROUND WATER WELL ORDINANCE
ORDINANCE NO. 2003 - 26

An Ordinance pertaining to private groundwater well drilling, maintenance, abandonment and other items requiring permits and permit fees for drilling wells, regulating the inspection of such wells, providing for enforcement of this Ordinance, providing for the fixing of penalties for violations of said Ordinance, and providing for incorporation by reference selected portions of the following Indiana State Department of Health Rules: IC 14-25, IC 25-39, 312 IAC 12, and 312 IAC 13, or as amended;

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that the provisions of this Ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this Ordinance.

SECTION I DEFINITIONS

The definitions in this Ordinance are in addition to those contained in IC 25-39-2, 312 IAC 12-1, and 312 IAC 13-1 and apply throughout this Ordinance.

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

Ground Water: is any water in natural state below the surface of the ground.

Health Officer – means the Health Officer of Hendricks County in Indiana, or the authorized representative thereof, and shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20.

Non-Residential Well: shall mean any well drilled for the use of other than one or two dwelling units.

Person: shall mean any individual, firm, corporation or partnership.

Potable Water: is water suitable for drinking or culinary purposes.

Casing: is steel or wrought iron pipe, approved plastic, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

Private Water Supply: means one or more sources of ground water, including facilities for conveyance thereof, such as wells springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.

Pump Installer: is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

Residential Well: shall mean any well drilled for the use of one or two dwelling units.

Well: is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.

Well Drilling: is any operation that produces a well greater than 24 feet deep for drinking water purposes.

Well Driller: is any individual, partnership, firm or corporation that produces, or contracts to construct a well.

Well Owner: is the legal owner of the real estate containing the well site.

Well Repair: any work on a well, well pump, or accessory lines thereto when it is necessary to uncover the buried upper terminal of the well.

SECTION II PERMITS

Before commencement of construction of a well or geothermal heat pump system utilizing a well, a well repair or a pump installation, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is obtained. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year.

In emergency situations, the applicant for the well permit shall notify the health officer by telephone of the pending well installation prior to such installation. The well permit application shall be submitted with signatures within 24 hours of the first regular scheduled workday after the start of the emergency installation, and the application shall provide details regarding the specific situation that mandated the emergency well installation.

It shall be unlawful for any person to install a well or well pump, or to perform a well repair in Hendricks County, who does not possess a valid permit from the Health Officer. If the well installation or well location is regulated by another State or Federal government agency, then applicable State or Federal approval documentation must be provided at the time of County well permit application. Valid Hendricks County Well permits shall be made available on site by the driller or property owner at all times while a well is being drilled.

Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a permit.

Any permits issued by the Health Officer shall contain the name of the property owner, the mailing address of the owner, site address, the parcel ID for the property on which the well will be drilled, and other pertinent information required by the Health Officer.

SECTION III PERMIT FEES

The permit fees are specified in the Hendricks County Ordinance for the Collection of Fees.

A permit inspection fee of the amount specified in Section 3.C. of the Hendricks County Board of Health Ordinance for Collection of Fees, Ordinance No. 2001-15, shall be paid to the Hendricks County Health Department at such time as an owner or their agent makes application for a well permit.

SECTION IV MINIMUM REQUIREMENTS

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing the standards set forth, amended to, and incorporated by reference from Indiana Code and Indiana Administrative Code in this Ordinance.

Article 1; Incorporated by Reference

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Code:

IC 4-21.5-3	Administrative Adjudication
IC 25-39-4-1	Records; copy of records to department
IC 25-39-4-2	Standards for well siting, construction, and operation

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Administrative Code:

312 IAC 12

Rule 1.	Definitions, Rule
Rule 2.	Administration, Rule
Rule 3	Construction Standards

312 IAC 13

Rule 1,	Definitions,
Rule 2-6,	Well Records,
Rule 3,	Well Drilling Procedures and Well Locations,
Rule 4,	Well Equipment and Installation Specifications,
Rule 5	Grouting of Wells
Rule 6,	Minimum Well Constructions Standards
Rule 7	Well Yield
Rule 8,	Other Wells and Structures

Rule 9, Well Disinfection, and
Rule 10, Landowner Responsibility for abandonment and plugging of wells

- (a) The incorporated materials are available for public review at the office of the Hendricks County Health Department.
- (b) Where exceptions (exclusions) to incorporated state rules are necessary, these exceptions will be noted in this Ordinance.
- (c) The incorporation of state regulations as a county ordinance does not negate the requirement to comply with state regulations that may be effective in Hendricks County which are not incorporated in this Ordinance or are retained as state authority.
- (d) EXCEPTIONS (exclusions):
 - 312 IAC 13-1-8,*
 - 312 IAC 13-1-13,*
 - 312 IAC 13-2-1 (to) -5*

Article 2. General Requirements

Water Well Drillers

All water well drillers operating in Hendricks County shall comply with the terms and provisions of this chapter and the incorporated articles. In the event of any conflict between the provisions of the incorporated article and this chapter, the provisions of this chapter shall govern. All water well drillers operating in Hendricks County shall comply with the licensing requirements of Indiana Code 25-39-3

Except as otherwise provided in this Ordinance, any new groundwater well located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 312 IAC 12 and 13, and IC 14-25 and IC 25-39. Two copies of each are kept on file in the Hendricks County Clerk's Office, Danville, Indiana, for public inspection.

It shall be the responsibility of the property owner and the well driller to submit to the Hendricks County Health Department the following reports, within thirty (30) days of well drilling:

1. well drilling logs,
2. bacteriological water sample results,
3. water pump technical specifications; and
4. any other reports requested by the H.C.H.D or any other county, state, or federal department or agency.

Article 3 Additional Well Location And Separation Distances

Location

Private water supply wells and open loop, shall be located in keeping with the following principles:

- (a) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding.
- (b) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.
- (c) Private water supply wells, open loop and closed loop geothermal heat pump system serving a residence consisting of one or two dwelling units shall maintain the following minimum separation distances from sources of contamination:

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21, or 26 with gasket compression-type joints.....	10 feet
Sewer Pipes.....	30 feet
Sewers and drains.....	50 feet
Privies.....	50 feet
Septic tanks and Absorption fields.....	50 feet
Sewage pits and Dry wells.....	100 feet
Stables, livestock runs, manure piles, etc.....	50 feet
Streams, lakes, ponds, ditches.....	25 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

The health officer may waive, by written documentation, the requirements set forth above when he considers that it will not endanger public health.

Private water supply wells, open loop, and closed loop geothermal heat pump systems serving other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination.

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21 or 26 with gasket compression type joints.....	30 feet
Sewer Pipe	30 feet
Sewers and Drains.....	100 feet
Septic tanks, absorption fields, filters.....	100 feet
Privies.....	100 feet
Streams, lakes, ponds, ditches.....	50 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

(d) The Hendricks County Health Board may waive by written documentation the requirements set forth above when it is not considered to endanger public health and if it is not in conflict with any other state requirements.

Relationship to buildings. The location of wells with respect to buildings shall be as follows:

(a) Every well and open loop return well located so that it will be reasonably accessible with proper equipment for cleaning, treatment, testing, inspection, and for such other attention as may be necessary. It should be at least five (5) feet outside of any existing building overhang.

(b) No well or open loop return well shall be located so that the top of the well will be within the basement of any building nor under a building having no basement.

Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirements as is prescribed by the Hendricks County Board of Health.

Article 4 Well Abandonment

- I. Groundwater wells must be properly abandoned in accordance with 312 IAC 13
- II. Any groundwater well connected to an existing structure that is scheduled for demolition must be either:
 - a. Properly abandoned in accordance with 312 IAC 13 or other applicable regulations, with written verification submitted to the Local Health Officer prior to initiating demolition of the structure, or
 - b. Located by global positioning system for later abandonment, with written notification and well location submitted to the Local Health Officer prior to initiating demolition of the structure.

SECTION V COMPLIANCE AND INSPECTION

A. Schedule of Inspection

It shall be the duty of the well driller and the owner of the property on which the well is drilled to notify the Hendricks County Health Department when the well and appurtenances are available for inspection. The Health Officer must be permitted to inspect the well and appurtenances at any reasonable time.

B. Procedure to Follow When Any Violation is Noted

It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by the permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this Ordinance. These activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining samples, obtaining ground water samples, obtaining surface water samples, monitoring activities, and other duties.

If during an inspection of any water well located in Hendricks County, the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall issue a written order listing such violation to the property owner, and setting a date by which the violation shall be abated. A copy of the written order shall be filed in the Hendricks County Health Department.

Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time, the matter shall be referred to the attorney for the Hendricks County Health Department or the county prosecutor for appropriate legal action and possible revocation or modification of permit, as specified in *Section 8* of this Ordinance.

Any permit granted by the H.C.H.D. may be revoked or modified by the Health Department for any of the following causes:

- A. Violation of any condition of the permit;
- B. Failure to disclose all of the relevant facts, or
- C. Any misrepresentation made in obtaining the permit;
- D. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

C. Revocation of Permit

The Health Officer may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3, which Administrative Adjudication Act is hereby adopted by reference.

Pending the decision resulting from the hearing under I.C. 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the H.C.H.D. may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

The property owner shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII APPROVAL OF PLANS

All non-residential Private Groundwater Wells that are hereafter constructed or repaired shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Natural Resources. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any drilling, repair, or installation work. Any new or repaired well must submit an application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the work.

SECTION VIII PENALTIES

Any person or persons who shall continue to violate any section of this Ordinance, IC 14-25, IC 25-39, 312 IAC 12, or 312 IAC 13 beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense. In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION IX UNCONSTITUTIONALITY CLAUSE

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

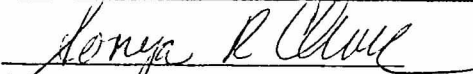
SECTION X REPEAL AND DATE OF EFFECT

This Ordinance shall apply to the entirety of Hendricks County. All Ordinances and all portions of ordinances, including but not limited to the Hendricks County Ordinance No. 1989-4122, and any other ordinances or parts of ordinances in conflict herewith are repealed or superseded. This Ordinance shall be in full force and effective immediately upon and after its adoption and publication as required by law.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of December, 2003.

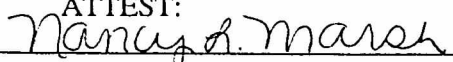
BOARD OF COMMISSIONERS


Sonya Cleveland

Steve Ostermeier


Linda Palmer-Ryser

ATTEST:


Nancy Marsh
Hendricks County Auditor

ORDINANCE NO. 2001 - 32

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR COLLECTION FEES AND CHARGES

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates.

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges.

WHEREAS, I.C. 13-26-11, et. Seq., grants certain powers to the District dealing with the collection of rates and charges.

WHEREAS, the Board of Trustees of the District finds and determines that it is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District rates and charges schedule Ordinance entitled "Hendricks County Regional Sewer District Ordinance for Collecting Rates and Charges, "Ordinance No. 2001- be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area.
3. These rates amend and supercede the rates and charges adopted in Ordinance 1995-28.
4. This Ordinance does not alter any Regional Sewer District agreement in existence as of December 10, 2001 including the following:

Agreement

Raceway Water Conservancy District
Oakhurst Realty, LLC
MAC Storage Company, and Ohio Corporation
DBA: Broadacre MHP
Mobile Home Park Associates, DBA: Lake of Lanterns

dated

October 13, 1997
November 3, 1997

December 28, 1998

December 20, 1999

5. All rates and charges adopted hereby become of full force and effect as described. The Monthly Service Reservation Fees will be initiated on December 10, 2002, and will be applicable to all allocations existing as of December 10, 2001, including wasteload reservations made between October 8, 2001 and December 10, 2001. The District will assess Monthly Service Reservation Fees, applicable to wasteload allocations reserved after November 1, 2001, beginning one year from the date of Wasteload Allocation.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

HENDRICKS COUNTY REGIONAL SEWER DISTRICT FEES

Application Fees

Wasteload	\$50.00
Wastewater Facility Construction	\$50.00
On-Site Sewer Construction Permit	\$50.00
Service Transfer (ie: to new owner)	\$50.00

Connection Fees:

Service Fee for all commercial construction and residential construction after January 1, 1994

Connection Fee per EDU	\$3000.00/home or EDU
Connection Fee per EDU only <u>if paid in full</u> before November 1, 2001	\$2000.00/home or EDU

One-third (\$1000.00/EDU) of the connection fee is due prior to issuance of wasteload allocation. The other two-thirds (\$2000.00/EDU) of the connection fee is due prior to sewer connection.

Service Fee for a residence constructed prior to January 1, 1994

Connection Fee per EDU	\$450.00
------------------------	----------

Monthly Service Fees:

Monthly Service Fee per EDU	\$45.00
Monthly Service Reservation Fee per EDU	\$25.00

Inspection Fees

Wastewater Facility Construction	\$75.00/hour
Acceptance of Facilities	\$75.00/hour
On-Site Sewer Construction	\$75.00/hour

Plan Review Fees

Wasteload Allocation	\$115.00/hour
On site Sewer Construction	\$115.00/hour

Miscellaneous Fees per EDU

Service Transfer Fee	\$50.00
Security Deposit/EDU	\$135.00 (3 months service)
Returned Check Fee	\$25.00
Monthly Payment late fee	\$20.00/month

Security Device Replacement Fee

Actual Cost (\$100.00 minimum)

Lien Charges

Cost of attachment of lien plus one and one half times the amount of fees owed

Industrial Waste Discharge Permit (Non-Domestic)

Annual Discharge Permit Fee

\$5,000.00

Laboratory Testing Charges

Actual Charge plus 15% handling

Excess Strength Wastewater

10% surcharge per lb. of total cost to treat BOD, TSS, and NH₃

Note: Industrial waste, for purposes of this Ordinance, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the Code of Federal Regulations CFR 403 Pretreatment guidelines set forth by the United States of America Environmental Protection Agency. Examples include significant users of 25,000-gallons/day flow or by categorical classification.

The Industrial Waste Discharge Permit does not apply to restaurants, but does not exempt restaurants from excess waste strength fees, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana, on this tenth day of December, 2001.

HENDRICKS COUNTY REGIONAL SEWER BOARD

Steve Ostermeier
Steve Ostermeier

Linda Palmer
Linda Palmer

John D. Clampitt
John D. Clampitt

ATTEST:

Alise Pate

2001-17

HENDRICKS COUNTY PUBLIC POOL AND SPA ORDINANCE

WHEREAS, IC 36-1-4-11 of the Acts of The General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and


WHEREAS, the Hendricks County Board of Commissioners held a public hearing on October 15, 2001 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: That there are public health hazards associated with the improper operation of swimming pools, wading pools and spas .

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by the improper operation public swimming pools, public wading pools or public spas, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Public Pool and Spa Ordinance", be adopted.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 15th day of October, 2001.

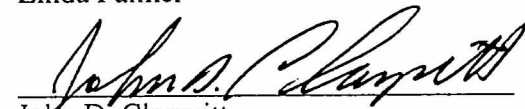
BOARD OF COMMISSIONERS


Steve Ostermeier

Entered for Record


Linda Palmer

ATTEST:


John D. Clampitt


Nancy Marsh,
County Auditor

HENDRICKS COUNTY
PUBLIC POOL AND SPA ORDINANCE

PURPOSE: This ordinance is to regulate swimming pools, wading pools and spas with regard to the health and welfare of people in public water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rule 41Q IAC 6-2, as amended.

SECTION I DEFINITIONS

Full Time Pool – means any public pool that operates for more than six (6) months per calendar year.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Public Pool - means any structure, basin, chamber or tank containing a body of water, which is intended to be used for swimming or bathing that is not intended to be drained after each use, and that is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a

fee is charged for use. This term includes pools operated solely for and in conjunction with schools, universities, and colleges; hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings; camps or mobile home parks; or membership clubs or associations. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

Seasonal Pool – means any public pool that is operated outdoors for less than six (6) months each year.

Spa – means any structure, basin, chamber or tank containing warm water that is agitated by a device. This term includes all public hot tubs and whirlpools.

Swimming Pool – means any structure, basin, chamber or tank containing water for swimming, diving or recreational bathing. This term includes diving pools, therapeutic pools and wave pools.

Wading Pool – means any structure, basin, chamber or tank containing water with a maximum depth of twenty-four (24) inches for wading.

However, nothing in these rules shall be construed as applying to any swimming pool, wading pool or spa constructed at and maintained by an individual for the sole use of the household and house guests.

SECTION II PERMITS

It shall be unlawful for any person to operate a public swimming pool, public wading pool or public spa in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Pool/Spa permits shall be posted in a conspicuous place at all times.

- A. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
- B. A permit for a swimming pool, wading pool or spa shall be for a term of one year and shall be renewed annually.
- C. Any permit issued by the Health Officer shall contain the name of the facility, the address of the facility and other pertinent information required by the Health Officer.

- D. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the swimming pool, wading pool or spa complies with all applicable requirements.
- E. A separate permit shall be required for each swimming pool, wading pool or spa operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.

SECTION III PERMIT FEES

A. Permit Fees

All permitted swimming pool, wading pool or spa operators must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees.

B. Permit Fee Exception

No permit fee shall be required for swimming pools, wading pools or spas operated by not-for-profit organizations. Such establishments shall comply with all other provisions of this ordinance.

SECTION IV MINIMUM REQUIREMENTS FOR SWIMMINGPOOLS, WADING POOLS AND SPAS

A. General Requirements

Each public swimming pool, public wading pool or public spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2. Two copies of which are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

B. Facilities to be kept clean; summary closure

- (a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
- (b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

C. Public spas; additional requirements.

- (a) The maximum operating temperature of spa water shall not exceed 104 degrees Fahrenheit (40 degree C). A thermostatic control for the water temperature which ensures that this limit will not be exceeded and is accessible only to the operator is essential.
- (b) Decks, ramps, and similar surfaces, including step treads and coping, shall be slip-resistant and free of excessive standing water at all times. Any roughness or irregularities of such surfaces should not cause injury or discomfort under intended use.

- (c) A precaution sign should be mounted adjacent to the entrance to the spa or hot tub. It should contain the following warnings:

CAUTION

- (1) Do not use when alone.
- (2) Do not use while under the influence of alcohol, anticoagulants, vasoconstrictors, stimulants, hypnotics, narcotics, or tranquilizers.
- (3) Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not use the spa or hot tub.
- (4) Unsupervised use by children is prohibited.
- (5) Do not operate at water temperatures greater than 104 degree F (40 degree C).
- (6) Observe a reasonable time limit (e.g. 10 minutes), then shower, cool down and, if you wish, return for brief stay. Long exposure may result in nausea, dizziness, or fainting. Shorter time limit use during pregnancy is indicated.
- (7) Always enter and exit slowly and cautiously.
- (8) A sign should also be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.

SECTION V COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule to insure that all permitted swimming pools, wading pools and spas are inspected at least one time per month. More frequent inspection may be assigned at the discretion of the Health Officer.

B. Procedure When Violations Are Noted

If during the inspection of any swimming pool, wading pool or spa, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

C. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a swimming pool, wading pool, spa, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the swimming pool, wading pool or spa; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provisions of Section II should not be revoked.

2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

D. Revocation of Permit

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

E. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Insanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

F. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS

All swimming pool, wading pool or spa operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION VII PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

SECTION VIII UNCONSTITUTIONALITY CLAUSE

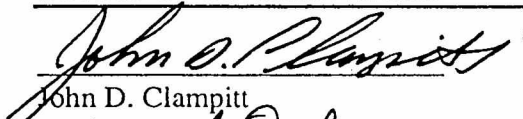
Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

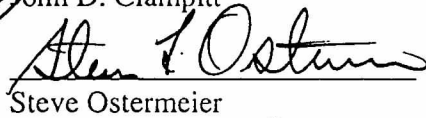
SECTION IX REPEAL AND DATE OF EFFECT

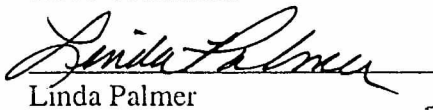
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law, except that Section II, Permits, and Section III, Permit Fees shall be in full force for full-time pools January 1, 2002, and for seasonal pools June 1, 2002.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifteenth day of October, 2001.

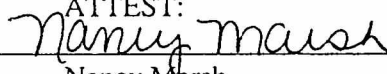
BOARD OF COMMISSIONERS


John D. Clampitt


Steve Ostermeier


Linda Palmer

ATTEST:


Nancy Marsh
Hendricks County Auditor

HENDRICKS COUNTY

RETAIL FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 2001 - 16

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on October 15, 2001 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony found that it is advisable for the promotion of public health to establish health and sanitary regulations for retail food establishments.

NOW THEREFORE, in order to promote the health, safety, and welfare of the people of Hendricks County, Indiana by diminishing the possibility of a food-borne outbreak, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following Ordinance, entitled "Hendricks County Retail Food Establishment Ordinance", be adopted.

HENDRICKS COUNTY

RETAIL FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 2001 16

An Ordinance pertaining to food service establishments, mobile food service establishments, temporary food service establishments, retail food stores, caterers, vending machines, commissaries and other items requiring permits and permit fees for operation of food service and retail food store establishments, prohibiting the sale of adulterated, unwholesome, or misbranded food, regulating the inspection of such establishments, providing for enforcement of this ordinance, providing for the fixing of penalties for violations of said ordinance, and providing for incorporation by reference the following Indiana State Department of Health Rules: Retail Food Establishment Sanitation Requirements Title 410 IAC 7-20 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

SECTION I DEFINITIONS

Bed and Breakfast - means an operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Catering – means to prepare or serve exposed food directly to the consumer at a place other than the licensed facility in which the caterer is based.

Commissary - means a catering establishment, restaurant, or any other place in which a caterer or mobile food service establishment operator keeps, handles, prepares, packages or stores food, containers, or supplies.

Critical Violation - means a violation that contributes to food contamination, illness, or environmental degradation. These may include items marked in the "C" column denoting critical violations on the inspection report form.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.

Mobile Food Service Establishment - means any vehicle-mounted food service establishment designed to be readily movable that changes location too frequently to be a candidate for permanent utility connection, as determined by the Health Officer.

Not-for-Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Pushcart - means a non-self-propelled vehicle limited to serving non-potentially hazardous foods, commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Retail Food Establishment -

(a) **Retail Food Establishment**- means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as:

- (A) a restaurant;
- (B) satellite or catered feeding location;
- (C) a catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
- (D) a market;
- (E) a grocery store;
- (F) a convenience store;

- (G) a conveyance used to transport people;
- (H) an institution; or
- (I) a food bank; and

(2) that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) The term includes the following:

- (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
- (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.

(c) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that only offers whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.

- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A Bed and Breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home which provides childcare and is not subject to IC 12-13-5.
- (9) A private home.

Temporary Food Service Establishment - means any Retail Food Establishment that operates for a period of time not in excess of fourteen (14) consecutive calendar days, in conjunction with a single event or celebration at a temporary location, whether or not the facility is fixed or moveable.

SECTION II PERMITS

It shall be unlawful for any person to operate a Retail Food Establishment, Temporary Food Establishment, Mobile Food Establishment, Push Cart, or Bed and Breakfast in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation of a food establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Establishment permits shall be posted in a conspicuous place at all times.

1. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
2. A permit for a food establishment shall be for a term of one year and shall be renewed annually. The permit for a Temporary Food Establishment shall be for the term of one continuous operation at one location. This permit is not to exceed fourteen (14) consecutive days.
3. Any permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, and other pertinent information required by the Health Officer.
4. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the food establishment complies with all applicable requirements.
5. Public events where catered food is provided or prepared shall occur at a facility holding a valid Hendricks County Food Establishment permit. This permitted food establishment shall obtain a current copy of the caterer's local health department food permit. If the site or the caterer is not permitted, a Temporary Food Establishment permit must be obtained by the caterer.
6. Any person who desires to operate a Temporary Food Establishment in Hendricks County, shall obtain from the Health Officer a permit for a Temporary Food Establishment. Such temporary permit shall be provided by the Health Officer if a completed

application and appropriate fee are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

7. A separate permit shall be required for each Food Establishment operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

8. A nonrenewable probationary permit is available for a person taking over an existing, permitted Food Establishment. The following conditions apply:

- (a) The probationary permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (b) The probationary permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (c) An annual permit must be obtained before the expiration of the probationary permit. The annual permit will not be issued until an acceptable compliance inspection by the Hendricks County Health Department is recorded.
- (d) The annual permit shall have the anniversary date of the original date of probationary permit.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection III B., all permitted food establishments must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A delinquent fee is assessed if permit fees are not paid within thirty (30) days of expiration of annual permits.

B. Permit Fee Exception

No permit fee shall be required for food establishments operated by not-for-profit organizations.

C. Exemption From Compliance

A not-for-profit organization that offers food for sale to the final consumer at an event held for the benefit of that organization is exempt from complying with the inspection and permitting requirements of this Ordinance that may be imposed upon the sale of food at that event if:

1. Members of the organization prepare the food that will be sold,
2. Events conducted by the organization under this section take place no more than thirty (30) days in any calendar year, and
3. The name of each member who has prepared a food item is attached to the container in which the food item has been placed.

SECTION IV MINIMUM REQUIREMENTS FOR FOOD ESTABLISHMENTS

A. General Requirements

All Retail Food Establishments, Temporary Food Establishments, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-20 or 410 IAC 7-15.5. Two copies of each are kept on file in the Hendricks County Clerk's Office, Danville, Indiana, for public inspection.

B. Water Source

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

C. Employee Education

A food establishment, except for a temporary food service establishment, may be required to hold an employee education program provided by the Hendricks County Health Department, or through other means with the written approval of the Health Officer, when any of the following occurs:

1. Receiving a permit to open a new establishment,
2. Change of ownership of an existing facility,
3. Three (3) or more separate employee related critical violations are noted in one inspection,
4. Repeat critical violations are noted on an inspection, or
5. Three (3) or more valid complaints are received by the Environmental Health Department within a period of sixty (60) days.

SECTION V SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any person to sell through a Retail Food Establishment, Temporary Food Establishment, or Bed and Breakfast any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure when Violations Are Noted

If during an inspection of any food establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order listing such violation to the proprietor, or in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the Hendricks County Health Department.

C. Public Access to Inspection Records

After the narrative report is completed, the food establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response to the reports. The public will have access to inspection records either ten (10) days after the completion of the inspection; or after a written response to the inspection report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The checklist, the narrative report, and the related public records may be inspected and copied under IC 5-14-3, if the Hendricks County Health Department takes any of the following actions with respect to a food service establishment that is the subject of the records:

1. schedules a hearing,
2. orders closure,
3. requests revocation of the permit,
4. finds the existence of an imminent danger to the public health, or
5. finds a gross deception of or fraud upon the consumer.

D. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the permit issued under the provision of Section II should not be revoked.
2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

E. Revocation of Permit

The Health Officer, upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

F. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Insanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

G. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VII INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS

A. Schedule of Inspection

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any Temporary Food Establishment the Health Officer discovers a violation of the requirements of this ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit and Penalties for Continued Operation

Upon failure of any person maintaining or operating a Temporary Food Establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the permit of the establishment and to forbid the further sale or serving of food therein.

SECTION VIII AUTHORITY TO INSPECT AND TO COPY RECORDS

All food establishment operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the food establishment, shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION IX APPROVAL OF PLANS

All Retail Food Establishments that are hereafter constructed or re-constructed shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled Retail Food Establishment must submit a completed plan review application on forms provided by the Hendricks County Health

Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection and employee education required under Section IV C. of this ordinance.

SECTION X PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this ordinance.

SECTION XI UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION XII REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifteenth day of October, 2001.

BOARD OF COMMISSIONERS:


STEVE OSTERMEIER


LINDA PALMER


JOHN D. CLAMPITT

ATTEST:


Nancy Marsh
HENDRICKS COUNTY AUDITOR

ORDINANCE NO. 2001- 15

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES AND AMENDING ALL PRIOR

ORDINANCES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to I.C.16-20-1-27; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on October 15, 2001 at approximately p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5 , 1992-10, 1993-14, and 1997-23 amended by ordinance dated 10-25-88 and 2-10-92, and 1997-23 enacted by the Board of Commissioners of Hendricks County, Indiana on June 16, 1997 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Tuberculosis (Mantoux)	\$3.00 per test
Immunization (state provided)	.50 per vaccine
(No charge if the patient is indigent)	
Child Health Clinic	\$1.00 per child

Immunization (county purchased) and Blood Chemistries. Prices shall be based on cost of supplies, vaccines and other necessary components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

C. In the event a lawsuit is necessary to collect the cost of health services for paragraph "A" and "B" above, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION II.-VITAL RECORDS

A. Vital Record Services

Birth Records

Birth Certificate (per copy)	\$5.00
Birth Certificate (wallet-laminated)	\$7.00
Legitimation	\$10.00
Affidavit of Amendment	\$10.00
Paternity Affidavits	\$25.00

Death Records

Death Certificate, First Copy	\$5.00
Additional Copies	\$2.00 each

SECTION III. ENVIRIONMENTAL HEALTH

A. Food Establishments

Small grocery or food service (ie.: open less than 6 months,
or no food preparation) \$50.00

Two inspections per year (ie.: fast food or pizzarias with
minimal food preparation) \$100.00

Full Service Restaurants and large grocery (ie.: preparation of raw
ingredients and/or operates 24 hours per day, or prepares three
meals per day) \$150.00

Mobile Food Service (Annually) \$10.00 per unit

Pushcart with all food prepackaged \$10.00 per unit

Mobile Food Service with food preparation \$50.00 per unit

Temporary Food Establishments \$25.00

Bed and Breakfast \$50.00

B. Septic Permit (Valid one (1) year from date of issue)

New Installation \$75.00

Replacement \$50.00

Repair \$25.00

On-Site Investigation for Construction/Maintenance \$25.00

C. Well Protection (Valid one (1) year from date of issue)

New Well and Pump Permit \$40.00

Replacement Pump Permit \$15.00

Open loop geothermal heat pump system \$20.00

Open loop geothermal return well \$20.00

D. Solid Waste	
Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00
E. Temporary Campground License	
Temporary Campground License	\$25.00 per event
F. Pools	
Annual permit for public pool	\$40.00
Annual permit for public hot tub or spa	\$20.00
Annual permit for public wading pool	\$20.00

Each of the foregoing fees are non-refundable and shall be paid at the time the application or service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

This ordinance shall be in full force and effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 15th day of October, 2001.

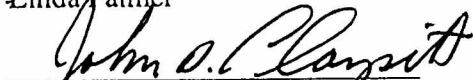
BOARD OF COMMISSIONERS



Steve Ostermeier

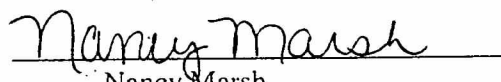


Linda Palmer



John D. Clampitt

ATTEST:



Nancy Marsh
Hendricks County Auditor

AMENDMENT OF PARAGRAPHS III.D.1.c. and III.D.2.d. IN THE
HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE.

AMENDMENT TO ORDINANCE NO. 2000-4

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, IC 16-19-3-4 gives the Indiana State Department of Health the authority to adopt rules regarding the disposition of excremental and sewage matter.

WHEREAS, the Indiana State Department of Health Rule 410 IAC 6-8.1 allows the local health department to require profile analysis of all the soils in which an on-site sewage disposal system will be constructed and any other information deemed necessary prior to the issuance of an on-site sewage disposal permit, and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on July 5, 2000 at approximately 1:00 P.M.; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, after having a public hearing found: the Hendricks County Health Department should enforce site specific soil requirements.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
Hendricks County, Indiana that the provisions of this ordinance are effective within
Hendricks County as follows:

The requirements for a soil profile report describing the soils for a minimum of three
sample sites are hereby amended to require a soil profile report describing the soils for
a number of sample sites to be determined by Indiana State Health Department
requirements and the Hendricks County Health Department on a site specific basis.

III.D.1.c. and III.D.2.d. will read as follows:

A soil profile report describing the soils for a number
of sample sites to be determined by the Hendricks
County Health Department on a site specific basis and
as required by the Indiana State Department of Health,
located within or in close proximity to the proposed
absorption field. The samples described must be
representative of the soils within the absorption
field. This report must be prepared by a soil
scientist, or an individual proficient in the
application of the principles of pedology to soil
classification, soil interpretation, soils
investigation and soil profile description and with the
ability to measure, observe and describe soil
properties and landforms. The qualified person must
sign the soils report.

ATTEST:

Debbie Simpson

DATE:

7-5-00

John A. Hauer
Charles C. Gorman
John R. Claycomb

HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE

ORDINANCE NO 2000 - 4

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on February 28, 2000 at approximately 1:00 P.M.; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: (1) That there are public health hazards associated with the improper disposal of sewage; (2) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, on-site sewage disposal systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and (3) That there was a need to establish standards for design, construction and inspection of on-site sewage disposal systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing on-site sewage disposal systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana the following ordinance entitled, "Hendricks County On-Site Sewage Disposal Ordinance", be adopted.

I. DEFINITIONS

A. Agent means a registered environmental health specialist with knowledge of environmental health science employed by the Hendricks County Health Department, or other persons selected by the Health Officer to assist in the administration of this ordinance.

B. Bedroom means any room in a residence that is forty-five (45) square feet or more, contains a closet, and has at least one (1) operable window or exterior door approved for emergency egress or rescue as required by 675 IAC 14-4-30 (Indiana One and Two Family Dwelling Code). A tub with a usable capacity of greater than 125 gallons will also be counted as a bedroom when sizing the septic system.

C. Board of Health means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.

D. Commercial means any type of building other than a one or two family dwelling.

E. Division of Sanitary Engineering means a division within the Indiana State Department of Health.

F. Hearing means session in which witnesses are heard and testimony is taken.

G. Health Officer means the Health Officer having jurisdiction in Hendricks County, Indiana.

H. Indiana State Department of Health means the state agency having authority to regulate on-site sewage disposal systems.

I. New Installation means all necessary work to install a new OSDS in conjunction with a new building being erected.

J. Notice of Violation means a written notification of an ordinance violation.

K. On-site Sewage Disposal System or OSDS means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility.

L. OSDS failure means an OSDS that exhibits one (1) or more of the following:

1. OSDS refuses to accept sewage at the design rate of application thereby interfering with the normal use of plumbing fixtures.
2. Effluent discharged to the OSDS exceeds the loading rate of the soil, resulting in discharge of effluent to the ground surface or to surface waters.
3. Effluent discharged from the OSDS causes contamination of a potable water supply, ground water, or surface water.

M. Order means a written mandate a person is directed to obey.

N. Plot Plan means a graphic representation prepared by a registered engineer or professional land surveyor which identifies the topography, locations and elevations of current and proposed improvements as well as any other pertinent information required by the Planning and Building Department for an Improvement Location Permit.

O. Repair Installation means the repair or replacement of any OSDS component other than the replacement or expansion of a soil absorption field.

P. Replacement Installation means the replacement or expansion of a soil absorption field.

Q. Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" means an Indiana State Department of Health regulation that establishes standards for residential sewage disposal systems and any amendments thereto.

R. Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" means an Indiana State Department of Health regulation that establishes standards for commercial on-site sewage disposal systems.

S. Soil Sample Sites means borings or pits used for describing the soils at a soil absorption field site.

T. Soil Scientist means an individual registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) or the Indiana Association of Professional Soil Classifiers (IAPSC), as a certified professional soil scientist, soil specialist, or soil classifier.

U. Soil Profile Report means a written description and interpretation of the physical and chemical properties of a soil from sample sites. The written soil profile report must include a detailed soil profile description of the properties of the soil at each sample site. All sample sites must be evaluated and described in the soil profile

report. These properties must be determined using the guidelines set forth in soil manuals, technical bulletins, and handbooks of the U.S. Department of Agriculture, Natural Resources Conservation Service listed in Hendricks County Policy Document SP 11.

V. Staked means a lathe stake or equivalent at four corners of the soil absorption field if the site slope is less than 2%. A lathe stake or equivalent at each end of all proposed trenches in the absorption field if the site slope is greater than 2%.

W. Trench length means the length of the perforated pipe installed in the excavated trench.

X. Violation means breach of law.

II. GENERAL REQUIREMENTS AND EXEMPTIONS

A. All residential on-site sewage disposal systems shall be designed and installed in accordance with Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" except as stated below:

1. Rule 410 IAC 6-8.1-38 allows for a septic tank with a capacity of seven hundred and fifty (750) gallons. In Hendricks County the minimum size of a new septic tank used in either a new, repair or replacement installation shall be a minimum of one thousand (1000) gallons.

2. Rule 410 IAC 6-8.1-46 allows for a six (6) inch thick layer of straw to be used as a cover for

aggregate in an absorption system. In Hendricks County the only allowable cover for aggregate in an absorption system shall be geotextile fabric with an effective opening size no smaller than twenty-hundredths (0.20) millimeters and no larger than eighty-five hundredths (0.85) millimeters.

B. All designs for commercial on-site sewage disposal systems must have approval from the Indiana State Department of Health, Division of Sanitary Engineering prior to installation. All design and installation must be done in accordance with Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal" unless specific written exemption is obtained from the Indiana State Department of Health, Division of Sanitary Engineering.

C. The location of the soil absorption field and dispersal area must be protected from disturbance.

D. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an on-site sewage disposal system, holding tank, or sanitary vault privy, a direct connection shall be made to said sewer and the on-site sewage disposal system, holding tank, sanitary vault privy shall be abandoned properly in a manner that is acceptable to the Health Officer or agent.

E. The privilege of submitting soil profile reports in Hendricks County may be denied if discrepancies or inconsistencies are found. Soil profile reports, by any

particular individual, may be rejected based on previous denials. Upon denial, a hearing may be requested with the Hendricks County Board of Health in accordance with Section V. A. of this ordinance.

III. PERMITTING

A. Before commencement of construction, repair or replacement of an on-site sewage disposal system or privy, the owner shall obtain a written permit signed by the Health Officer of Hendricks County. The application for such permit shall be made on a form provided by the Hendricks County Health Department. No person shall perform any work on such project until such permit is so obtained. At all times from the start of construction to the time of inspection the approved plot plan and permit shall be available on site.

B. Any deviations from the permit or approved plan must be approved in writing by the Hendricks County Health Department prior to modification. An as-built plot plan showing the actual installation details including the unplanned modifications will be required before final approval. All permits are valid for a period of one year after the date of issue.

C. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee. This reapplication procedure may be waived in writing by the Hendricks County Health Department.

D. The applicant shall provide the following as minimum requirements for a Residential Permit:

1. New Installations

a) A signed application for a septic permit.

b) Two copies of the plot plan prepared by a registered engineer or professional land surveyor. The plot plan must be prepared in accordance with current standards of the Hendricks County Planning and Building Department and shall certify that the sewage disposal system will comply with this Ordinance and Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", if properly constructed, operated and maintained.

c) A soil profile report describing the soils for a minimum of three sample sites, located within or in close proximity to the proposed absorption field. The samples described must be representative of the soils within the absorption field. This report must be prepared by a soil scientist, or an individual proficient in the application of the principles of pedology to soil classification, soil interpretation, soils investigation and soil profile description and with the ability to measure, observe and describe soil properties and landforms. The qualified person must sign the soils report.

d) A floor plan of the proposed dwelling unit.

e) Confirmation that the proposed soil absorption system has been staked, when required, prior to the on-site plan review by the Hendricks County Health Department.

f) All appropriate fees as outlined in the Hendricks County Board of Health's, "Ordinance for Collection of Fees", No. 1997-23.

2. Replacement Installations

- a) A signed application for a septic permit.
- b) Two copies of the plot plan prepared by a registered engineer or professional land surveyor, the property owner, or septic contractor. The drawing of the proposed system should include the existing septic system and well, and other wells located on adjacent properties. The drawing should also include all other obvious structures on the property. The drawing should be to scale or contain all pertinent measurements.
- c) A floor plan of the existing dwelling unit including any proposed construction.
- d) A soil profile report describing the soils for a minimum of three sample sites, located within or in close proximity to the proposed absorption field. The samples described must be representative of the soils within the absorption field. This report must be prepared by a soil scientist, or an individual proficient in the application of the principles of pedology to soil classification, soil interpretation, soils investigation and soil profile description and with the ability to measure, observe and describe soil properties and landforms. The qualified person must sign the soil profile report. The Hendricks County Health Department may waive this soil profile report.
- e) Confirmation that the proposed soil absorption system has been staked when required, prior to the on-site plan review by the Hendricks County Health Department.
- f) All appropriate fees as outlined in the Hendricks County Board of Health's, "Ordinance for Collection of Fees", No. 1997-23.

3. Repair Installations

- a) A signed application for a septic permit.
- b) A consultation meeting between Hendricks County Health Department staff and the parties involved must be held, and a report by the Hendricks County

Health Department must be included with the permit application.

c) A Drawing of the proposed repair, unless waived by the Hendricks County Health Department.

d) All appropriate fees as outlined in the Hendricks County Board of Health's "Ordinance for Collection of Fees", No. 1997-23.

E. The applicant shall provide the following as minimum requirements for a Commercial Permit:

1. A signed application for a septic permit.
2. A soil profile report prepared by a soil scientist consisting of at least three soil borings within the proposed absorption field location.
3. An approval letter and two copies of the approved plot plan from the Indiana State Department of Health, Division of Sanitary Engineering.
4. All appropriate fees as outlined in the Hendricks County Board of Health's "Ordinance for Collection of Fees", No. 1997-23.

IV. APPROVAL

A. The Health Officer or agent, shall be allowed to inspect the work at any stage of construction.

B. The permittee shall notify the Health Officer or agent when the work is ready for final inspection and at least two working days before any underground portions are covered.

C. The inspection shall be made within two working days of the receipt of notice by the Health Officer or agent.

D. The Health Officer or an 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, and Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems".

E. Final approval of the installation for an on-site sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent.

V. PERMIT DENIAL

A. Upon denial of a valid permit application, the applicant may request a hearing with the Hendricks County Board of Health. The request must be in writing and received within ten (10) calendar days after receipt of the denial. Upon receipt of a request of a hearing, the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided IC 5-14-1.5 (Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.

B. At such hearing, the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied. At the conclusion of the hearing, the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this Ordinance, Rule 410 IAC 6-8.1

"Residential Sewage Disposal Systems" or Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal". If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the Chairperson of the Board of Health. All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

VI. ENFORCEMENT

A. Whenever the Health Officer or agent determines there are reasonable grounds to believe there has been a violation of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal", the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereafter provided. Such notice shall:

1. Indicate the date and location of the violation.
2. Clearly indicate the nature of the violation and the related ordinance citation.
3. Allow a reasonable time for the performance of necessary remediation.

4. Be properly served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:

a) Sent to the person directly.

b) Sent by registered mail to the last known mailing address of the person.

c) Posted in a conspicuous place in or about the property affected by the notice.

d) Other method of service authorized or required under the laws of this state.

B. Any person or persons affected by any such notice issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department.

C. Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.

D. Such hearing shall be held as soon as practical after receipt of request hereof, provided that IC 5-14-1.5-5 (Open Door Law) is complied with. Any notice served pursuant to Section VI of this Ordinance shall automatically become an order if a written request for a hearing is not received

within ten (10) calendar days after receipt of the Notice of Violation is served.

E. At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such Notice of Violation should be modified or withdrawn.

Additionally, the Health Officer or agent shall be given time to explain the circumstances of the Notice of Violation.

F. After such hearing, the Hendricks County Board of Health shall sustain, modify or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.1, "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal", have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order.

G. The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information.

H. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

I. Whenever the Health Officer, his agent excluded, finds that an emergency exists which requires immediate action to

protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" and Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" such order shall be effective immediately.

J. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible, in the manner provided in Section VI.

K. After such hearing, depending upon the findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

VII. PENALTIES

A. Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred

dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

VIII. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

IX. REPEAL AND DATE OF EFFECTIVE DATE

Any ordinances or parts of ordinances in conflict with this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and approved according to law. Passed and adopted by the Board of Commissioners of Hendricks County on February 28, 2000.

BOARD OF COMMISSIONERS

John D. Clampitt date 2-28-00
John D. Clampitt

ATTEST:

John A. Daum date _____

Debbie Simpson
Debbie Simpson, Auditor

Hursel C. Disney date 2-28-00
Hursel C. Disney

date 2-28-00

1998-12A

AN ORDINANCE REGULATING SOLID WASTE PROCESSING FACILITIES
AND
SOLID WASTE LAND DISPOSAL FACILITIES
IN
HENDRICKS COUNTY, INDIANA

Whereas, the Hendricks County Commissioners find it necessary to regulate the processing and disposal of solid waste in Hendricks County, and

Whereas, Hendricks County relies on the expertise of the Indiana Department of Environmental Management (I.D.E.M) in developing state wide rules regarding the processing and disposal of solid waste; and

Whereas, the I.D.E.M. regulates these facilities through 329 IAC 10,11, and IC 13-20;

Be it Ordained and enacted by the Board of County Commissioners of Hendricks County, State of Indiana, Ordinance # 12 regulating the processing and disposal of solid waste on lands situated within Hendricks County, Indiana, requiring permits, and providing penalties for violations thereof to read as follows:

Section 1. Definitions Specific to This Ordinance

Health Officer - shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20

Section 2. The owner of and/or operator of any solid waste processing facility or solid waste land disposal facility located in Hendricks County, State of Indiana, shall operate the facility in compliance with the terms and conditions contained in this Ordinance.

Section 3. (a) Hendricks County will regulate Solid Waste Land Disposal Facilities by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of 329 IAC 10: Rule 1. General Provisions, Rule 2. Definitions, Rule 3. Exclusions, Rule 20. Municipal Solid Waste Landfills; Operational Requirements, Rule 22 Municipal Solid Waste Landfills; Closure Requirements, Rule 23. Municipal Solid Waste Landfills; Post-Closure Requirements.

Hendricks County will regulate Solid Waste Processing Facilities by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of 329 IAC 11: Rule 1. General Provisions, Rule 2. Definitions, Rule 3. Exclusions, Rule 13. Solid Waste Processing Facilities; Operational Requirements, Rule 21. Transfer Stations.

- (b) The incorporated materials are available for public review at the office of the Hendricks County Health Department.
- (c) Where exceptions(exclusions) to incorporated state rules are necessary, these exceptions will be noted in the text of this ordinance.
- (d) The incorporation of state regulations as a county ordinance does not negate the requirement to comply with state regulations which may be effective in Hendricks County which are not incorporated in this ordinance or are retained as state authority.

(e) EXCEPTIONS (exclusions):

- | | |
|----------------------------|---|
| (1). 329 IAC 10-1-5 | Variances |
| (2). 329 IAC 10-3-1-(5) | Segregated Wastes |
| (3). 329 IAC 10-20-11 | Surface water run-on and run-off control |
| (4). 329 IAC 10-20-12 | Erosion and sedimentation control |
| (5). 329 IAC 10-22-6 | Final cover requirements - new |
| (6). 329 IAC 10-22-7 | Final cover requirements - existing |
| (7). 329 IAC 10-23-3(c)(5) | Post closure cost estimate leachate table |
| (8). 329 IAC 11-1-4 | Variances |
| (9). 329 IAC 11-3-1-(5) | Segregated Wastes |
| (10). 329 IAC 11-21-2 | Inspections and recovery of costs |

(f) AMENDMENTS:

- (1). 329 IAC 10-1-3 amended to read "Sec. 3 Penalties for violation of this ordinance shall be governed by IC 13-7-13-1, IC 13-7-13-3, IC 13-7-13-4."
- (2). 329 IAC 10-20-4-(b) amended to read "(b) Cattle, hogs, poultry, or other livestock are prohibited from any filled area."

Section 4. Except as otherwise provided in this Ordinance, any Solid Waste Processing Facility (S.W.P.F.) or Solid Waste Land Disposal Facility (S.W.L.D.F.) located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 329 IAC 10, 11, and IC 13-20.

Section 5. The owner and/or operator of any S.W.P.F. or S.W.L.D.F. required to obtain an operating permit pursuant to 329 IAC 10 and 329 IAC 11 shall also be required to obtain a permit to operate in Hendricks County.

Section 6. Application for a local permit must be made at least thirty(30) days prior to initial date of operation or permit expiration. Applicants must submit copies of all applicable federal, state, and local permits and approvals with Health Department application. The applicant shall be required to file a duplicate form of the application, copy of all plans and specifications by state required under 329 IAC 10 and 329 IAC 11 with the Hendricks County Health Department (H.C.H.D.).

Application must be made on forms provided by the Hendricks County Health Department. Local Operating permits shall be issued annually. Owners and/or operators of S.W.P.F. and S.W.L.D.F. located in Hendricks County which have I.D.E.M. operating permits on the effective date of this Ordinance will be presumed to be in compliance with the terms of this ordinance and will be issued a Local Permit by H.C.H.D. upon payment of the annual fee.

Section 7. An annual permit fee shall be required for each S.W.P.F. and S.W.L.D.F.; if a site contains more than one type of Solid Waste Facility, then a separate permit will be required for each facility.

Section 8. The permit fee will be set in the fee schedule overseeing the collection of fees. The annual fee is specified in the Hendricks County Ordinance for the Collection of Fees. Hendricks County reserves the right to waive permit fees for publicly owned and operated facilities.

Section 9. It shall be the responsibility of the facility owner and/or operator to submit to the Hendricks County Health Department the following reports, if applicable: quarterly waste disposal summary reports; groundwater monitoring well sample reports; stream sample reports; leachate recirculation reports; or other reports and notifications required by I.D.E.M.; and reports requested by the H.C.H.D or any other county, state, or federal department or agency.

Section 10. It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this ordinance. These activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining solid waste samples, obtaining ground water samples, obtaining surface water samples, inspecting and sampling loads, monitoring activities, and other duties.

Section 11. Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time, the matter shall be referred to the attorney for the Hendricks County Health Department for appropriate legal action and possible revocation or modification of permit, as specified in Section 12 of this Ordinance.

Section 12. Any permit granted by the H.C.H.D. may be revoked or modified by the Health Department for any of the following causes;

- A. Violation of any condition of the permit;
- B. Failure to disclose all of the relevant facts, or any misrepresentation made in obtaining the permit;
- C. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3, which Administrative Adjudication Act is hereby adopted by reference.

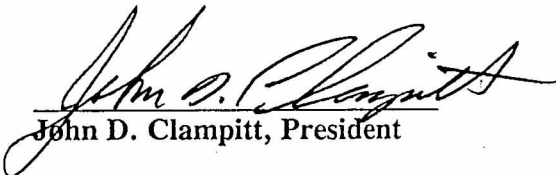
Pending the decision resulting from the hearing under I.C. 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the H.C.H.D. may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

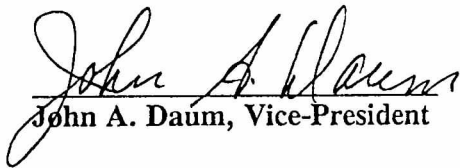
Section 13. Each section, subsection, sentence, clause, and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof.

Section 14. This Ordinance shall apply to the entirety of Hendricks County. All ordinances and all portions of ordinances, including but not limited to the Hendricks County Ordinance No. 1979-9, and Ordinance No. 96-16, in conflict herewith are repealed or superseded. This ordinance shall be in full force and effective immediately upon and after its adoption and publication as required by law.


Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 1 day of June, 1998.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana


John D. Clampitt, President


John A. Daum, Vice-President


David E. Underhill

ATTEST: 
Hendricks County Auditor

HENDRICKS COUNTY

RETAIL FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 1997-24

An Ordinance pertaining to food service establishments, mobile food service establishments, temporary food service establishments, retail food stores, caterers, vending machines, commissaries and other items requiring permits and permit fees for operation of food service and retail food store establishments, prohibiting the sale of adulterated, unwholesome, or misbranded food, regulating the inspection of such establishments, providing for enforcement of this ordinance, providing for the fixing of penalties for violations of said ordinance, and providing for incorporation by reference the following Indiana State Department of Health Rules: Food Service Sanitation Rules, 410 IAC 7-15.1 or as amended; Bed and Breakfast Establishment Rules, 410 IAC 7-15.5 or as amended; Retail Food Store Sanitation Requirements, 410 IAC 7-16.1 or as amended.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

SECTION I DEFINITIONS

Bed and Breakfast - means an operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

Commissary - means a catering establishment, restaurant, or any other place in which a caterer or mobile food service establishment operator keeps, handles, prepares, packages or stores food, containers, or supplies.

Critical Violation - means a violation that contributes to food contamination, illness, or environmental degradation. These may include items marked by an asterisks "*" on the Food Service Establishment and Retail Food Store Inspection Report Forms.

Educational - means a professional organization or school that has not-for-profit status with the State of Indiana.

Food Establishment - means any Food Service Establishment, Retail Food Store Establishment, Temporary Food Establishment, Mobile Food Service Establishment, Push Cart, Bed and Breakfast, or Catering Business.

Food Service Establishment - means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place

regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

Habitual Non-compliance - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

Health Officer - means the Director of Public Health of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

Mobile Food Service Establishment - means any vehicle-mounted food service establishment designed to be readily movable.

Not for Profit Organization - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Pushcart - means a nonself-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Religious - means a specific form of belief and practice that has not-for-profit status with the State of Indiana.

Retail food store - means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food-service establishments; or food and beverage vending machines.

Temporary Food Service Establishment - means any food service facility that operates for a period of time not in excess of fourteen (14) consecutive calendar days, in conjunction with a single event or celebration at a temporary location, whether or not the facility is fixed or moveable.

SECTION II PERMITS

It shall be unlawful for any person to operate a Retail Food Store Establishment, Retail Food Service Establishment, Temporary Food Establishment, Mobile Food Establishment, Push Cart, Bed and Breakfast, or Catering Business in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation of a food establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Establishment permits shall be posted in a conspicuous place at all times.

1. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.

2. A permit for a food establishment shall be for a term of one year and shall be renewed annually. The permit for a temporary food establishment shall be for the term of one continuous operation not to exceed fourteen (14) days.

3. Any permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, and other pertinent information required by the Health Officer.

4. A permit shall be issued to any person or applicant after inspection and approval by the Health Officer; provided, that the food establishment complies with all applicable requirements.

5. Required permits shall be provided by the Hendricks County Health Officer if a completed application is presented, together with the appropriate fee and the record of an acceptable compliance inspection by the Hendricks County Health Department.

6. Any person who desires to operate a temporary food establishment in Hendricks County, shall obtain from the Health Officer a permit for a temporary food establishment. Such a permit shall be provided by the Health Officer if a completed application is presented together with the appropriate fee.

7. A separate permit shall be required for each Food Establishment operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one establishment to another, or from one type of operation to another.

SECTION III PERMIT FEES

A. Permit Fees

Except as provided in Subsection II A. and Subsection III B., all permitted food establishments must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A delinquent fee is assessed if permit fees are not paid within thirty (30) days of expiration of annual permits.

B. Permit Fee Exception

No permit fee shall be required for food establishments operated by religious, educational, or not-for-profit organizations, or for food establishments that handle only non-potentially hazardous prepackaged foods. Such establishments shall comply with the other provisions of this ordinance.

C. Exemption From Compliance

A not for profit organization that offers food for sale to the final consumer at an event held for the benefit of that organization, is exempt from complying with the inspection and permitting requirements of this Ordinance that may be imposed upon the sale of food at that event if:

1. Members of the organization prepare the food that will be sold,
2. Events conducted by the organization under this section take place in no more than thirty (30) days in any calendar year, and
3. The name of each member who has prepared a food item is attached to the container in which the food item has been placed..

SECTION IV MINIMUM REQUIREMENTS FOR FOOD ESTABLISHMENTS

A. General Requirements

All food service establishments, retail food store establishments, mobile food service units, temporary food service establishments, bed and breakfast establishments, and commissaries shall comply with the minimum requirements specified in the applicable Indiana Administrative Code; 410 IAC 7-15.1, 410 IAC 7-15.5, or 410 IAC 7-16.1. Two copies of each are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

B. Employee Education

A food establishment, except for a temporary food service establishment, will be required to hold an employee education program provided by the Hendricks County Health Department, or through other means with the approval of the Health Officer, when any of the following occurs:

1. Three (3) separate critical violations are noted in one inspection; or
2. Receiving a permit to open a new establishment; or
3. Repeat critical violations are noted on an inspection.

SECTION V SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

A. It shall be unlawful for any person to sell through a food establishment, temporary food establishment, bed and breakfast, mobile unit, or commissary, any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B. Samples of food may be taken and examined by the Health Officer or the Health Officer's representative as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

SECTION VI COMPLIANCE AND INSPECTIONS

A. Schedule of Inspection

The Health Officer shall establish an inspection schedule to insure that all permitted food establishments are inspected at least one time per year. More frequent inspection may be assigned at the discretion of the Health Officer.

B. Procedure When Violations Are Noted

If during the inspection of any food establishment, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

C. Public Access to Inspection Records

After the narrative report is completed, the food establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the health department a written response to the reports. The public will have access to inspection records either ten (10) days after the completion of the inspection; or after a written response to the inspection report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The checklist, the narrative report, and the related public records may be inspected and copied under IC 5-14-3, if the Hendricks County Health Department takes any of the following actions with respect to a food service establishment that is the subject of the records:

1. schedules a hearing,
2. orders closure,
3. requests revocation of the permit,
4. finds the existence of an imminent danger to the public health, or
5. finds a gross deception of or fraud upon the consumer.

D. Follow-up Inspection - Prosecution or Hearing for Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the food operation; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provision of Section II should not be revoked.

2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

E. Revocation of Permit

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit, and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

F. Suspension of Permit

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Insanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

G. Permit Reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

SECTION VII INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS

A. Frequency of Inspection

At least once during each event, the Health Officer, should inspect each temporary food establishment for which a permit is required under the provisions of this ordinance.

B. Procedure to Follow When Any Violation is Noted

If during the inspection of any temporary food establishment the Health Officer discovers a violation of the requirements of this ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

C. Revocation of Permit and Penalties for Continued Operation

Upon failure of any person maintaining or operating a temporary food establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the permit of the establishment and to forbid the further sale or serving of food therein.

SECTION VIII AUTHORITY TO INSPECT AND TO COPY RECORDS

All food establishment operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the food establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

SECTION IX APPROVAL OF PLANS

All retail food establishments which are hereafter constructed or re-constructed shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled retail food establishment must submit a completed plan review application on forms provided by the Hendricks County Health Department at least fifteen (15) working days prior to scheduling the pre-opening compliance inspection and employee education required under Sections II A.5. and Section IV B of this ordinance.

SECTION X PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this ordinance.

SECTION XI UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION XII REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 21 day of July, 1997.

BOARD OF COMMISSIONERS:

John D. Clappitt
JOHN D. CLAPPITT

Dave Underhill
DAVE UNDERHILL

John A. Daum
JOHN A. DAUM

ATTEST:

Darlene Simpson
HENDRICKS COUNTY AUDITOR

ORDINANCE NO. 1997-23

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES AND AMENDING ALL PRIOR
ORDINANCES

WHEREAS, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to I.C.16-1-4-24; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office 6/16, 1997 at approximately 1:40 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5 and 1992-10 and 1993-14; amended by ordinance dated 10-25-88 and 2-10-92 and 1997-23 enacted by the Board of Commissioners of Hendricks County, Indiana on June 16, 1997 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Tuberculosis (Mantoux)	\$1.00 per test
Immunization (state provided)	\$.50 per vaccine (No charge if the patient is indigent)
Child Health Clinic	\$1.00 per child
Immunization (county purchased) and Blood Chemistries	Prices shall be based on cost of supplies, vaccines and other necessary components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

C. In the event a lawsuit is necessary to collect the cost of health services for paragraph "A" and "B" above, the individual or business entity found to be liable shall also

pay for reasonable attorney fees and cost of litigation to the county.

SECTION II.-VITAL RECORDS

A. Vital Record Services

Birth Certificate (per copy)	\$5.00
Birth Certificate (wallet size and laminated)	\$7.00
Death Certificate	\$4.00 for first copy and \$2.00 for each additional copy

SECTION III.-ENVIRIONMENTAL HEALTH

A. Food Establishments

1. Food Service (Annually)	
a. 1-5 employees	\$25.00
b. 6-9 employees	\$50.00
c. 10 + employees	\$75.00
2. Food Stores (Annually)	
1. Under 1,000 sq. ft.	\$25.00
2. 1,000 - 8,000 sq. ft.	\$50.00

- | | |
|--|---------|
| 3. Closed loop horizontal geothermal
heat pump system | \$20.00 |
| 4. Closed loop vertical geothermal
heat pump system | \$20.00 |
| 5. Open loop geothermal heat pump system | \$20.00 |
| 6. Open loop geothermal return well | \$20.00 |

D. Solid Waste

- | | |
|--|-------------|
| 1. Landfill Operating Permit (Annually) | \$30,000.00 |
| 2. Refuse Processing Facility (Annually) | \$500.00 |

E. Temporary Campground License

- | | |
|---------------------------------|----------------------|
| 1. Temporary Campground License | \$25.00
per event |
|---------------------------------|----------------------|

Each of the foregoing fees are non-refundable and shall be paid at the time the application or service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

This ordinance shall be in full force and effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional

3. over 8,000 sq. ft. \$75.00

3. Mobile Food Service (Annually) \$20.00

4. Temporary Food Establishments per unit
\$20.00

5. Vending machines (full service) \$10.00
not to
exceed
\$500.00

6. Bed and Breakfast \$25.00

7. Catering Business (Annually) \$30.00

8. Delinquent Fee \$20.00

B. Septic Permit (Valid one (1) year from date of issue)

1. New Installation \$50.00

2. Repair of Existing System \$30.00

C. Well Protection (Valid one (1) year from date of issue)

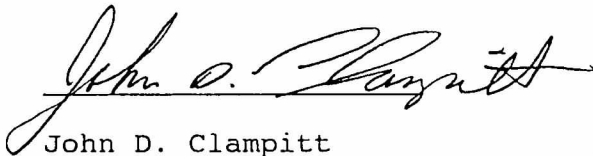
1. Well Permit \$20.00


2. Pump Permit \$20.00

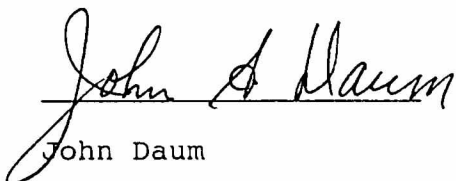
by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this ammendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 16 day of June, 1997.

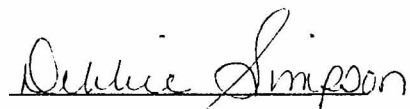
BOARD OF COMMISSIONERS


John D. Clampitt


Dave Underhill


John Daum

ATTEST:



Debbie Simpson

Hendricks County Auditor

Amendment to Hendricks County
Ordinance No. 1979 9

Ordinance No. 96-16

WHEREAS the Hendricks County Commissioners find it necessary to regulate the disposal of refuse in Hendricks County; and

WHEREAS, Hendricks County relies on the expertise of the Indiana Department of Environmental Management in developing statewide rules regarding the disposal of refuse; and

WHEREAS, the Indiana Department of Environmental Management has authorized the use of alternative daily cover materials; and

WHEREAS, from time to time it becomes necessary to amend an existing ordinance; and

WHEREAS, after having a public hearing to hear public testimony regarding this amendment; now

THEREFORE, the Hendricks County Commissioners do hereby amend Ordinance No. 1979 9, Chapter III, Section 14 (Cover Applications) (a) and (b) to read as follows:

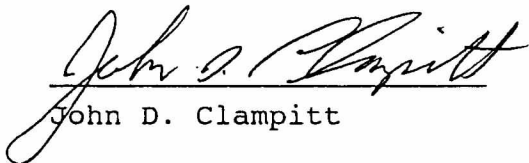
Section 14 (Cover Applications) The disposed solid waste must be covered with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary to control vectors, fire, odor, blowing litter, and scavenging. An alternative cover material such as FABRISOIL cover or equivalent, or other materials as approved by the Indiana Department of Environmental Management in lieu of soil to cover the landfill working face on a daily basis.

(a) Equipment shall spread all solid waste in layers, and compact the waste. The equipment shall place, spread and compact the cover material unless an alternative daily cover material is utilized. The alternative daily cover material shall be placed over the daily working surface at the end of the day and must be secured in place to prevent blowing. If vectors become a problem while using alternative daily cover, the landfill must return to using the six (6) inches of earthen material.

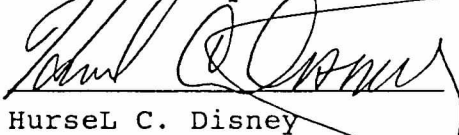
(b) All solid waste shall be covered by the end of each operating day. Daily cover shall be applied regardless of weather. The thickness of the compacted daily cover shall not be less than six (6) inches unless an alternative daily cover material is used.

Approved this 15th day of April, 1996.

COMMISSIONERS


John D. Clampitt

Richard P. Myers


HurseL C. Disney


ATTEST: JUDY WYETH

ORDINANCE NO. 1995 -~~001~~ 28
HENDRICKS COUNTY REGIONAL
SEWER DISTRICT

ORDINANCE FOR COLLECTING RATES AND CHARGES

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-3-2-1, et. seq.

WHEREAS, the District has adopted rules and regulations to effect the purposes for which the District was created and operates.

WHEREAS, the District rules and regulations provide for and require adoption of certain rates and charges.

WHEREAS, I.C. 13-3-2-1, et. seq., grants certain powers to the District dealing with the collection of rates and charges.

WHEREAS, the Board of Trustees of the District finds and determines that it is to the best interest of the District to adopt these rates and charges, and such rates and charges are believed to be just and equitable.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District rates and charges schedule ordinance entitled "Hendricks County Regional Sewer District Ordinance for Collecting Rates and Charges," Ordinance No. 1995 - ~~001~~ 28 be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The rates and charges included herein are adopted for all effects and purposes as the District's rates and charges regarding wastewater service in the Service Area described in the Service Agreement entered into between the District and Hendricks County Wastewater, LLC, dated April 4, 1994, as such agreement and such Service Area may be amended from time to time ("Service Agreement" and "Service Area", respectively).
3. All rates and charges adopted hereby become of full force and effect as of October 20, 1994, which is the date upon which the wastewater system was first operative under the Service Agreement. Rates and charges may be assessed for services and items provided from and after October 20, 1994.

The rates and charges and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

**HENDRICKS COUNTY REGIONAL SEWER DISTRICT
FEE SCHEDULE**

I. DEVELOPER FEES

A. Waste Load Allocation

- | | | |
|----|--|------------|
| 1. | Application Fee | \$ 50.00 |
| 2. | Plan Review Fee | 115.00/hr. |
| 3. | Capacity Reimbursement Fee
(As per any applicable Capacity Reimbursement Agreement) | |
| 4. | Connection Service Fee(1/3) * | 533.00/EDU |

**Connection Service Fee (of which one-third is paid prior to issuance of a Waste Load Allocation) is:*

\$1,600.00 per EDU for any business or \$1,600.00 for any new dwelling that began construction after January 1, 1994. An "EDU" is an Equivalent Dwelling Unit as defined in the Service Agreement between the Hendricks County Regional Sewer District and Hendricks County Wastewater, LLC.

\$450.00 for any existing dwelling which was constructed before January 1, 1994.

B. Wastewater Facility Construction Permit

- | | | |
|----|-----------------|-----------|
| 1. | Application Fee | \$ 50.00 |
| 2. | Inspection Fee | 55.00/hr. |

C. Acceptance of Wastewater Facilities

Inspection	\$ 55.00/hr.
------------	--------------

D. On Site Sewer Construction Permit

(Generally applicable to a builder/homeowner as to a site to which part I.A. above applied)

- | | | |
|----|-----------------|----------|
| 1. | Application Fee | \$ 50.00 |
|----|-----------------|----------|

2. Connection Service Fee	1,067.00/EDU
3. Plan Review Fee	115.00/hr.
4. Inspection Fee	55.00/hr.

II. NON-DEVELOPER RELATED AND MISCELLANEOUS FEES PER EDU

A.	Sewer Tap	Actual Cost
B.	Monthly Service Fee	\$ 36.00/EDU
C.	Expedited Waste Load Allocation	
	1. Application	\$ 50.00
	2. Service Connection Fee (New dwelling or any business)	1,600.00/EDU
	3. Service Connection Fee (Existing dwelling)	450.00/EDU
	4. Inspection Fee	100.00
D.	Service Transfer Fee	\$ 50.00
E.	Security Deposit/EDU	\$ 108.00
F.	Returned Check Fee	\$ 25.00
G.	Security Device Replacement Fee (actual cost, but not less than \$100.00)	\$ 100.00
H.	Industrial Waste Discharge Permit (Non-Domestic)	
	1. Annual Industrial Waste Discharge Permit Fee	\$ 5,000.00

2. Laboratory Testing Charges (to be paid by discharger
@ cost plus 15% handling cost)



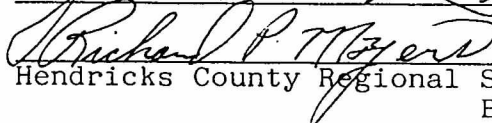
3. Excess Strength Fee added to monthly bill
(10% surcharge per/lb. of total cost to treat
BOD, TSS, & NH₃)

Note: Industrial waste, for purposes of part H.1. above, pertains to those non-domestic waste streams discharged as defined by SIC codes as registered under the federal CFR 403 Pretreatment guidelines set forth by the United States of America EPA. Examples include significant users of 25,000 gallons/day flow or by categorical classification. Part H.1. does not apply to restaurants, but does not exempt restaurants from excess waste strength fees, or any required laboratory testing, or the need to install and maintain grease traps as outlined in the District's rules and regulations.

III. INCREASED SERVICE CONNECTION FEE

A. The Service Connection Fee for any business and for any new dwelling is, effective as of January 1, 1998, increased from \$1,600 per EDU to \$2,000 per EDU.

Effective June 19, 1995.




Hendricks County Regional Sewer Board

ATTEST:


Secretary

**HENDRICKS COUNTY
ILLEGAL DUMPING ORDINANCE**

WHEREAS, improper disposal of solid wastes can be injurious to human health, plant and animal life; can contaminate surface and ground waters; can provide harborage to vermin and disease vectors; can interfere unreasonably with the enjoyment of life or property; can negatively impact the value of affected and adjacent properties; can degrade aesthetic appreciation of the natural environmental; and can significantly deplete current and future economic development potential of Hendricks County;

WHEREAS, it is the desire and duty of the County Board of Commissioners to protect human health, natural resources and the environment, and the future economic development potential of Hendricks County; and

WHEREAS, in the opinion of the county commissioners, it is necessary to enact this Ordinance to eliminate illegal open dumping;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF Hendricks County, as follows:

**ARTICLE I
TITLE**

This Ordinance shall be titled "Illegal Dumping Ordinance", and may be cited as such. Reference shall be Ordinance No. 1993-29.

**ARTICLE II
PURPOSE**

The purpose of this Ordinance is to prohibit illegal dumping of solid waste materials in Hendricks County, to establish penalties for violations therefor, and to provide for the method of clean-up of open dumps. Improper disposal at recycling stations shall also be prohibited.

**ARTICLE III
DEFINITIONS**

1) "Construction/demolition debris" shall mean any discarded construction or demolition materials including, but not limited to, untreated lumber, paneling, drywall, roofing, shingles, siding, plumbing and electrical components, doors, windows, floor coverings and cabinets.

- 2) "Contaminant" shall have the same definition as that of 329 IAC 2-2-1(a)(2).
- 3) "Discarding" shall mean to abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill throw or toss any item, and solid waste or derivative thereof, of any inherently wastelike material in a manner such that the discarded substance remains upon the land as solid waste.
- 4) "Dumping" shall mean:
- a) the discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, refuse construction and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire and all other items and materials defined as "solid waste" below and in Indiana Code 13-7-1-22; and
 - b) the discarding of any vehicles which do not have value beyond scrap value and which are inoperable and unlicensed or which are considered abandoned due to the surrounding conditions.
- 5) "Garbage" shall mean all putrescible animal solid, vegetable solid, and semisolid wastes from the processing, handling, preparation, cooking, serving or consumption of food or food materials.
- 6) "Generation" shall mean the act or process of producing solid waste.
- 7) "Generator" shall mean the person whose actions or processes result in the production of solid waste.
- 8) "Health Officer" shall have the same meaning as the term "local health officer" as used in IC 16-1-4, et. seq. and shall include his/her authorized agent.
- 9) "Inert solid waste" shall mean earth, rocks, concrete, bricks, tiles or aged asphalt, natural wood, brush, leaves, wood chips or sawdust, any and all of which is free from contaminants.
10. "Long-term storage" shall mean the maintenance or containment of solid waste for a period of thirty (30) days or more.
11. "Open dump" shall mean the consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that exists without daily cover and without regard to the possibilities of contamination of surface or subsurface water resources, air, land, or other hazard or threat of hazard to the environment or safety.

- 12) "Person" shall mean any individual, partnership, corporation, firm, company, organization, joint stock company, municipal corporation, city, school district or corporation, county, town, association, trust, estate, government unit or other legal entity.
- 13) "Scavenging" shall mean the uncontrolled and unauthorized removal of materials from solid waste at any point in the waste management system.
- 14) "Solid waste" shall mean any yard waste, garbage, refuse, rubbish, sludge or other discarded or disposed materials, including solid, liquid or semi-solid, or contained gaseous material resulting from any operation, activity or source.
- 15) "Storage" shall mean proper temporary containment of waste materials for a period of no more than fifteen days or the standard interval of local commercial collection service, whichever is less.
- 16) "Waste storage container" shall mean a proper and suitable receptacle used for the temporary storage of solid waste while awaiting collection. Containers shall be designed to prevent escape or leakage of contents and should be resistant to scavenging animals.
- 17) "West Central Solid Waste District" shall mean the legally constituted solid waste district of which Hendricks County is a member pursuant to Indiana Code 13-9.5.2.

ARTICLE IV PROHIBITED ACTS

- 1) Recycling facilities:
- a) No person shall discard any materials other than recyclables in any facility or container intended for collecting designated recyclable materials.
 - b) No person shall conduct scavenging at any facility or container intended for collecting materials with value as a designated recyclable material.
- 2) Dumping:
- a) No person shall discard any solid waste along any roadway within Hendricks County, unless it be in a proper solid waste storage container and is intended for collection and removal to a facility approved for handling such materials.
 - b) No person shall discard for final disposal or for use as

fill material any inert solid waste without express consent of the property owner of the final disposal site, including county road rights-of-way.

c) No person shall discard for final disposal or for use as fill material any inert solid waste which is mixed or adulterated with any contaminants.

d) No person shall do any dumping or permit any dumping to take place at any location in Hendricks County unless such location is an approved and properly permitted landfill site.

ARTICLE V PROPERTY OWNER RIGHTS AND RESPONSIBILITIES

1) It is the responsibility of all persons owning real property in Hendricks County to sustain diligent and good faith efforts to protect the natural environment and prevent illegal dumping on their property. Persons owning real property in Hendricks County shall not cause or allow the disposal upon their property of any solid waste materials.

2) Except as otherwise provided in this Article, no enforcement action may be taken under this ordinance against a landowner on whose land waste has been improperly disposed without the landowner's consent, unless there has been made a diligent and good faith effort to identify, locate and take enforcement action against a person or persons who appear likely to have committed or caused the improper disposal act(s).

3) Any landowner who in good faith provides information concerning a name, an address, or any other evidence of a responsible person's identity found in wastes improperly disposed on the landowner's property is not liable to said person for an action taken by enforcement authorities under this ordinance against the person as a result of information provided by the landowner.

4) The owner of property on which improper disposal acts have occurred may be included as a party of any enforcement action against a person who allegedly committed the violation so that the landowner may be ordered to allow the violator access to the land to remove and properly dispose of the wastes allegedly disposed in violation of this Ordinance.

5) A landowner on whose land waste has been disposed in violation of this Ordinance without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the improper disposal reasonable expenses incurred by the landowner in removal.

6) A landowner who consents to or allows disposal of wastes generated by others upon his property, without making a diligent and good faith effort to prevent the improper disposal of wastes, and who fails to notify proper authorities of said improper acts of disposal within a reasonable period of time shall be subject to enforcement procedures, and shall be deemed the responsible party and shall be served notice for clean-up of all wastes deposited upon his property and removal for final disposal at an approved sanitary landfill, at the landowner's expense.

7) If a diligent and good faith effort by the health officer to identify, locate and take enforcement action against a person or persons who committed prohibited acts of waste disposal has been made by county authorities, and has failed to identify violators of acts prohibited herein, the owner of real estate upon which an open dump is located shall be held responsible for correcting and controlling any nuisance conditions which may occur as a result of the open dump.

8) Materials which provide identifying information regarding the generator shall constitute a rebuttable presumption that the generator has deposited solid waste without the express consent of the landowner and in violation of this Ordinance. The presumption can be rebutted by proof that

- (a) the person obtained the express consent of the landowner;
- (b) the person properly place solid waste in waste storage container for pick-up by a licensed waste hauler.

ARTICLE VI ENFORCEMENT AND ABATEMENT

1) It shall be the duty of the Health Officer of Hendricks County to enforce this Ordinance. The Health Officer is authorized to perform inspections in the furtherance of fulfilling his/her duty to enforce this Ordinance. Any person violating any provision of this Ordinance shall be subject to fines or other injunctive action as specified in this Ordinance.

2) Violators of the Ordinance shall be served a written initial notice of violation either in person or by any other manner reasonably calculated to result in actual notice, including certified mail. Such order shall state the violation complained of, order the abatement of the violation, indicate a method of abatement, which if satisfactorily completed will adequately abate the offending violation, and provide a reasonable time for abatement.

3) Abatement of a violation must be accomplished in an environmentally safe and lawful manner pre-approved by the local health officer by disposal of solid waste in an approved and properly permitted landfill.

4) If the violation is not satisfactorily abated within the specified time allowed, a second notice shall be served, in the same manner as specified for initial notices and containing the same information specified for initial notices. If the conditions prevail following the specified period of time, the matter shall be referred to the attorney for the Health Officer of the Hendricks County Health Department for appropriate legal action.

5) If the Health Officer identifies an emergency condition presented by the violation which condition presents an imminent health and safety hazard to the citizens of Hendricks County, the Health Officer may, without notice or hearing, issue a notice reciting the existence of the emergency and requiring immediate abatement by the responsible person.

ARTICLE VII HEARINGS

Any person receiving any such notice of violation as described herein may demand and shall be granted a hearing on the matter before the local health board. Conduct of the hearing shall be prescribed by regulations promulgated by the local health board. The local health board shall hear testimony and take evidence on the matter, following which the board shall sustain, modify or revoke the notice of violation issued by the Health Officer.

ARTICLE VIII PENALTIES AND SANCTIONS

1) The doing of any prohibited act, or the omission of any required act governed by this Ordinance is declared to be a violation of this Ordinance. Any person found to have violated this Ordinance by a court of competent jurisdiction shall be fined in an amount up to two thousand five hundred dollars (\$2,500.00). Each day of violation shall constitute a separate violation.

2) In addition to fines assessed, the Health Officer may request the court to assess court, clean-up and/or administrative cost expended by Hendricks County in taking enforcement action.

3) The Health Office shall also be entitled to seek injunctive or other relief through any appropriate county court to obtain an order to abate the open dump condition and prohibiting further and future dumping.

4) If a person is found to have violated this ordinance by a court of competent jurisdiction, the court can award reasonable attorney fees from the violator for the necessity of prosecuting an action.

**ARTICLE IX
SEVERABILITY**

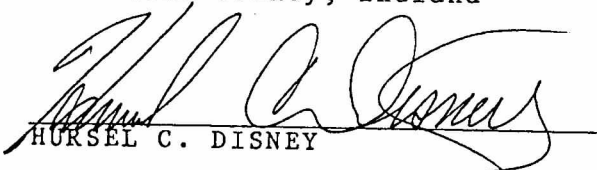
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause and phrase to be unconstitutional, void or ineffective for any cause shall not affect another section, subsection, sentence, clause and phrase, or part thereof.

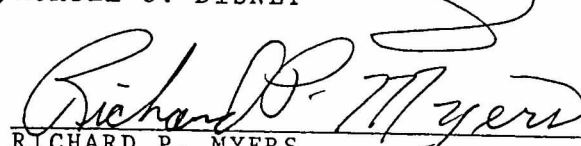
**ARTICLE X
APPLICATION AND EFFECTIVE DATE**

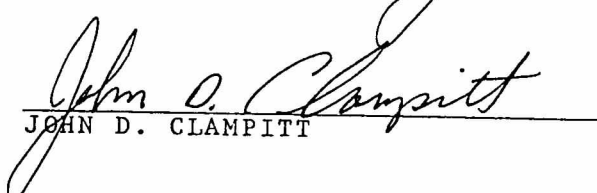
This Ordinance shall apply to the entirety of Hendricks County. All portions of former ordinances, including but not limited to, the Hendricks County Refuse Control Ordinance, Ordinance No. 4. 1981, in conflict herewith are hereby repealed or superseded. This Ordinance shall be in full force and effect immediately upon and after its adoption and publication as required by law.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 2 day of August, 1993.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana


HURSEL C. DISNEY


RICHARD P. MYERS


JOHN D. CLAPPITT

ATTEST:


HENDRICKS COUNTY AUDITOR
MARY JANE RUSSELL

ORDINANCE NO. 1993-22
BOARD OF COMMISSIONERS OF HENDRICKS COUNTY
REGARDING TOBACCO SMOKING IN COUNTY
BUILDINGS AND VEHICLES

WHEREAS, the General Assembly requires that local government regulate smoking of tobacco in certain enclosed indoor areas to protect the health, welfare, comfort, and environment of nonsmokers; and

WHEREAS, the purpose of the Indiana Clean Indoor Air Law is to protect and promote public health from involuntary exposure to tobacco smoke; and

WHEREAS, the Environmental Protection Agency has found that secondhand tobacco smoke is a Group A carcinogen and a dangerous airborne carcinogen; and

WHEREAS, the cost to our society resulting from tobacco smoke is paid in sickness, death, lost production, additional insurance, additional maintenance and an economic loss; and

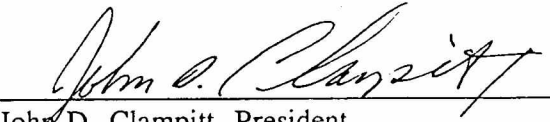
WHEREAS, the Board of County Commissioners, after having considered the facts about involuntary exposure to tobacco smoke, the requirements of the Indiana Clean Indoor Air Law finds an ordinance must be adopted to promote the public health and general welfare.

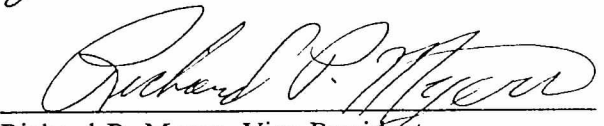
BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that


- 1) Smoking of tobacco shall be prohibited inside all county owned or leased buildings and vehicles unless otherwise specifically designated by the Commissioners. Signs shall be posted in conspicuous places throughout every building that prohibit smoking. In every county office that issues county vehicles a sign shall be posted that reads **"Smoking Inside County Vehicles Is Prohibited"**.
- 2) Every person found to be in violation of this ordinance shall be punished by a fine of up to Three Hundred Dollars (\$300.00) per occurrence.

This Ordinance shall be effective June 1, 1993, after legal publication and its passage by the County Commissioners.

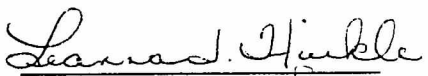
Approved by the Board of Commissioners of Hendricks County, Indiana, this 25th day of May, 1993.


John D. Clampitt, President


Richard P. Myers, Vice President


Hursel C. Disney, Member

Attest:


~~Marthalynn Pearcey~~ Leanna J. Hinkle
Acting Special Deputy Auditor

ORDINANCE OF HENDRICKS COUNTY REPEALING THE MASSAGE PARLOR

ORDINANCE OF 1979

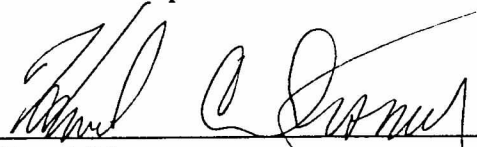
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA:

- 1) The Title VI entitled Hendricks County Massage Parlor Ordinance (1979) is hereby repealed by the Board of Commissioners of Hendricks County, Indiana.
- 2) This ordinance is being repealed for the reason that the County has enacted a replacement ordinance for sexually oriented businesses.
- 3) This repeal becomes effective upon publication and execution by the Hendricks County Board of Commissioners.

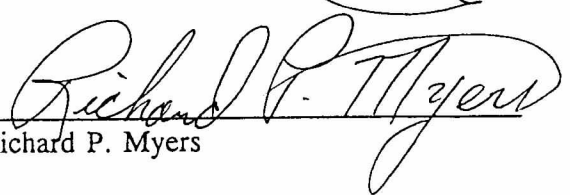
DATED this 19 day of July, 1993.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

John D. Clampitt




Hursel Disney



Richard P. Myers

ATTEST:



Marthalynn Percy, Secretary

ORDINANCE NO. 1993-14

HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES AND AMENDING ALL PRIOR
ORDINANCES

WHEREAS, the legislature of the State of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to I.C. 16-1-4-24; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on APRIL 27, 1993 at approximately 1:15 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5 and 1992-10; amended by ordinance dated 10-25-88 and 2-10-92; enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Tuberculosis (Mantoux)	\$1.00 per test
Immunization (state provided)	\$.50 per vaccine (No charge if the patient is indigent)
Child Health Clinic	\$1.00 per child
Immunization (county purchased) and Blood Chemistries	Prices shall be based on cost of supplies, vaccines and other necessary components of service.

B. All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.

C. In the event a lawsuit is necessary to collect the cost of health services for paragraph "A" and "B" above, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

SECTION II. - VITAL RECORDS

A. Vital Record Services

Birth certificate (per copy)	\$3.00
Birth Certificate (wallet size)	\$5.00
Laminated Birth Certificate (either size)	\$5.00
Death Certificate	\$3.00 for first copy and \$1.00 for each additional copy

SECTION III. - ENVIRONMENTAL HEALTH

A. Food Establishments

1. Food Service (Annually)	
a. 1-5 employees	\$25.00
b. 6-9 employees	\$50.00
c. 10 + employees	\$75.00
2. Food Stores (Annually)	
1. Under 1,000 sq. ft.	\$25.00
2. 1,000 - 8,000 sq. ft.	\$50.00
3. over 8,000 sq. ft.	\$75.00
3. Mobile Food Service (Annually)	\$20.00 per unit
4. Temporary Food Establishments (serving three or more days at one location)	\$20.00

5. Vending machines (full service)	\$10.00 not to exceed \$500.00
6. Bed and Breakfast	\$25.00
7. Catering Business (Annually)	\$30.00
8. Penalty Fee	\$40.00
9. Delinquent Fee	\$20.00
B. Septic Permit (Valid one (1) year from date of issue)	
1. New Installation	\$50.00
2. Repair of Existing System	\$30.00
C. Well Protection (Valid one (1) year from date of issue)	
1. Well Permit	\$20.00
2. Pump Permit	\$20.00
3. Closed loop horizontal geothermal heat pump system	\$20.00
4. Closed loop vertical geothermal heat pump system	\$20.00
5. Open loop geothermal heat pump system	\$20.00
6. Open loop geothermal return well	\$20.00
D. Solid Waste	
1. Landfill Operating Permit (Annually)	\$50,000.00
2. Refuse Processing Facility (Annually)	\$500.00
E. Temporary Campground License	
1. Temporary Campground License	\$25.00 per event

Each of the foregoing fees are non-refundable and shall be paid at the time the

application or service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

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

This ordinance shall be in full force and effect from and after its passage and approval accordingly.

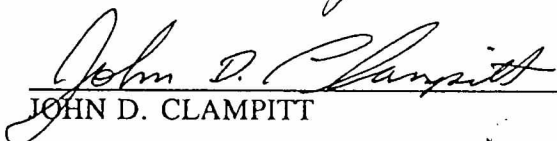
If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 27 day of April, 1993.

BOARD OF COMMISSIONERS


HURSEL C. DISNEY


RICHARD P. MYERS


JOHN D. CLAMPITT

ATTEST:


MARY JANE RUSSELL
HENDRICKS COUNTY AUDITOR

HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE

ORDINANCE NO 1992 - 27

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on June 30, 1992 at approximately 1:45 p.m.; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: (1) That there are public health hazards associated with the improper disposal of sewage; (2) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, use of on-site sewage disposal systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and (3) That there was a need to establish standards for design, construction and inspection of on-site sewage disposal systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing

(1)

the health hazards created by failing on-site sewage disposal systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana the following ordinance entitled, "Hendricks County On-Site Sewage Disposal Ordinance", be adopted.

I. DEFINITIONS

Agent means a registered environmental health specialist with knowledge of environmental health science employed by the Hendricks County Health Department or other persons selected by the Health Officer to assist in the administration of this ordinance.

Bedroom means any room which includes a closet that has the potential to be used for sleeping purposes.

Board of Health means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.

Commercial means any type of building other than a one or two family dwelling.

Division of Sanitary Engineering means a division within the Indiana State Department of Health.

Hearing means a session in which witnesses are heard and testimony is taken.

Health Department means an agency governed by the Hendricks County Health Officer and the Hendricks County Board of Health whose personnel provide public health service to the citizens of Hendricks County.

Health Officer means the Health Officer having jurisdiction in Hendricks County, Indiana.

Indiana State Department of Health means the state agency having authority to regulate on-site sewage disposal systems.

New Installation means all necessary work to install a new on-site sewage disposal system in conjunction with a new building being erected.

Notice of Violation means a written notification of an ordinance infraction.

Order means a written mandate a person is directed to obey.

Plot Plan means a graphic representation prepared by a registered engineer or professional land surveyor which identifies the topography, locations and elevations of current and proposed improvements as well as any other

pertinent information required by the Planning and Building Department for an Improvement Location Permit.

Repair Installation means all necessary work to correct an existing on-site sewage violation at an existing building.

Rule 410 IAC 6-8.1 "Residential Sewage Disposal System" means an Indiana State Department of Health regulation that established standards for residential sewage disposal systems and any amendments thereto. (Copy Attached)

Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal" means an Indiana State Department of Health regulation that established standards for commercial on-site sewage disposal systems. (Copy Attached)

Violation means breach of law.

II. GENERAL REQUIREMENTS AND EXEMPTIONS

- A. All residential on-site sewage disposal systems shall be designed and installed in accordance with Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" except as stated below.

1. Rule 410 IAC 6-8.1-38 allows for a septic tank with a capacity of seven hundred and fifty (750) gallons. In Hendricks County the minimum size of a new septic tank used in either a new or repair installation shall be a minimum of one thousand (1000) gallons.
 2. Rule 410 IAC 6-8.1-46 allows for a six (6) inch thick layer of straw to be used as a cover for aggregate in an absorption system. In Hendricks County the only allowable cover for aggregate in an absorption system shall be geotextile fabric with an effective opening size no smaller than twenty-hundredths (0.20) millimeters and no larger than eighty-five hundredths (0.85) millimeters.
- B. All designs for commercial on-site sewage disposal systems must have approval from the Indiana State Department of Health, Division of Sanitary Engineering prior to installation. All design and installation must be done in accordance with Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal" unless specific written exemption is obtained from the Indiana State Department of Health, Division of Sanitary Engineering.

- C. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an on-site sewage disposal system or sanitary vault privy, a direct connection shall be made to said sewer and the on-site sewage disposal system or sanitary vault privy shall be abandoned properly in a manner that is acceptable to the Health Officer or agent.

III. PERMITTING

Before commencement of construction or repair of an on-site sewage disposal system or privy, the owner shall obtain a written permit signed by the Health Officer of Hendricks County. The permit shall be posted in a conspicuous place on the premises prior to the commencement of work. No person shall perform any work on such project until such permit is so obtained and posted on the premises. The application for such permit shall be made on a form provided by the Hendricks County Health Department. All permits are valid for a period of one year after the date of issue. The applicant shall provide the following information as minimum requirements.

A. Residential Permit Requirement

1. New Installations

- a. A plot plan prepared by a registered engineer

and or professional land surveyor. The plot plan must be prepared in accordance with current standards of the Hendricks County Planning and Building Department and shall certify that the sewage disposal system will comply with this ordinance and Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", if properly constructed and maintained.

- b. A soils analysis prepared by a soil scientist (Rule 410 IAC 6-8.1-29) in accordance with Rule 410 IAC 6-8.1-48.
- c. A floor plan of the proposed dwelling unit.
- d. All appropriate fees as outlined in the Hendricks County Board of Health's "Ordinance for Collection of Fees and Amending All Prior Ordinance" Ordinance No. 1992-10.

2. Repair Installations

- a. An on-site investigation is required by an agent of the Hendricks County Health Department prior to the issuance of a permit.
- b. A diagram of the proposed system in relation to the existing septic system and well in addition to all other obvious structures on the property.
- c. All appropriate fees as outlined in the

Hendricks County Board of Health's "Ordinance for Fees and Amending All Prior Ordinances" Ordinance No. 1992-10.

B. Commercial Permit Requirements

1. A soils analysis prepared as required by Rule 410 IAC 6-10-6(a)(7)
2. A plot plan prepared by a registered engineer or professional land surveyor. The plot plan must be prepared in accordance with current standards of the Hendricks County Planning and Building Department and shall certify that the sewage disposal system will comply with this ordinance and Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal", if properly constructed and maintained and approved by the Indiana State department of Health, Division of Sanitary Engineering.
3. An approval letter and a copy of approved plans from the Indiana State Department of Health, Division of Sanitary Engineering.
4. All appropriate fees as outline in the Hendricks County Board of Health's "Ordinance for Collection of Fees and Amending All Prior Ordinances" Ordinance No. 1992-10.

C. FINAL APPROVAL

Final approval of the permit for an on-site sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent. The Health Officer or agent, shall be allowed to inspect the work at any stage of construction. The applicant shall notify the Health Officer or agent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Health Officer or agent.

The Health Officer or an 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, Rule 410 6-8.1 "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, as amended "Commercial On-Site Waste Water Disposal".

D. Permit Denial

1. Upon denial of a valid permit application, the applicant request a hearing with the Hendricks County Board of Health. The request must be in writing and received within ten (10) calendar days after receipt of the denial. Upon receipt of the hearing request the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided IC 5-14-1.5 (Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.
2. At such hearing the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied.
3. At the conclusion of the hearing the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this ordinance,

Rule 410 IAC 6-8.1 "Residential Sewage Disposal System" or Rule 410 IAC 6-10 "Commercial On-Site Waste Water Disposal". If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the chairperson of the Board of Health.

4. All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record.
5. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

IV. ENFORCEMENT

- A. Whenever the Health Officer or agent determines there are reasonable grounds to believe there has been a violation of this ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or

Rule 410 IAC 6-10 as amended, "Commercial On-Site Waste Water Disposal", the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereafter provided.

Such notice shall:

1. Written;
 2. Indicate the date and location of the violation;
 3. Clearly indicate the nature of the violation and the related ordinance citation;
 4. Allow a reasonable time for the performance of necessary remediation; and
 5. Be served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:
 - a. Sent to the person directly;
 - b. Sent by registered mail to the last known mailing address of the person;
 - c. Posted in a conspicuous place in or about the property affected by the notice; and
 - d. Any other method of service authorized or required under the laws of this state.
- B. Any person or persons affected by any such notice

issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department. Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of request hereof, provided that IC 5-14-1.5.1 (Open Door Law) is complied with. Any notice served pursuant to Section IV-A of this ordinance shall automatically become an order if a written request for a hearing is not received within ten (10) calendar days after receipt of the Notice of Violation is served.

- C. At such hearing the petitioner shall be given the opportunity to be heard and to show evidence as to why such Notice of Violation should be modified or withdrawn. Additionally, the Health Officer or agent

shall be given time to explain the circumstances of the Notice of Violation.

- D. After such hearing the Hendricks County Board of Health shall sustain, modify or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this ordinance, Rule 410 IAC 6-8.1, "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal", have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order.
- E. The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.
- F. Whenever the Health Officer, his agent excluded, finds

that an emergency exists which requires immediate action to protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" and Rule 410 IAC 6-10; as amended, "Commercial On-Site Waste Water Disposal" such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible, in the manner provided in Section VI-B. After such hearing, depending upon the findings as to whether the provisions of this ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

V. PENALTIES

- A. Any person or persons who shall continue to violate

any section of this ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal" beyond the time limit provided in the order, shall be cited for said "violation" into a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine or no more than two thousand five hundred dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence shall (may) be deemed a separate offense.

VI. UNCONSTITUTIONALITY CLAUSE

- A. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

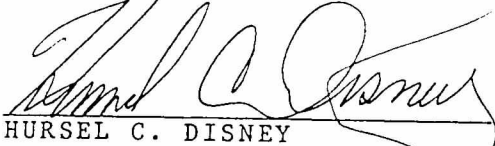
VII. REPEAL AND DATE OF EFFECTIVE DATE

- A. Any ordinances or parts of ordinances in conflict with this ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal System", or Rule 410 IAC 6-10, as amended, "Commercial On-Site Waste Water Disposal" are

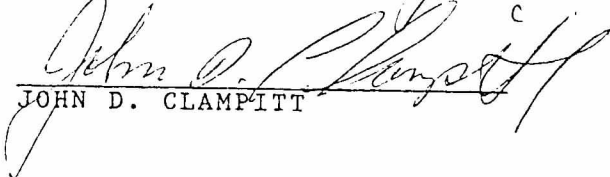
hereby repealed.

- B. This ordinance shall be in full force and effect from and after its passage and approved according to law.
- C. Passed and adopted by the Board of Commissioners of Hendricks County on this 30th day of June 1992.


BOARD OF COMMISSIONERS


HURSEL C. DISNEY


RICHARD P. MYERS


JOHN D. CLAPPITT

ATTEST:


MARY JANE RUSSELL
HENDRICKS COUNTY AUDITOR

AN ORDINANCE TO ESTABLISH LOCAL HEALTH DEPARTMENT

ORDINANCE NO.: 1992-13

Whereas, Indiana Code I.C. 16-1-3.8-1 being Public Law 40-1989 provide that each County in the State of Indiana shall establish and maintain a County Health Department.

Whereas, Indiana Code I.C. 16-1-3.8-1 was amended by Public Law 27-1991 and provided that "executive of each County shall by ordinance establish and maintain a local Health Department."

Whereas, there has been a local Health Department operating, pursuant to Indiana State statute, in Hendricks County, Indiana for many years. However, the amendment now requires that the County pass an ordinance which establishes and maintains the local Health Department and the purpose of this ordinance is to comply with Indiana State statute.

NOW, BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana by this ordinance that there shall be established and maintained a local Health Department know as the "Hendricks County Health Department" said Department shall continue under the auspices and authority of the local Board of Health heretofore appointed by the Hendricks County Board of Commissioners.

BE IT FURTHER ORDAINED that the Hendricks County Health Department shall have all the powers and authorities granted by the Indiana State statute and shall continue to operate under the ordinances of Hendricks County, Indiana regulating the health laws within Hendricks County, Indiana.

This ordinance duly passed and approved this 2nd day of March, 1992.

Donald A. Jones
John O. Clarysatt
Richard H. Tyler

Constituting a majority of the Hendricks County
Commissioners.

Attested by:

Mary Jane Russell
Mary Jane Russell

HENDRICKS COUNTY BOARD OF HEALTH

10

ORDINANCE FOR COLLECTION OF FEES AND AMENDING ALL PRIOR
ORDINANCES

WHEREAS, the legislature of the State of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to I.C. 16-1-4-24; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on February 10, 1992 at approximately 1:00 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5 (and as amended by ordinance dated 10-25-88) enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981 be amended to read as follows:

Section I - Public Health Nursing

A. Personal Health Services

Tuberculosis (Mantoux)	\$1.00 Per Test
Immunization	\$.50 Per Vaccine
Child Health Clinic	\$1.00 Per Child
Flu Vaccine	Prices will vary on these test based on cost of
Blood Chemistries	supplies and other variables.

Ordinance for Collection of Fees

Section II - Vital Records

A. Vital Record Services

Birth Certificate (per copy)	\$3.00
Birth Certificate (wallet size)	\$5.00
Laminated Birth Certificate (either size)	\$5.00
Death Certificate	\$3.00 for first copy and \$1.00 for each additional copy.

Section III - Environmental Health

A. Food Establishments

1. Food Service (Annually)
 - a. 1-5 employees \$25.00
 - b. 6-9 employees \$50.00
 - c. 10 + employees \$75.00
2. Food Stores (Annually)
 1. Under 1,000 sq. ft. \$25.00
 2. 1,000 - 8,000 sq. ft. \$50.00
 3. over 8,000 sq. ft. \$75.00
3. Mobile Food Service (Annually) \$20.00 Per Unit
4. Temporary Food Establishments \$20.00
(Serving three or more days at one location)

Ordinance For Collection of Fees

5.	Catering Business (Annually)	\$30.00
6.	Penalty Fee	\$40.00
7.	Delinquent Fee	\$20.00
B.	Septic Permit	
1.	New Installation	\$50.00
2.	Repair of Existing System	\$30.00
C.	Well Protection	
1.	Well Permit	\$20.00
2.	Pump Permit	\$20.00
3.	Closed loop horizontal geothermal heat pump system	\$20.00
4.	Closed loop vertical geothermal heat pump system	\$20.00
5.	Open loop geothermal heat pump system	\$20.00
6.	Open loop geothermal return well	\$20.00
D.	Solid Waste	
1.	Landfill Operating Permit	\$50,000.00 (Annually)
2.	Refuse Processing Facility	\$500.00 (Annually)
E.	Temporary Campgrounds	
1.	Temporary Campground License	\$25.00 Per Event

Ordinance for Collection of Fees

Each of the foregoing fees are non-refundable and shall be paid at the time the application is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance. Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 10th day of February 1992.

BOARD OF COMMISSIONERS

HURSEL C. DISNEY

RICHARD P. MYERS

JOHN D. CLAMPITT

ATTEST:

MARY JANE RUSSELL

HENDRICKS COUNTY AUDITOR

ORDINANCE
OF
HENDRICKS COUNTY, INDIANA

ORDINANCE NO. 13 - 1991

AN ORDINANCE TO FORM THE WEST CENTRAL INDIANA SOLID WASTE DISTRICT CONSISTING OF THE COUNTIES OF HENDRICKS, MONTGOMERY, MORGAN, PARKE AND PUTNAM.

WHEREAS, IC 13-9.5-2 requires each county in the State of Indiana to either establish itself as a single county solid waste management district or to join with one or more other counties in the formation of a joint solid waste management district ("joint district"); and

WHEREAS, IC 13-9.5-2-6 establishes procedures for the formation of a joint district; and

WHEREAS, the County Commissioners of Hendricks, Montgomery, Morgan, Parke and Putnam Counties have agreed that these respective counties can best serve the needs of their citizens with regard to the management of solid waste by forming a joint district; and

WHEREAS, IC 13-9.5-2-6(d) allows that an agreement among three (3) or more counties establishing a joint district may provide that the membership of the board of directors of the district and the terms of office and members of the board of directors will be determined by the terms of an agreement entered into by the executive of each county; and

WHEREAS, the organizing board of the WEST CENTRAL INDIANA SOLID WASTE DISTRICT, with membership from the County Commissioners of each member county, submits and proposes adoption of an Agreement governing the operation of the joint district for adoption by the County Commissioners of each county; and

WHEREAS, each member county has now before it the matter of adopting an ordinance identical in terms as contained herein;

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

SECTION 1. Hendricks County, Indiana does hereby join together with Montgomery, Morgan, Parke and Putnam Counties, Indiana in establishing a joint solid waste management district to be known as the WEST CENTRAL INDIANA SOLID WASTE DISTRICT ("District"), organized pursuant to IC 13-9.5, to perform all of the functions authorized and directed by said statute, as it is now promulgated or as the same may

hereafter be modified. The District shall be controlled by a board of nineteen (19) members known as the West Central Indiana Solid Waste District Board of Directors.

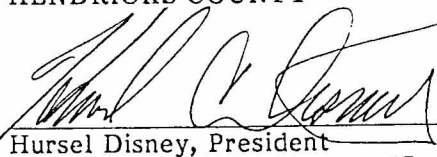
SECTION 2. All of the incorporated and unincorporated territory of Hendricks County shall be included in the District.

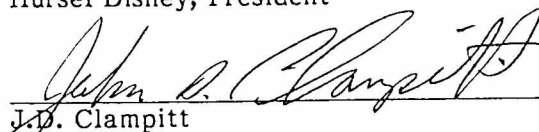
SECTION 3. The proposed Agreement governing the operation of the District is hereby approved and made a part of this ordinance as Attachment A; and the County Commissioners of Hendricks County are hereby authorized to enter into the Agreement and execute the same, attested by the Hendricks County Auditor, for and on behalf of Hendricks County.

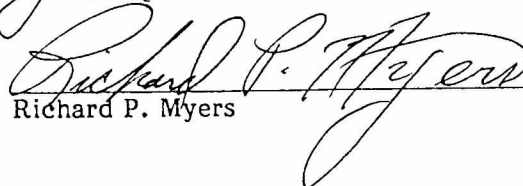
SECTION 4. This ordinance shall become effective from and after the date of its passage.

Adopted by the Board of Commissioners of Hendricks County in regular meeting on the 17 day of June, 1991.

THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY


Hursel Disney, President


J.D. Clampitt


Richard P. Myers

ATTEST:


Mary Jane Russell, AUDITOR

ATTACHMENT A

WEST CENTRAL INDIANA SOLID WASTE DISTRICT AGREEMENT

WHEREAS, the County Commissioners of Hendricks, Montgomery, Morgan, Parke, and Putnam Counties have been meeting together for several months to discuss their mutual interests with regard to solid waste management and compliance with IC 13-9.5-2, ("Act"); and

WHEREAS, the County Commissioners of each of the aforementioned counties have adopted or are expected to adopt identical ordinances establishing the West Central Indiana Solid Waste District ("District"), which shall encompass all of the incorporated and unincorporated territory of Hendricks, Montgomery, Morgan, Parke, and Putnam Counties for purposes of solid waste management and compliance with the Act; and

WHEREAS, IC 13-9.5-2-6 allows that an agreement among three (3) or more counties establishing a joint district may provide that the membership of the board of directors of the district and the terms of members of the board of directors will be determined by the terms of an agreement entered into by the executive of each county under the Act; and

WHEREAS, the County Commissioners of each of the aforementioned counties are desirous of entering an agreement establishing the District and governing its operation.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions set forth herein, the aforementioned counties hereby agree as follows:

Section 1. Purpose. The purpose of this agreement is to join together the aforementioned counties in establishing a joint solid waste management district to be known as the West Central Indiana Solid Waste District and to provide an agreement governing its operation in fulfillment of the obligations imposed under the Act; and to jointly prepare and implement a solid waste management plan for the citizens and all of the incorporated and unincorporated territory of each member county.

Section 2. Duration. This agreement shall be in full force and effect as of the date of its execution by the member counties and shall remain in full force and effect until otherwise amended or terminated by agreement between the parties in accordance with Section 12.

Section 3. Administration. The District shall be administered as a separate legal entity and political subdivision, pursuant to the Act and shall be governed by a board of directors, to be called the West Central Indiana Solid Waste District Board of Directors ("Board"). The Board shall exercise the powers of the District, as authorized by the Act and shall be composed of nineteen (19) elected officials from the member counties as follows: seven (7) officials representing Hendricks County, three (3) officials representing Montgomery County, four (4) officials representing Morgan County, two (2) officials representing Parke County, and three (3) officials representing Putnam County.

Appointments to the Board shall made as follows:

- A. The Hendricks County Commissioners shall appoint five (5) members from any or all of the following: their own membership, the membership of the Hendricks County Council, or the Town Councils of Brownsburg, Danville, or Plainfield.
- B. The Montgomery County Commissioners shall appoint two (2) members from their own membership or the membership of the Montgomery County Council.
- C. The Morgan County Commissioners shall appoint three (3) members from any or all of the following: their own membership, the membership of the Morgan County Council, or the Town Council of Mooresville.
- D. The Parke County Commissioners shall appoint one (1) member from their membership.
- E. The Putnam County Commissioners shall appoint two (2) members from their own membership or the membership of the Putnam County Council.
- F. Each Board of County Commissioners shall also appoint one (1) member recommended by the executive of the largest municipality in the county and approved by that municipality's legislative body.
- G. In addition to the appointments made under Subsections A through E of this Section, the Board of Commissioners in a county in which a permitted final disposal facility is located shall appoint one (1) additional member.

Thirteen (13) members of the Board shall constitute a quorum for the purpose of conducting business. At its first meeting the Board shall elect from its membership a chairman, vice-chairman, and a secretary. The chairman shall be responsible for determining the time and place of all meetings and shall act as the presiding officer. A meeting may also be called by a majority of the members of the Board. The vice-chairman shall preside in the absence of the chairman. The secretary shall prepare and maintain minutes and be responsible for providing notice of all the meetings in compliance with the provisions of the Indiana Open Door Law.

Section 4. Terms of Office. Each director shall be appointed to serve for a term of one (1) year commencing on January 1 and ending on December 31, except that the term of office for each member of the initial Board of Directors shall commence on the date this Agreement is adopted by all of the member counties, and ending on December 31, 1992. Unless and until the appointing body gives notice to the West Central Indiana Solid Waste District of a different appointment, the then-current board member shall be automatically reappointed for subsequent one (1) year terms, coextensive with and limited by the director's term of elective office. In accordance with the Act, each board member serves at the pleasure of the appointing authority.

Section 5. Powers and Duties. Except as provided by Section 6 of this Agreement, the Board shall conduct all business on behalf of the District in conformance with, and exercise all of the powers and authority provided in the Act and all other requirements of law governing municipal corporations in the State of Indiana. The Board shall be

responsible for the development of all district-wide plans for the disposition of solid waste and the management of such disposition for all of the member counties. By approving this Agreement, each county executive agrees to adopt such necessary resolutions and ordinances to enforce the rules and regulations concerning solid waste disposal and management recommended by the Board.

Section 6. Executive Committee. Pursuant to a resolution adopted by the Board, the Board shall elect an Executive Committee from its membership. The Committee shall have only the powers invested in it by resolution of the Board.

Section 7. Financing. Planning, organizational, and long-range costs shall be determined by the Board after study and in the best interests of the citizens of the District.

Section 8. Accounting. The Board shall appoint a fiscal officer who is delegated the duty to receive, disburse, and account for all monies of this joint undertaking.

Section 9. Budget. The Board shall be responsible for preparing and approving an annual budget subject to regular budget procedures. The Board shall submit the annual budget to the Board of County Commissioners and County Council of each member county for their review.

Section 10. Property. All property acquired by the District after the formation of the District shall be taken in the name of the District. The Board shall comply with the provisions of the Indiana Code applicable to political subdivisions relating to the acquisition and disposal of property. In the event that a member county removes itself from the District, all property interests are forfeited to the District without compensation. If the District shall cease to exist, the assets of the District shall be liquidated and the proceeds distributed among the member counties generally in proportion to each county's representation on the Board.

Section 11. Final Disposal Facilities. The Board shall not adopt any resolution which requires the county executive of any member county to accept a site for the purpose of locating a final disposal facility unless the prior approval of the county executive has been obtained. Nor shall the Board adopt a resolution which requires an existing final disposal facility within the District to accept solid waste, as defined by the Act, from any generator, hauler or facility in the District.

Section 12. Indemnification. Each member county that has owned or operated a solid waste facility at any time up to and including the date of this agreement, or that owns or operates a solid waste facility at any time after the date of this agreement other than a solid waste facility owned or operated by the District, to the extent permitted by law, shall defend, indemnify and hold harmless the District and the Board, its agents and employees while acting within the scope of their duties, from and against all liability, claims, damages and costs of defense arising out of or relating to such member county's ownership or operation of such solid waste facility. Each member county expressly acknowledges that the liability, claims, damages and costs of defense described in this Section shall include without limitation all liability, claims, damages and costs of defense arising out of or relating to environmental response, remediation or mitigation; contractual claims; personal injury; property damage; violations of any law, regulation, order or other legal authority; or requirements regarding permits, authorizations or fees.

Section 13. Removal from the District. Pursuant to IC 13-9.5-4-13, a member county may remove itself from the District before the District's solid waste management plan is approved by the Indiana Department of Environmental Management. The Board shall establish procedures in its rules for reorganization after the removal of a member county.

Section 14. Amendment or Termination. This agreement may be amended or terminated only with the affirmative vote of thirteen (13) members or two-thirds (2/3) of the entire membership of the Board.

Section 15. Severability. If any term or provision of this agreement is declared to be invalid, null, void or unenforceable, the remaining provisions shall not be affected, and shall have full force and effect.

This Agreement in separate counterparts, for each respective county, all identical in wording, having been examined by the County Commissioners of Hendricks COUNTY, shall upon the proper adoption by the undersigned become a part of the whole of all counterparts properly executed by the proper officers of all other participating counties which whole of the counterparts shall make up the entire Agreement for all member counties as the West Central Indiana Solid Waste District.

For Hendricks County, Indiana executed this 17th day of June, 1991.

BOARD OF COMMISSIONERS OF
Hendricks COUNTY

"Nay"

"Aye"

John D. [Signature]
John D. [Signature]
Richard D. [Signature]

ATTEST:

Mary Jane Russell
AUDITOR

ORDINANCE NO. / - 1991

AN ORDINANCE ESTABLISHING THE HENDRICKS COUNTY
SOLID WASTE PLANNING FEE

WHEREAS, IC 13-9.5-2 requires each county in the State of Indiana, including Hendricks County ("County"), to either establish itself as a county solid waste management district ("county district") or to join with one or more other counties in the formation of a joint solid waste management district ("joint district") no later than July 1, 1991; and

WHEREAS, IC 13-9.5-4 and P.L. 10-1990, SECTION 21 require each solid waste management district so formed to adopt a district solid waste management plan no later than July 1, 1992; and

WHEREAS, IC 13-9.5-6 authorizes the county executive to impose fees on the disposal or incineration of solid waste at a final disposal facility located within the county, to pay costs associated with the preparation of a district solid waste management plan; and

WHEREAS, the task of preparing a district solid waste management plan involves the development of information about solid waste management activities and facilities in Hendricks County to enable the County to make an informed decision about whether to become a county district or a joint district; and

WHEREAS, the county executive held a public hearing in the Hendricks County Courthouse in Danville, Indiana, on January 14, 1991, pursuant to a notice published in accordance with IC 5-3-1; now, therefore:

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA:

SECTION 1. For the purpose of this ordinance, the following terms shall have the meanings ascribed to them as follows:

- (a) "Final disposal facility" shall have the meaning prescribed at IC 13-9.5-1-14.
- (b) "Solid Waste" shall have the meaning prescribed at IC 13-9.5-1-26.
- (c) "Board of Commissioners" means the Hendricks County Board of Commissioners.
- (d) "County auditor" means the auditor of Hendricks County.

SECTION 2. A county solid waste planning fee is imposed at the rate of Twenty-five Cents (\$0.25) per ton on each ton of solid waste disposed of at a final disposal facility in Hendricks County.

SECTION 3. The owner or operator of a final disposal facility located in Hendricks County is responsible for collecting the county solid waste planning fee imposed under Section 2 of this ordinance from persons delivering solid waste to the final disposal facility. The disposal facility owner or operator may deduct an amount equal to one percent (1%) of the fees collected and may retain this amount as compensation for collecting and remitting the fees.

SECTION 4. The remainder of the fees collected each month under Section 3 of this ordinance shall be remitted to the county auditor within ten (10) days after the last day of the month in which the fees are collected.

SECTION 5. The owner or operator of a final disposal facility shall make necessary records available to an employee designated by the Board of Commissioners for the purpose of verifying the amount of solid waste disposed of and the amount of fees being collected and remitted to the county auditor.

SECTION 6. The owner or operator of a final disposal facility that does not have a scale suitable for solid waste may determine the weight of the solid waste by conversion from the volume of the solid waste. In making this conversion, an owner or operator shall use the following conversion factors:

- (a) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- (b) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

SECTION 7. (a) The fee imposed under Section 2 of this ordinance does not apply to solid waste that is received at a final disposal facility pursuant to a contract entered into before January 1, 1990, unless the contract contains a pass-through provision by which the transporter of the solid waste may recover the fees from the transporter's client.

- (b) Any solid waste for which an exemption under this section is sought must be identified as to the particular contract which does not contain the pass-through provision. A copy of any contract for which the owner or operator of a final disposal facility desires to claim an exemption under this section must be filed with the Board of Commissioners.

SECTION 8. The fee imposed under Section 2 of this ordinance does not apply to solid waste disposed of at a final disposal facility by a person that:

- (1) generated the solid waste; and
- (2) disposes of the solid waste at a final disposal facility that is owned by that person and is limited, for the purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

SECTION 9. The county auditor shall establish a fund to be known as the "Hendricks County Solid Waste Planning Fund." The Fund shall be administered in the same manner as all other county funds.

SECTION 10. (a) Money in the Fund may be used only for the following purposes:

- (1) to pay expenses of administering the Fund
 - (2) to pay costs associated with the development of a district solid waste management plan, including costs to develop information to enable the County to determine whether its plan should be prepared for a county or joint solid waste district.
- (b) A description of the activities to be undertaken, together with an estimate of the costs of such activities is attached as Exhibit A and is incorporated by reference herein.


SECTION 11. The fee imposed under this ordinance may not be imposed after the earlier of:

- (1) the date on which Hendricks County is either designated a county district or joins into a joint district; or
- (2) December 31, 1992.

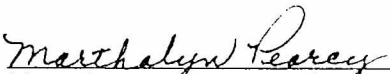
SECTION 12. This ordinance shall take effect February 14, 1991, after adoption and compliance with IC 36-2-4-8.

Adopted by the Board of Commissioners of Hendricks County, Indiana, by a vote of 3-0, on January 14, 1991.

THE BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY


_____, President

ATTEST:



Mary Jane Russell, Auditor
Special Deputy

EXHIBIT A

COST PROJECTIONS FOR PRELIMINARY SOLID WASTE DISTRICT STUDY

\$80,000 I. Preliminary Solid Waste Study of Hendricks County and Surrounding Counties

- (1) Current Waste Stream Analysis
 - sources
 - quantity
 - composition
- (2) Current Collection and Disposal Practices
- (3) Current (& Proposed) Recycling and Composting Activities
- (4) Inventory of Existing Waste Management Facilities
- (5) Transportation Routes and Geographic Limitations
- (6) Current and Projected Urban/Rural Population Mix
- (7) Projected Waste Generation Rates
- (8) Market Survey for Recyclable Materials
- (9) Financing of Current Systems
- (10) Inventory of Resources Available
- (11) Development of Goals and Objectives
- (12) Compatibility Among Counties

\$11,000 II. Legal fees for drafting and reviewing ordinances, agreements, forms, contracts, and legal instruments requisite to:

- (1) implementation of county solid waste planning fee
- (2) retention of technical advisors
- (3) establishment of county or joint district

Also, consultation with parties involved in preparation of the preliminary plan and subsequent district formation regarding the legal proceedings required.

\$ 6,000 III. Costs incurred by the Hendricks County Auditor's Office in administering the Hendricks County Solid Waste Planning Fund

- \$11,000 IV. Salary for county employee to monitor and insure proper collection of the Hendricks County Solid Waste Planning Fee
- \$55,000 V. Optional: Public Information and Education
- (1) Public survey(s)
 - (2) Public meetings
 - (3) Promotional materials

TOTAL PROJECTED EXPENSES \$163,000

AMENDMENT OF WORDS OF PENALTY IN ALL
HENDRICKS COUNTY ORDINANCES FROM "MISDEMEANOR"
TO "INFRACTION"

AND
ADMINISTRATIVE PROCEDURE FOR ENFORCEMENT
OF HEALTH ORDINANCES

FILED

FEB 13 1969

Mary Jane Smith
AUDITOR HENDRICKS COUNTY

1. WHEREAS, Ind. Code S36-1-4-11 of the Acts of General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and
2. WHEREAS, the Hendricks County Board of Commissioners held a public hearing pursuant to the legislative procedure established under Ind Code S36-2-4 seq; and
3. WHEREAS, the penalty statute for the State of Indiana being Ind. Code S34-4-32-1, et.seq. mandates that violations of County ordinances is an "infraction"; and
4. WHEREAS, some of the County ordinances were enacted prior to the passage of the penalty statute for the State of Indiana and the penalty provision in said county ordinances are inappropriately designated as "misdemeanors" instead of "infractions."
5. WHEREAS, it is the intent of this ordinances to amend all Hendricks County ordinances which have a penalty provision of "misdemeanors" to state that the violation of the Hendricks County Ordinance is an "infraction".
6. WHEREAS, the Board of County Commissioners, after having a public hearing found: the uniform enforcement of all Hendricks

County Health Department Ordinances, except the Hendricks County Food Establishment Ordinance, as amended, is necessary.

7. THEREFORE, be it Ordained by the Board of County Commissioners of Hendricks County that the provisions of this ordinance are effective within Hendricks County.

8. Section One. Amendment of Hendricks County Ordinance. All Hendricks County ordinances whose penalty provision are in appropriately designated as a "misdemeanor", be, and are hereby amended to designated the violation as an "infraction".

9. Section Two. Administrative Enforcement of Hendricks County Health Ordinances. Whenever the Health Officer or an agent designated by the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of the Hendricks County Health Department Ordinances in effect, as amended, except the Hendricks County Food Establishment Ordinance, as amended, the Health Officer or his agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereinafter provided. Such notice:

- (a) Be put in writing.
- (b) Included a statement of the reasons why it is being issued.
- (c) Allow a reasonable time for the performance of any act it requires.
- (d) Be served upon the owner or his representative, or the occupant as the case may require, provided that such notice shall be deemed to be properly served upon such owner or representative

or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address as provided for tax purposes in the Hendricks County Auditor's Office, or if a copy thereof is posted in a conspicuous place in or about the building affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this State.

(e) Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of the ordinance.

10. Section Three. Penalties. Any person or legal entity found to be violating any provisions of this ordinance shall be served by the Health Officer or an agent designated by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person who shall continue any violation of this ordinance beyond the time limit provided for in this Ordinance shall be guilty of an infraction. Upon conviction, by a court of competent jurisdiction, the violator shall be punished as a Class "C" infraction for the first offense be a fine of not more than Five Hundred Dollars (\$500.00) plus cost; for the second offense as a Class "B" infraction by a fine of not more than One Thousand Dollars (\$1,000.00) plus cost; and for the third and each subsequent offense as a Class "A" infraction by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00). Each day after the expiration of the time limit for abating unsanitary

conditions and completing improvements to abate such conditions as ordered by the Health Officer or his agent shall constitute a distinct and separate offense.

In addition to said penalties contained herein, any violators of any Hendricks County Health Ordinance, may be enjoined from continuing to violate the ordinance by a court of law.

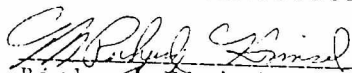
11. Section Four. Unconstitutionality Clause. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall be not affected thereby.

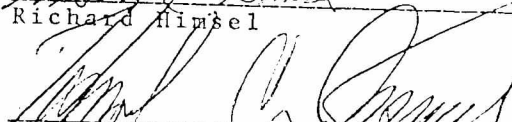
12. Section Five. Repeal and Date of Effect.

A. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval by the Commissioners and publication as required by law.

B. Passed and adopted by the Commissioners of Hendricks County, State of Indiana, on the 6th day of February, 1989.

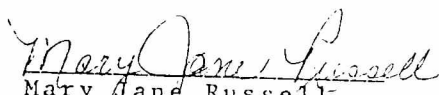
BOARD OF COMMISSIONERS


Richard Himmel


Hurssel Disney


Richard Meyer

ATTESTED BY:


Mary Jane Russell
County Auditor

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH
ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the State of Indiana granted certain powers to County Health Deprtments dealing with the collection of fees within their jurisdiction, pursuant to I.C. 16-1-4-24; and

WHEREAS, the board of Hendricks County Health Deptment has recommended changing the fees for landfill permits; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the commissioners office on 10-17-88 1988 at approximately 2:00 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by changing the fees to Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees	\$25.00
6 thru 9 employees	\$40.00
10 or more employees	\$60.00
MOBILE FOOD SERVICE (Yearly) per unit	\$20.00
TEMPORARY ESTABLISHMENTS SERVING MORE THAN THREE DAYS AT ONE LOCATION	\$15.00
PENALTY FEE (Receiving a probationary permit because of sanitation problems or closure of establishment)	\$40.00
DELINQUENT FEE (Failure to pay above mentioned fees 30 days past due date)	\$20.00

Page 2 Ordinance - Collection of Fees

SEPTIC SYSTEM PERMIT	\$25.00
WATER SAMPLE	\$ 2.00
OTHER (Specify)	
LANDFILL PERMIT (Renewable every year)	\$250.00
SPECIAL WASTE DISPOSAL PERMIT	\$500.00
(Renewable every year)	
WELL & PUMP PERMITS	\$15.00
CLOSED LOOP GEOTHERMAL HEAT PUMP SYSTEM	\$25.00

And said to section be amended to read as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees	\$25.00
6 thru 9 employees	\$40.00
10 or more employees	\$60.00

MOBILE FOOD SERVICE (Yearly) per unit \$20.00

TEMPORARY ESTABLISHMENTS SERVING MORE
THAN THREE DAYS AT ONE LOCATION \$15.00

PENALTY FEE (Receiving a probationary
permit because of sanitation problems or
closure of establishment) \$40.00

DELINQUENT FEE (Failure to pay above
mentioned fees 30 days past due date) \$20.00

SEPTIC SYSTEM PERMIT \$25.00

OTHER (Specify)

REFUSE PROCESSING FACILITY PERMIT (Annually) \$250.00

LANDFILL PERMITS:

SOLID WASTE (refuse) Annually \$15,000.00

SPECIAL WASTE Annually \$20,000.00

WELL AND PUMP PERMITS (each) \$15.00

CLOSED LOOP GEOTHERMAL HEAT PUMP SYSTEM \$25.00

RETURN WELL GEOTHERMAL HEAT PUMP SYSTEM \$15.00

Upon violation and/or non payment of any fee, the Hendricks
County Board of Health may seek to enjoin any and all said

Page 3 Ordinance - Collection of Fees

violators from conducting business if appropriate until all fees, delinquent fees and penalties are paid.

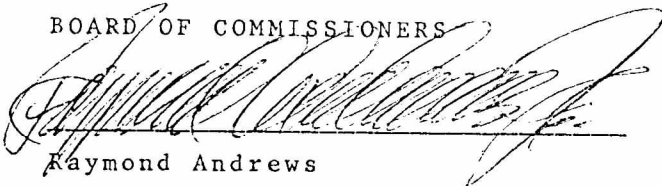
All Ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full effect from and after its passage and approval accordingly.

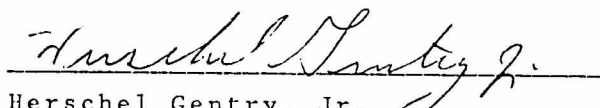
If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 25th day of October 1988.

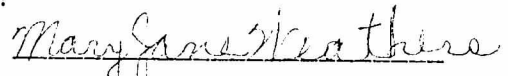
BOARD OF COMMISSIONERS


Raymond Andrews


Richard Himself


Herschel Gentry, Jr.

ATTEST:


Mary Jane Weathers
Hendricks County Auditor

HENDRICKS COUNTY

"PUBLIC BATHING PLACE ORDINANCE"

WHEREAS, IC 36-1-4-11 of the Acts of The General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on 10-17-88 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: That there are public health hazards associated with the improper operation of swimming pools, wading pools, therapeutic pools, and bathing beaches.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by the improper operation of swimming pools, wading pools, therapeutic pools, and bathing beaches, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Public Ordinance", be adopted.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 25th day of OCTOBER, 1988.

BOARD OF COMMISSIONERS

Herschel Gentry, Jr.
Herschel Gentry, Jr.

Dick Himsel
Dick Himsel

Raymond Andrews
Raymond Andrews

ATTEST:

Mary Jane Weathers
Mary Jane Weathers,
County Auditor

HENRICKS COUNTY

PUBLIC BATHING PLACE ORDINANCE

PURPOSE: This ordinance is to regulate swimming pools, wading pools, therapeutic pools, and bathing beaches with regard to the health and welfare of people in water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rules 675 IAC 20-1, and 410 IAC 6-2, as amended, and is subject to enforcement under the provisions and stipulations of Hendricks Countys Enforcement and Hearing Ordinance.

I. SWIMMING AND WADING POOL OPERATION

- Section 1. Definition; Swimming or wading pool
- Section 2. Water supply; plumbing fixtures
- Section 3. Sewer system; drains
- Section 4. Depth markings
- Section 5. Visitor and spectator areas; food and drink areas
- Section 6. Safety requirements; supervision; lifesaving equipment
- Section 7. Disinfection; water quality
- Section 8. Suits and towels; cleaning
- Section 9. Cleaning pools
- Section 10. Records of operation; supervision
- Section 11. Supervision; personal conduct regulations
- Section 12. Facilities to be kept clean; summary closure
- Section 13. Public spas and hot tubs; additional requirements

Section 1. Definition; swimming or wading pool

As used in this ordinance, a swimming or wading pool is any structure, basin, chamber, or tank containing a body of water for swimming, diving, or recreational bathing; however, nothing in these rules shall be construed as applying to any swimming or wading pool maintained by an individual for the sole use of his household and house guests. This includes hot tubs or therapeutic pools, as defined in 675 IAC 20-1.

Section 2. Water supply, plumbing fixtures

(a) The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, lavatories, and

showers, shall be obtained from a municipal water supply system if at all possible; otherwise the water supply shall come from a source which meets the standards of 320 IAC 3-3.1, as amended.

(b) All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow and back-siphonage. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or by other methods acceptable to the state building commissioner in accordance with 675 IAC 9-1-5, Indiana swimming pool rules.

Section 3. Sewer system; drains

(a) The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations. The building drains and sewers shall have capacity to carry filter backwash flows without surcharging or flooding onto the equipment room floor. Filter washwater may not be discharged directly to a drain, ditch, stream or lake.

(b) There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculation system. Any swimming pool or gutter drain or overflow from the recirculation system when discharged to the sewer system, storm drain, or approved natural drainage course shall connect through a suitable air gap so as to preclude possibility of backup of sewage or waste into the swimming pool piping system. All sumps, deck drainage systems, and other drainage fixtures or systems connected with the pool facility which discharge to a sewer or storm drain shall be properly trapped and vented to prevent sewer gasses and odors from reaching the pool area.

(c) The sanitary sewer serving the swimming pool and auxiliary facilities shall discharge to the public sewer system wherever possible. Where no such sewer is available, the connection shall be made to a suitable disposal plant designed, constructed and operated in compliance with IC 13-1-3 and 410 IAC 6-8, when available.

Section 4. Depth markings

Depth markings shall conform to 675 IAC 20-1, Indiana

Swimming Pool Code of the Fire Prevention and Building Safety Commission.

Section 5. Visitor and spectator areas; food and drink areas

(a) There shall be absolute separation between the spaces used by visitors and spectators and those spaces used by bathers. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if in a separate area segregated from the space used by the bathers by a fence at least 29 inches high.

(b) No food or drink shall be permitted in the immediate area of the swimming pool or on the decks surrounding the pool except that food and beverage will be allowed in the visitor and spectator area, or in a similarly separated snack area for bathers, if beverages are served in non-breakable containers and trashes containers are provided to keep litter off of the pool decks.

Section 6. Safety requirements; supervision; lifesaving equipment

(a) The swimming pool shall be under the supervision of a capable individual who shall assume the responsibility for compliance with all parts of 410 IAC 6-2 and this ordinance.

(b) Enough acoustical treatment, including materials and ceiling design, shall be given to enclosed pool rooms to control noise levels. It is essential for safety that swimmers be able to hear signals and directions of routine supervision as well as emergency control.

(c) Any swimming pool operated primarily for unorganized use and having an area of more than 2,000 square feet of water surface area shall be provided with an elevated lifeguard platform or chair. Chairs should be placed in locations which eliminate sun glare on the water, and in positions which will give complete coverage of the pool within a field of view limited to 45 degrees on either side of a line of sight extending straight out from the chair. In pools with 4,000 square feet or more of water surface area, additional elevated chairs or stations shall be provided, located so as to provide a clear unobstructed view of the pool bottom in the area under surveillance.

(d) One unit of lifesaving equipment shall consist of all of the following:

(1) a ring or throwing buoy not more than 15 inches in diameter with enough weight for accurate throwing fitted with a 60-foot length of at least a 1/4-inch diameter line;

(2) a life pole, or shepherd's crook type of pole, having blunted ends with minimum length of 16 feet;

(3) a separate throwing line of 1/4-inch rope with length not less than 60 feet.

Not less than one unit of equipment as listed above shall be provided at every public swimming pool. One unit shall be presumed to be adequate for 2,000 square feet of water surface area and one additional unit shall be provided for each additional 2,000 square feet, or major fraction thereof, of water surface area. Any defective equipment listed in this section shall be discarded and replaced.

(e) Every swimming pool shall be equipped with a standard twenty-four (24) unit first-aid kit which shall be kept filled and ready for use. Availability of a kit in the office of the resident manager for a motel, apartment complex, or hotel shall satisfy this requirement for such pools.

(f) Lifesaving equipment shall be mounted in conspicuous places distributed around the swimming pool deck, and at lifeguard chairs. It shall be readily accessible, within twenty (20) feet of the pool, its function plainly marked, and kept in repair and ready condition. Bathers or others shall not be permitted to tamper with or remove such equipment from its established location for any purpose other than the intended emergency use.

(g) When the swimming pool is not open for use, access to the pool shall be prevented by fixed barrier with locked entrance.

(h) Whenever the pool area is opened for use and no lifeguard service is provided, warning signs shall be placed in

plain view at the entrances and inside the pool area which state "Warning-No Lifeguard on Duty" with clearly legible letters at least 4 inches high. In addition, the signs shall also state in clearly legible letters at least 2 inches high, "No Swimming Alone. Children Under 14 Years of Age and Non-Swimmers Shall Not Use the Pool Unless Accompanied By a Responsible Adult".

(i) Every swimming pool shall have a readily accessible room or area designated and equipped for emergency care.

Section 7. Disinfection; water quality

(a) Swimming pools when in use shall be continuously disinfected by a chemical which imparts an easily measured, free available residual effect. When chlorine is used, a free chlorine residual of at least 1.0 mg/l shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. Anytime that the residual disinfectant level is below the minimum designated above, the pool shall be cleared and kept free of swimmers until that minimum level has been obtained. A testing kit for measuring the concentration of the disinfectant, accurate within 0.2 mg/l and covering a minimum range of 0.3 mg/l to 2.0 mg/l as free chlorine, shall be used at each swimming pool.

(b) A self-contained breathing apparatus designed for use in a chlorine atmosphere, shall be provided when using gaseous chlorine. The self-contained breathing apparatus shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is maintained.

(c) The board of health may accept other disinfecting materials or methods when such materials or methods have been adequately demonstrated to provide a satisfactory residual effect which is easily measured and to be otherwise equally as effective under conditions of use as the chlorine concentration required herein. Such materials and methods shall not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water.

(d) The swimming pool water shall be maintained in an alkaline condition as indicated by a pH unit shall be provided at

each swimming pool. The alkalinity of the water shall be at least 50 milligrams per liter as titrated to the methyl orange end point.

(e) The water shall have sufficient clarity at all times so that a black disc, 6 inches in diameter, is readily visible when placed on a white field at the deepest point of the swimming pool. Failure to meet this requirement shall constitute grounds for immediate closing of the pool.

(f) The owner of each swimming pool shall arrange for the collection and examination of at least one sample per week whenever the swimming pool is open for use. Failure to meet this requirement shall constitute grounds for closure.

Not more than 15 percent of the samples covering any considerable period of time shall either:

(1) contain more than 200 bacteria per milliliter, as determined by the standard 35 degree centigrade, agar plate count, or

(2) Show positive test (confirmed test) for coliform organisms in any of the five 10-milliliter portions of a sample, or more than 1.0 coliform organisms per 50 milliliters when the membrane filter test is used.

All samples shall be collected, dechlorinated, and examined for total plate count and coliform bacteria. Such test shall be performed in accordance with the procedures outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater (APHA). Where samples are examined in laboratories other than those of the State Board of Health, copies of the report of examination shall be sent by the laboratory to the Division of Public Water supply of the State Board of Health using for that purpose forms to be provided upon application.

(g) The right is reserved to close any pool in the event of any epidemic or threatened epidemic of disease which the State Board of Health may have reason to believe may be transmitted through the use of swimming pools, or because of continued

failure to meet the standards for bacterial quality established herein, or until recommended improvements are made. The local health officer having jurisdiction shall have the same power to close any pool.

(h) Chemicals used in controlling the quality of water shall be demonstrated as imparting no toxic properties to the water. The addition of chemicals for algae control shall be approved by the State Board of Health.

Section 8. Suits and towels; cleaning

(a) All multi-use suits and towels furnished to bathers by the pool management shall be washed thoroughly with soap and hot water, rinsed, and thoroughly dried after each use. If water of less than 175 degrees Fahrenheit is used for washing, the suits shall be rinsed in a disinfectant.

(b) Clean suits and towels must be kept strictly separated from those which have been used and are unlaundered.

Section 9. Cleaning pools

(a) Visible dirt on the bottom of the swimming pool shall be removed every 24 hours or more frequently as required.

(b) Visible scum or floating matter on the swimming pool surface shall be removed continuously by skimming, flushing or other effective means.

Section 10. Records of operation; supervision

(a) The facilities and mechanical equipment of every swimming pool shall be operated under the close supervision of a trained operator.

(b) Proper operating records, which may include the following as required by the state or local board of health, shall be kept daily showing:

- (1) volume fresh water added;
- (2) operating periods of recirculation pumps and filters and corresponding rate-of flow meter readings;
- (3) amounts of chemicals used;

- (4) disinfectant residuals;
- (5) pH readings;
- (6) maintenance (and malfunctioning) of equipment.

Such records shall be open to inspection of health authorities at all times and weekly summaries of these reports shall be submitted to the appropriate health authority on request, using forms furnished by that authority.

Section 11. Supervision; personal conduct regulations

(a) One or more qualified attendants, trained in rescue and resuscitation, such as current training as a lifesaver or water safety instructor by the American Red Cross, YMCA, or equivalent, shall be on duty at pool sides at all times when the swimming pool is open to use by bathers except at pools with less than 2,000 square feet of water surface used exclusively by a motel, apartment complex, hotel, or similar occupancy which is complying with 410 IAC 6-2-6, (h). Such attendant should be in full charge of bathing and have authority to enforce all rules of safety and sanitation.

At least one individual trained in first-aid should be available on the grounds of each pool while it is open to use by bathers. The American Red Cross basic course in first-aid or its equivalent may be considered as a minimum.

(b) The following personal conduct regulations shall be enforced:

(1) All bathers shall be instructed to use the toilet, and particularly to urinate, before taking cleansing bath and entering the pool.

(2) All persons using the swimming pool shall take a cleansing shower bath in the nude, using warm water and soap, and thoroughly rinsing off all soap suds, before entering the swimming pool rooms or enclosure. A bather leaving the pool to use the toilet shall take another cleansing bath before returning to the swimming pool room or enclosure.

(3) Spitting, spouting of water, blowing the nose, etc., in the swimming pool shall be strictly prohibited.

(4) No running, boisterous or rough play, except supervised water sports, shall be permitted in the pool, on the runways, diving boards, floats, platforms, or in dressing rooms, shower rooms, etc.

(5) Suitable placards embodying the above personal conduct regulations and instructions, and those relating to suits and towels, shall be conspicuously posted in the swimming pool room or enclosure and in the dressing rooms and offices at all swimming pools which are subject to the above regulations.

(6) Persons having any considerable area of exposed subepidermal tissue, open blisters, cuts, etc., shall be warned that these are likely to become infected and advised not to use the pool

Section 12. Facilities to be kept clean; summary closure

(a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.

(b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

Section 13. Public spas and hot tubs; additional requirements.

(a) The maximum operating temperature of spa and hot tub water shall not exceed 104 degrees Fahrenheit (40 degree C). A thermostatic control for the water temperature which ensures that this limit will not be exceeded and is accessible only to the operator is essential.

(b) Decks, ramps, and similar surfaces, including step treads and coping, shall be slip-resistant and free of excessive

standing water at all times. Any roughness or irregularities of such surfaces should not cause injury or discomfort under intended use.

(c) A precaution sign should be mounted adjacent to the entrance to the spa or hot tub. It should contain the following warnings:

CAUTION

- (1) Do not use when alone.
- (2) Do not use while under the influence of alcohol, anticoagulants, vasoconstrictors, stimulants, hypnotics, narcotics, or tranquilizers.
- (3) Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not use the spa or hot tub.
- (4) Unsupervised use by children is prohibited.
- (5) Do not operate at water temperatures greater than 104 degree F (40 degree C).
- (6) Observe a reasonable time limit (e.g. 10 minutes), then shower, cool down and, if you wish, return for brief stay. Long exposure may result in nausea, dizziness, or fainting. Shorter time limit use during pregnancy is indicated.
- (7) Always enter and exit slowly and cautiously.

(d) A sign should also be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.

II BATHING BEACHES OPERATION

- Section 1. Definition; public bathing beach
- Section 2. Sanitary survey
- Section 3. Preparation of the swimming area
- Section 4. Equipment and safety
- Section 5. Safety and rescue equipment
- Section 6. Personnel

Section 1. Definition; public bathing beach

As used in this ordinance, a public bathing beach is that area of shore and water of a natural or manmade lake, reservoir, or other impoundment of surface water used for swimming, bathing

or recreation, made generally accessible to the public. The bathing beach is generally operated as a public beach or for recreation at resorts, campgrounds, and organized camps.

Section 2. The sanitary survey

(a) The owner and/or operator of the water recreation area is responsible for providing the necessary safety equipment and personnel, and for maintaining the water and watershed in a sanitary condition.

(b) The water quality of the lake or other surface water impoundment is dependent on the watershed size and conditon, water circulation and dilution in the lake, and potential sources of contamination. There must be at least three supporting acres of land in the watershed area for acre of water in the swimming area. Preferably the ownership or control of the watershed will be in the hands of the owner or operator of the lake used for recreation.

(c) The sanitary survey of the drainage area to the beach or lake takes into consideration geographic factors and probably sources of pollution on the watershed tributary to the bathing beach. This includes sewage and industrial wastewater discharges, stormwater overflows, bird and animal populations, commercial, residential, and agricultural drainage, and their relationship to the swimming area.

(d) The location, volume, and nature of any potential pollution must be carefully considered in relation to the volume, quality and natural cleaning ability of the water impoundment.

(e) The sanitary survey should be conducted by trained personnel from the local or state health departments. Various laws and regulataions exist which necessitate the elimination or treatment of wastewater and contaminated drainage waters.

(f) The beaches and water quality of lakes and impoundments used for swimming must meet the standards of the State Board of Health for such activities.

(g) Bacteriological examination of swimming water must be performed before the start of swimming season and weekly throughout the season. The proper water sample bottles are

available from the State Board of Health, and it is the responsibility of the owner/operator to submit the samples at the required intervals (see "Sampling Procedures").

Section 3. Preparation of the swimming area

Also evaluated as part of the sanitary survey are safety hazards such as fast currents (stream or rivers), submerged objects, beach slope and sharp drop-offs, condition and stability of the beach bottom in the wading area, and the water depth in the diving area.

At least 50 square feet of water surface area per person must be provided where lakes or similar impoundments are used for swimming.

A. The Bottom of the Bathing Area shall meet the following standards:

1. The slope of the bottom of any portion of the beach having a water depth of less than 4'6", should not exceed 1 in 15. This slope should be uniform and should extend to a depth of at least 4'6".
2. The bottom area shall be free of natural debris--such as stumps and rocks.
3. The bottom area shall be maintained free of man-made debris - such as cans, bottles or metal objects.
4. The bottom surface must have no unmarked drop-offs or severe grade changes.
5. The bottom should be composed of firm sand and/or gravel or a similar material in stabilized condition, at least in standing depth waters.
6. The water clarity should be such that a secchi disc (20 cm. in diameter divided into four quadrants painted alternating black and white) is visible at the following depths:
 - (a) Overall - visibility at minimum depth of 4 feet;
 - (b) "Learn to Swim" areas - visible on the bottom;
 - (c) Diving Areas - visible at the minimum depth required by the height of the diving board or platform (see following area, "Safety Equipment").

B. Both the Water and Bottom Surface of the bathing area should

meet the following standards:

1. Be free of excess siltation or unsatisfactory sedimentation.
2. Be free of uncontrolled aquatic plant growth.
3. Be free of excessive growth of algae.

These recommendations are necessary to maintain water clarity, quality, and to prevent accidents.

C. The Beach Area adjacent to the bathing water shall meet the following recommendations:

1. The beach area shall be of sand and/or gravel or similar material in a stable condition which is non-irritating to skin.
2. The beach surface must be kept clean and well raked at all times.
3. No picnicking shall be allowed on the beach paralleling the swimming area. Under no conditions should glass, tin or aluminum containers for food or drink be permitted on the beach.

Section 4. Equipment and Safety

Several safety features and requirements must be met in the construction and location of recreation equipment such as diving boards, platforms, and docks.

A. Diving Facilities

Where diving facilities are provided, the design and lay-out of the facilities and associated depths shall be in accordance with the following table:

<u>Official Board Height (Meters)</u>	<u>Minimum Water Depth at End of Board and 12 Feet Beyond</u>	<u>Distance From Center of Board to Adjacent Board</u>
0.0 - 2.0	8 1/2 Feet	10 Feet
2.1 - 3.0	10 Feet	15 Feet
3.1 - or more	11 1/2 Feet or more	15 Feet or more
Diving Tower	15 Feet or more	Over 15 Feet

The water surrounding any floats, rafts or platforms where diving is permitted shall be at least 8 1/2 feet deep.

1. Wherever possible, all structures for diving and sun decks should be a part of the dock system of the waterfront.
2. Diving shall be restricted to structures and areas intended for that purpose.

3. Springboards and diving towers shall be erected according to 675 IAC 20-1.

4. All diving facilities should be covered with cocoa matting or similar material to afford sure footing.

5. Ladders should be provided at frequent intervals along the dock or offshore float to enable divers to regain the platform or deck.

B. Other Recreation Equipment

1. All equipment provided by the operator including docks, floats, and diving structures must be of sound construction, and properly anchored. Offshore floats should be properly anchored and of such construction that swimmers cannot be trapped beneath the underside of the float. Platforms and docks should be erected on a sub-surface structure solidly placed on the bottom.

2. Frequent inspection of these facilities is necessary to check for splinters, projecting nails, spikes and bolts. These structures should also be scrubbed periodically to remove any accumulations of slime and algae.

Section 5. Safety and rescue equipment

The concern involving safety equipment is the provision of adequate rescue equipment. The specific rescue equipment necessary is dependent on the type and size of the bathing area.

A. Confining Swimming Areas

The swimming area shall be separated from boating areas and unsafe waters. This is necessary to allow effective supervision of bathers and to prevent accidents.

1. At every bathing beach where safe limits are required, such limits must be marked by buoys, poles, or other markers located not over 100 feet apart and of a type visible to bathers from a distance of at least 100 feet.

2. Where desired, more permanent markers which also serve to support tired swimmers may be provided to delineate swimming areas. These facilities can include enclosed docks, cribs, booms or life lines and resting floats if they are properly constructed and installed.

3. Suitable signs or regulations must be posted on the beach

describing such markers and stating that they indicate the limits of safe bathing. Where the allowed swimming area is also divided for the various swimmer abilities, these limits should also be so indicated.

B. Rescue Equipment

NOTE: An organized bathing beach is a section of shoreline on which control of bathers is exercised by trained personnel, supervision offered and rescue equipment provided. This may be a hundred feet of beach on a small lake or pond, a larger area on a reservoir, or anything in between. The problem of safety is the same on all beaches, varying only in the degree and amount of control and supervision necessary.

The necessary personnel at waterfront areas is discussed in the next section. The following item descriptions are rescue equipment recommended at all bathing areas:

1. First-Aid Kit - First-aid equipment must be provided by the operator and be readily accessible at all times the waterfront area is open to patrons. It shall, as a minimum, be equivalent to the sixteen (16) unit first-aid kit recommended by the American Red Cross.

2. Boats - At every bathing beach there should be provided a least one seaworthy, yet light weight, boat equipped with oars, oarlocks, and a life ring or other approved rescue device.

3. Lifesaving Equipment - At least one unit of lifesaving equipment should be provided at every bathing beach. One unit of equipment as listed below shall be presumed adequate for each 2,000 square feet of surface area in the swimming zone. One additional unit shall be provided for each additional 2,000 square feet, or major fraction, thereof, of water surface area. One unit of lifesaving equipment shall consist of all the following:

- (a) A ring or throwing buoy not more than 15 inches in diameter with enough weight (2 1/2 pounds) for accurate throwing

fitted with a 60-foot length of at least 1/4 inch diameter line;
(b) A life pole, or shepherd's crook type of pole, having blunted ends with a minimum length of 12 feet;

(c) A separate throwing line of 1/4 inch rope with length not less than 60 feet. The end of this line may be fashioned into a large knot such as the "monkey-fist".

4. Swimming Rescue Buoys - "diamond", "torpedo", or "can" buoys - This type of buoy is designed to be towed out to a victim by a swimming rescuer. These are a recommended supplement to the lifesaving equipment and are often provided at the lifeguard stations.

5. Lifesaving equipment must be mounted in conspicuous places distributed along the waterfront, at lifeguard chairs, or elsewhere, readily accessible, their function plainly marked, and kept in repair and ready condition.

6. Bathers or others should not be permitted to tamper with or remove the lifesaving equipment from its established location for any purpose other than the intended emergency use.

Section 6. Personnel

Lifeguards or aquatic supervisors are essential, not only to make rescues, but to control swimming as well. The number of lifeguards necessary is dependent on the size of the water recreation area, the water activities, the number of swimmers, and the experience of the swimmers.

A. A minimum of one lifeguard to every 100 yards of beach immediately adjacent to occupied bathing areas should be provided. Additional lifeguard stations may be necessary to ensure that the entire water recreation area is under surveillance. Adequate supervision and observation of water recreation equipment such as diving facilities, floats and slides should also be emphasized.

B. It is recommended that lifeguards be isolated from beach crowds by occupying elevated seats on stands or towers, just high enough to afford them a complete and unobstructed view of the bathing and beach area for which they are responsible.

C. For non-organized recreational lakes and beaches the following recommendations should be met:

1. When there are 25 or more swimmers at bathing beaches, one or more lifeguards should be on duty during all bathing hours.

2. The lifeguards on duty should, as a minimum, be capable swimmers, competent in lifesaving methods and in methods of artificial respiration.

3. Whenever the waterfront is opened for use and no lifeguard service is provided, warning signs should be placed in plain view which clearly state this fact using clearly legible letters, at least 4 inches high.

D. Lakes and beaches utilized by organized groups for recreation or swimming instruction should meet the following recommendations:

1. When there are one or more swimmers at bathing beaches, one or more lifeguards should be on duty during all bathing hours.

2. The lifeguards should be currently certified Red Cross senior life savers, Y.M.C.A. senior life savers, Boy Scout Lifeguards, or possess comparable certification or training and experience.

3. For swimming instruction, American Red Cross standards or equivalent standards of other acceptable organizations should be used to determine each students swimming ability. These learners should be confined to the delineated swimming areas consistent with the limit of their swimming skills or to swimming areas requiring lesser skills.

4. An acceptable method of supervising and checking bathers should be established and enforced. Recommended methods are the "check" or "buddy board", the "buddy system", the "colored cap" system, or any combination of these.

AMENDMENT TO THE HENDRICKS COUNTY

ORDINANCE NO. 1979-9 AMENDING ORDINANCE NO. 1967-1

WHEREAS, I.C. 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners, relative to the adoption of ordinances, and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on February 25, 1986 at 7:30 p.m. pursuant to the legislative procedures established under I.C. 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found that the Hendricks County Health Department needed to make more inspections at the landfills and that the permit fees in the existing ordinance will not adequately cover these inspections.

NOW, THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by regulating the disposal of waste material on the land

BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana, that the Hendricks County Ordinance No. 1979-9 Amending Ordinance No. 1967-1, enacted by the Board of Commissioners of Hendricks County, Indiana on May 8, 1979, and all amendments thereto, be amended by amending Chapter V, Section 5, which Section reads as follows:

Section 5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee in the amount of Two Hundred Fifty Dollars (\$250.00) for a refuse disposal and/or processing facility permit and Five Hundred Dollars (\$500.00) for special or hazardous waste disposal permit. All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County. Permit fees may be paid on a prorated basis if the permit is valid for less than a year.

Be amended to read as follows:

Section 5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee.

The permit fees shall be as follows:

ENTERED FOR RECORD

BOOK

1078-25PAGE 93-4

FEB 27 1986

Bonnie R. Morpheus
REGISTRAR HENDRICKS COUNTY

a. Refuse processing facility: Two Hundred Fifty Dollars (\$250.00);

b. Landfill disposal:

1. solid waste (refuse); Five Thousand Dollars (\$5,000.00);

2. special waste: Ten Thousand Dollars (\$10,000.00).

(Special waste landfill disposal shall mean the operation of any facility which is required to hold a permit under the Resource Conservation and Recovery Act of 1976; 90 Stat 2806, 42 U.S.C.A. 6921 as amended). All such fees shall be paid yearly.

This amendment to the Ordinance No. 1979-9 amending Ordinance No. 1967-1 shall be in full effect from and after its passage and approved accordingly.

All other provisions of Ordinance No. 1979-9 amending Ordinance No. 1967-1, except as amended herein, shall continue in full force and effect.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 25th day of February, 1986.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana

Marvin Money
Marvin Money

M. Richard Himself
M. Richard Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Mary Jane Weathers
Mary Jane Weathers
Hendricks County Auditor

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH

ORDINANCE FOR COLLECTION OF FEES

WHEREAS, the legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to I.C. 16-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended changing the fees for landfill permits; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the commissioners office on February 25 1986 at approximately 7:30 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by changing the fees to Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees	\$25.00
6 thru 9 employees	\$40.00
10 or more employees	\$60.00
MOBILE FOOD SERVICE (Yearly)	\$20.00 per unit
TEMPORARY ESTABLISHMENTS SERVING	\$15.00
MORE THAN THREE DAYS AT ONE LOCATION	
PENALTY FEE (Receiving a probationary permit because of sanitation problems or closure of establishment)	\$40.00
DELINQUENT FEE (Failure to pay above mentioned fees 30 days past due date)	\$20.00
Septic System Permit	\$25.00
Water Sample	\$ 2.00
Other (Specify)	
Landfill Permit (Renewable every year)	\$250.00
Special Waste Disposal Permit	\$500.00
(Renewable every year)	
Well & Pump Permits	\$15.00
Closed Loop Geothermal Heat Pump Systems	\$25.00

And said to section be amended to read as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees	\$25.00
--------------------	---------

ENTERED FOR RECORD

UGOK

422

FEB 27 1986

6 thru 9 employees	\$40.00
10 or more employees	\$60.00
MOBILE FOOD SERVICE (Yearly)	\$20.00 per unit
TEMPORARY ESTABLISHMENTS SERVING MORE THAN THREE DAYS AT ONE LOCATION	\$15.00
PENALTY FEE (Receiving a probationary permit because of sanitation problems or closure of establishment)	\$40.00
DELINQUENT FEE (Failure to pay above mentioned fees 30 days past due date)	\$20.00
Septic System Permit	\$25.00
Water Sample	\$ 2.00
Other (Specify)	
Refuse Processing Facility Permit	\$250.00 Annually
Landfill Permits:	
Solid Waste (refuse)	\$5,000.00 Annually
Special Waste	\$10,000.00 Annually
Well and Pump Permits	\$15.00
Closed Loop Geothermal Heat Pump Systems	\$25.00

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 25th day of February 1986.

Marvin Money
Marvin Money

M. Richard Himself
M. Richard Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Mary Jane Weathers
Mary Jane Weathers
Hendricks County Auditor

Amendments to the Hendricks County Food Establishment Ordinance passed June 11, 1985, Chapter 3.2 Hendricks County, On-Site Sewage Disposal Ordinance No. 9, 1982, Chapter 3.5, Hendricks County Temporary Campground Ordinance No. 11, 1980, Chapter 3.3, Hendricks County Refuse Control Ordinance Chapter 3.7, Hendricks County Minimum Standards for Well, Water Supply Systems, and Geothermal Heat Pump Systems Chapter 3.1, and Hendricks County Ordinance No. 1979-9 Amending Ordinance No. 1967-1, Chapter 3.4.

WHEREAS, I.C. 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners, relative to the adoption of ordinances, and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on April 14, 1986 pursuant to the legislative procedures established under I.C. 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found:

1. The Hendricks County Health Department's ordinances specified in the penalty sections that a violator of the ordinance was guilty of a misdemeanor. This is not proper according to Indiana laws and must be changed to an infraction.

2. The recent amendment to the landfill ordinance was passed without the disposal of hazardous waste being covered by a permit fee. There should be a fee for the disposal of hazardous waste.

NOW THEREFORE, in order to promote the health, safety, and the welfare of the people of Hendricks County, Indiana by having health department ordinances.

BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Health Departments Ordinances be amended as follows:

Hendricks County Food Establishment Ordinance Chapter 3.2 Section VIII Penalty which reads as follows:

Section VIII Any person, firm, or corporation who shall violate any provision of this Ordinance shall be

ENTERED FOR RECORD

1986

MAY 30 1986

James A. Mayhew

guilty of a Class B. misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500.00); for the second offense by a fine of not more than one thousand dollars (\$1,000.00); and for the third and each subsequent offense by a fine of not more than one thousand dollars (\$1,000.00) to which may be added imprisonment for any determinate period of not exceeding ninety (90) days. Each day after the expiration of the time limit for abating insanitary 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.

Be amended to read as follows:

Section VIII Any person, firm, or corporation who shall violate any provision of this Ordinance shall be guilty of a Class B. infraction. On conviction, the violator shall be punished by a fine 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 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.

Hendricks County On-Site Sewage Disposal Ordinance Chapter 3.5 Section 3.5.9.2. which reads as follows:

3.5.9.2. Any person shall continue any violation of this ordinance beyond the time limit provided for in Sub-Section 3.5.9.1. of this Ordinance shall be guilty of an infraction or a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars (\$500.00); for the second offense by a fine of not more than One Thousand Dollars (\$1,000.00); and for the third and each subsequent offense by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Health Officer or an agent shall constitute a distinct and separate offense.

Be amended to read as follows:

3.5.9.2. Any person who shall continue any violation of this ordinance beyond the time limit provided for in Sub-Section 3.5.9.1. of this Ordinance shall be guilty of a Class B infraction. On conviction, the violator shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Health Officer or an agent shall constitute a distinct and separate offense.

Hendricks County Temporary Campground Ordinance No. 11, 1980, Chapter 3.3, Section 3.3.11. which reads as follows:

3.3.11 Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not exceeding \$100.00; and if such violation be continued, each day's violation shall be a separate offense.

Be amended to read as follows:

3.3.11 Any person violating any provision of this Ordinance shall be deemed guilty of a Class C infraction and punished by a fine not exceeding \$500.00; and if such violation be continued, each day's violation shall be a separate offense.

Hendricks County Refuse Control Ordinance Chapter 3.7, Section III Penalty which reads as follows:

Section III Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and punished by a fine not exceeding One Hundred Dollars (\$100.00); and if such violation be continued, each day's violation shall be a separate offense.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption its publication as provided by law.

Be amended to read as follows:

Section III Any person convicted of violating any provision of this Ordinance shall be guilty of a Class C infraction and punished by a fine not exceeding Five Hundred

Dollars (\$500.00); and if such violation be continued, each day's violation shall be a separate offense.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

Hendricks County Minimum Standards for Well, Water Supply Systems, and Geothermal Heat Pump Systems, Chapter 3.1 Section 3.1.11.2 which reads as follows:

3.1.11.2 Any person who shall continue any violation of this ordinance beyond the time limit provided for in sub-section 3.1.10.1. of this ordinance shall be guilty of a Class B misdemeanor. On conviction, the violator shall be punished for the first offense by a penalty of not more than Five Hundred Dollars (\$500.00); for the second offense by a penalty for not more than One Thousand Dollars (\$1,000.00) and for the third and each subsequent offense by a penalty of not more than One Thousand Dollars (\$1,000.00) to which may be added imprisonment for any determinate period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating the violation shall constitute a distinct and separate offense.

Be amended to read as follows:

3.1.11.2 Any person who shall continue any violation of this ordinance beyond the time limit provided for in sub-section 3.1.10.1. of this ordinance shall be guilty of a Class B infraction. On conviction, the violator shall be punished by a penalty of not more than One Thousand Dollars (\$1,000.00). Each day after the expiration of the time limit for abating the violation shall constitute a distinct and separate offense.

Hendricks County Ordinance No. 1979-7 Amending Ordinance No. 1967-1, Chapter V Section 5 (No. 3.4.5.5.) which reads as follows:

3.4.5.5 No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the

Treasurer of Hendricks County of a permit fee.

The permit fees shall be as follows:

- a. Refuse processing facility: Two Hundred Fifty Dollars (\$250.00);
- b. Landfill disposal:
 - 1. solid waste (refuse): Five Thousand Dollars (\$5,000.00);
 - 2. special waste: Ten Thousand Dollars (\$10,000.00).

(Special waste landfill disposal shall mean the operation of any facility which is required to hold a permit under the Resource Conservation and Recovery Act of 1976; 90 Stat 2806, 42 U.S.C.A. 6921 as amended.) All such fees shall be paid yearly.

Be amended to read as follows:

3.4.5.5 No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee.

The permit fee shall be as follows:

- a. Refuse processing facility: Two Hundred Fifty Dollars (\$250.00);
- b. Landfill disposal:
 - 1. solid waste (refuse): Five Thousand Dollars (\$5,000.00);
 - 2. Special waste and/or hazardous waste: Ten Thousand Dollars (\$10,000.00).

(Special waste landfill disposal shall mean the operation of any facility which is required to hold a permit under the Resource Conservation and Recovery Act of 1976; 90 Stat 2806, 42 U.S.C.A. 6921 as amended.) All such fees shall be paid yearly.

Hendricks County Ordinance No. 1979-9 Amending Ordinance No. 1967-1 shall be amended further, Chapter IX Enforcement Section 3 (3.4.9.3) which reads as follows:

3.4.9.3 Any person convicted of a violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, on conviction thereof, shall be subject to

a fine of not more than Five Hundred Dollars (\$500.00), for a first offense; for a second offence a fine of not more than One Thousand Dollars (\$1,000.00); and for a third and each subsequent offense by a fine of not more than One Thousand Dollars (\$1,000.00), to which may be added imprisonment in the county jail for any determinate period not exceeding ninety (90) days. Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the County Health Officer, shall constitute a distinct and separate offense.

Be amended to read as follows:

3.4.9.3 Any person convicted of a violation of any of the provisions of this Ordinance shall be guilty of a Class B infraction, and, on conviction thereof, shall be subject to a fine 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 to abate such conditions as ordered by the County Board of Health, or by the County Health Officer, shall constitute a distinct and separate offense.

This Ordinance shall be in full effect from and after it's passage and approved accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision, or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 14th day of April 1986.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana

Marvin Money
Marvin Money

M. Richard Himself
M. Richard Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.



ATTEST:

Mary Jane Weathers
County Auditor, Mary Jane Weathers

CHAPTER 3.1
MINIMUM STANDARDS
FOR WELL, WATER SUPPLY SYSTEMS AND
GEOTHERMAL HEAT PUMP SYSTEMS

An ordinance regulating the installation, construction, and maintenance of wells, pumps and geothermal heat pump systems, fixing penalties for violations thereof, and fixing a time when the same shall take effect, as authorized by IC 36-1-4-11.

WHEREAS, the Board of County Commissioners of Hendricks County deems it advisable for the promotion of public health to establish health and sanitary regulations for the installation construction, and maintenance of wells and geothermal heat pump systems in Hendricks County, Indiana.

BE IT ORDAINED by the Board of County Commissioners of Hendricks County that the provisions of this ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this ordinance.

3.1.1. Definitions.

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

3.1.1.1. A Well: is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.

3.1.1.2. Ground Water: is any water in natural state below the surface of the ground.

3.1.1.3. The Water Table: is the top surface, or upper limit, of the ground water zone.

3.1.1.4. Well Drilling: is any operation which produces a well.

3.1.1.5. A Well Driller: is any individual, partnership, firm or corporation that produces, or contracts to construct a well.

3.1.1.6. A Well Owner: is the legal owner of the real estate containing the well site.

3.1.1.7. Pollution: means such contamination or other alteration of the physical, chemical or biological properties of water as to render such water harmful or detrimental or injurious to public health or safety.

3.1.1.8. Potable Water: is water suitable for drinking or culinary purposes.

3.1.1.9. Casting: is steel or wrought iron pipe, approved plastic, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

3.1.1.10. Tubing: is metal, fiber or plastic pipe, used to withdraw water from a well. A jet type pump may require two strings of tubing.

3.1.1.11. Aquifer: is a water-bearing formation or stratum.

3.1.1.12. Cement Grout: means a thorough mixture consisting of one bag of neat Portland cement (94 lbs.) with five (5) or six (6) gallons of clean water. When such mixture cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

3.1.1.13. Pump Installer: is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

3.1.1.14. Flushing: means the act of causing a rapid flow of water from a well by pumping, bailing or similar operation.

3.1.1.15. Stuffing Box: means an approved receptacle in which packing may be compressed to form a water-tight or air-tight junction between two objects.

3.1.1.16. Well Seal: means an approved removable arrangement or device used to cap a well or to establish and maintain a water-tight junction between the casing or curbing of a well and the piping or equipment installed herein, so as to prevent unwanted water, or other contaminating material, from entering the well at the upper terminal.

3.1.1.17. Well Vent: means an opening outlet at the upper end of the well casing to allow equalization of air pressure in the well.

3.1.1.18. Yield: means the quantity of water per unit of time, which may flow or be pumped from a well, when water level has remained stabilized for one (1) hour or longer.

3.1.1.19. Private Water Supply: means one or more sources of ground water, including facilities for conveyance thereof, such as wells, springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.

3.1.1.20. Residential Well: shall mean any well drilled for the use of one or two dwelling units.

3.1.1.21. Non-Residential Well: shall mean any well drilled for more than two residential units or for use other than residential use or for wells drilled for a combination of use involving residential and non-residential use.

3.1.1.22. Person: shall mean any individual, firm, corporation or partnership.

3.1.1.23. Health Officer: shall mean the health officer of Hendricks County, Indiana, or his authorized representative.

3.1.2. Permits and Inspection.

3.1.2.1. Before commencement of construction of a well or geothermal heat pump system, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is obtained.

The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year. In emergency situations, the applicant for the well permit shall notify the health officer by telephone of the pending well installation prior to such installation. The well permit shall be obtained within 24 hours of the regular scheduled work day after the start of the emergency installation.

3.1.2.1.A. A permit inspection fee of the amount specified in Appendix A of Chapter 3.6. of the Hendricks County Code of Ordinances, shall be paid to the Hendricks County Health Department at such time as a owner or agent shall apply for a well permit, pursuant to sub-section 3.1.2.1. above.

3.1.2.2. Before the installation of any pump or facilities to convey water from a well, including pitless adaptors, well seal, well houses, or connection piping constructed as part of a private water supply built under the provisions of this ordinance, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is so obtained. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which the applicant shall supplement by any plan specifications and other information as are deemed necessary by the Health Officer. Such permits shall be void if the installation is not completed in one year. These requirements shall apply to the repair of a well, pump, or accessory lines thereto when it is necessary to uncover the buried upper terminal of the well. In emergency situations, a pump installer may install a pump prior to the owner obtaining a pump permit but the health officer shall be notified by telephone, by the pump installer, of the pending pump installation. In such emergency installations, the application for the permit shall explain the emergency and the reason why the pump was installed, prior to obtaining the permit. The pump permit shall be obtained within 24 hours of the regular scheduled work day of the Hendricks County Health Department, for the start of the emergency installation.

3.1.2.2.A A permit inspection fee of the amount specified

in Appendix A of Chapter 3.6. of the Hendricks County Code of Ordinances, shall be paid to the Hendricks County Health Department at such time as application is made for the installation of any well pump or facilities to convey water, pursuant to the regulation set forth above in sub-section 3.1.2.2.

3.1.2.3. The health officer shall be allowed to inspect the well installation at any stage of construction and in any event, the applicant for the permit shall notify the health officer when the work is completed or of his intention to abandon the well all in compliance with this ordinance. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the health officer. Days not considered regular working days shall not be considered part of the forty-eight (48) hours notice.

3.1.2.4. The health officer shall be allowed to inspect the pump installation at any state of construction, and, in any event the applicant for the permit shall notify the health officer when the work will be ready for final inspection.

3.1.2.5. A separate permit will be required for the installation of an open loop geothermal return well.

3.1.2.5.A. A permit inspection fee of the amount for a well as specified in Appendix A of Chapter 3.6. of the Hendricks County Code of Ordinances, shall be paid to the Hendricks County Health Department at such time as application is made for the installation of an open loop geothermal return well.

3.1.2.6. A separate permit will be required for the installation of closed loop geothermal heat pump systems.

3.1.2.6.A. A permit inspection fee of the amount specified in Appendix A of Chapter 3.6 of the Hendricks County Code of Ordinances, shall be paid to the Hendricks County Health Department at such time as application is made for the installation of a closed loop geothermal heat pump system.

3.1.3. Location

3.1.3.1. Private water supply wells and open loop, shall be located in keeping with the following principles:

(a) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding.

(b) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.

3.1.3.2. Private water supply wells, open loop and closed loop geothermal heat pump system serving a residence consisting of not more than two dwellings shall maintain the following minimum separation distances from sources of contamination:

Cast iron sewers with approved joints and plastic schedule 40 with glued joints.....	10 feet
Sewers and drains.....	50 feet
Privies.....	50 feet
Septic tanks and Absorption fields.....	50 feet
Sewage pits and Dry wells.....	100 feet
Stables, livestock runs, manure piles, etc.....	50 feet
Streams, lakes, ponds, ditches.....	25 feet
Property lines.....	5 feet

The health officer may waive by written documentation the requirements set forth above when he considers that it will not endanger public health.

3.1.3.3. Private water supply wells, open loop, and closed loop geothermal heat pump systems serving other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination.

Extra heavy cast iron sewers with approved joints and plastic schedule 40 with glued joints.....	30 feet
Sewers and Drains.....	100 feet
Septic tanks, absorption fields, filters.....	100 feet
Privies.....	100 feet
Streams, lakes, ponds, ditches.....	50 feet
Property lines.....	5 feet

The health officer may waive by written documentation the requirements set forth above when he considers that it will not endanger public health.

3.3.3.4. Relationship to buildings. The location of wells with respect to buildings shall be as follows:

(a) Every well and open loop return well located so that it will be reasonably accessible with proper equipment for cleaning, treatment, testing, inspection, and for such other attention as may be necessary. It should be at least three (3) feet outside of any existing building overhang.

(b) No well or open loop return well shall be located so that the top of the well will be within the basement of any building nor under a building having no basement.

(c) Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirement as he prescribes.

3.1.4. Construction of Wells and Open Loop Return Wells.

3.1.4.1. All wells and open loop return wells shall be cased to a depth of 25 feet or more below the ground surface, or cased to a depth of 20 feet and set in stone.

3.1.4.2. Casing Formations with non-stable Overlay. The casting of wells and open loop return wells developed in clay,

sand or gravel shall extend water-tight into the waterbearing formation.

3.1.4.3. Casing Diameter. The minimum casing diameter shall be four inches inside diameter for a well to be used as a source of potable water. Casing size for return wells must comply with the Indiana State Board of Health Bulletin PWS-5 or the current Indiana State Board of Health Standard. (Current Standard Attached)

3.1.4.4. Rock Formations. The casing of wells developed in rock formation shall be firmly seated and sealed in the rock.

3.1.4.5. Damaged or contaminated pipe shall not be used for well casing.

3.1.4.6. Casing Material. The casing material of the well shall meet the Indiana State Board of Health Bulletin PWS-2 or current Indiana State Board of Health Bulletin. (Current Bulletin Attached)

3.1.4.7. Temporary Capping. Temporary capping of a well or open loop return well until the pump equipment is installed shall be such that no contamination can enter the well. A properly fitted and firmly driven, solid, wooden plug or equally water-tight closure is the minimum acceptable.

3.1.4.8. Well Yield. Wells constructed as a source of water for a residence of not more than two dwelling units shall have a stabilized yield of at least 300 gallons per hour and all other wells shall have a stabilized yield adequate for their intended use unless the water bearing formation is such that after proper construction of the well a lesser amount is the maximum amount obtainable: Additional storage may be required when the well cannot produce the stated yield.

3.1.4.9. Yield Test. Before being put into use, every well shall be tested for yield and drawdown by pumping or bailing. The test pump shall be used when necessary to clean the well and shall have a capacity at least equal to the pumping rate which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined.

3.1.4.10. Plumbness and Alignment. Each well must be tested, before use, for plumbness and alignment. The well shall not vary from the vertical or from alignment sufficiently to interfere with the installation and operation of the pump.

3.1.4.11. Upper Terminal Wall. In connection with a well, the casing pipe of any drilled well shall project not less than 12 inches above the pumphouse floor or above the established ground surface, and at least 24 inches above the highest flood level. Any vent opening, observation ports and

air line equipment shall extend from the upper terminal of the well by water-tight piping to a point not less than 12 inches above the pumphouse floor or above the established ground surface. The terminals of these facilities shall be shielded or sealed so as to prevent entrance of foreign matter.

3.1.4.12. Pitless Adapter. There shall be no opening in the casing wall below its top except by the use of a properly installed pitless adapter designed to, and fabricated of such materials that will keep soil and water from entering the well during the life of the casing. The pitless adapter shall be of such design that the tubing or drop pipe cannot be dropped into the well by misalignment in assembling the internal parts. The covered top of the pitless adapter shall project not less than 12 inches above ground surface and at least 24 inches above the highest flood level. There shall be no openings through the walls of the well or adopted casing for vents, wire, air lines, ect.

3.1.4.13. Sealing.

(a) The casings of wells and open loop return wells developed in rock shall be firmly seated in sound rock. If broken or creviced rock is encountered in the aquifer, the hole shall be reamed through the broken or creviced rock and the casing seated in sound rock or an aquiclude. In areas where rock wells can be developed only in the upper fractured rock, casing may terminate in this formation if there are at least 20 feet of unconsolidated material above the rock.

(b) In a rock well the annular space between the casing and the drill hole shall be sealed to a sufficient depth to prevent surface drainage water, or shallow subsurface drainage, from entering the hole. If rock is encountered within 25 feet of the surface, the hole shall be reamed at least 4 inches greater diameter than the casing so that a minimum 2 inch annular space can be filled with cement grout. The casing should be extended at least 10 feet into the rock or to a point at least 25 feet below the surface, and cement grout shall be used to seal the annular space.

(c) Cement grout that is used to seal a hole diameter larger than the casing should be composed of a thorough mixture of neat Portland cement and clean water at a rate of one bag (94 lbs.) of cement to 5 or 6 gallons of water so that it can be pumped or puddled into the annular space to seal it. If such a cement grout cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

(d) Where pipe is driven through clay, silt, sand, or gravel into a hole of smaller diameter than the casing, and where such unconsolidated clays, silts, sand, or gravel are present to a depth greater than 20 feet below the surface, puddled, bentonitic clay may be used to seal the annular space. Bentonitic clay should be kept puddled around the point when the casing enters the ground in order to maintain a seal around the drive pipe and couplings and to serve as a lubricating medium while driving the casing.

(e) Whenever a casing is placed in a hole of larger diameter than the casing, the annular space between the casing and the wall of the hole shall be sealed from the rock or screen setting to the surface with either thick bentonitic clay mud or cement grout in the manner described in (b) and (c) above.

(f) Dug or bored wells constructed with a screen threaded or welded to metallic casing, and with a concrete cut off seal at least 30 inches thick poured and puddled to fill the excavation 20 or more feet below ground surface, may be backfilled above the seal with compacted drillings or clay in such a manner that the resulting fill will be as resistant to seepage as the undisturbed earth around it. The screen used in this construction should be bronze or stainless steel to permit acidizing since it cannot be removed.

3.1.4.14. An adequate screen shall be provided where necessary, and installed in a manner that will permit removal and replacement without adverse effect on the water-tight construction of the well.

3.1.4.15. Construction of open loop geothermal heat pump systems must comply with the Indiana State Board of Health Bulletin PWS-5 or the current Indiana State Board of Health Bulletin. (Current Bulletin Attached)

3.1.5. Pump Installation.

3.1.5.1. Hand Pumps. All hand pumps, stands, or similar devices shall be installed so that no unprotected opening connecting with the interior of the pump exists. The pump spout shall be of the closed downward-directed type. All hand pumps shall be bolted to a mounting flange securely fastened to the well casing. The top of the casing shall extend at least (1) inch above the face of the flange.

3.1.5.2. Power Driven Pumps. All power-driven pumps located over wells shall be mounted on the well casing, a pump foundation, or a pump stand, so as to provide an effective well seal at the top of the well. Extension of the casing at least one (1) inch into the pump base will be considered an effective seal provided the pump is mounted on a base plate or foundation, in such a manner to exclude dust and insects, and the top of the well casing is at an elevation at least two feet

above any known flood water level. Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top thereof, a water-tight expanding gasket or equivalent well seal shall be provided between the well casing and piping. A similar water-tight seal shall be provided at the terminal of a conduit containing a cable for a submersible pump. All submersible pumps should have one check valve located on the discharge line above the pump and inside the casing. If the discharge pipe is at least twelve (12) inches above the ground and slopes to drain into the well, the check valve may be located in the house.

3.1.5.3. Pump Bearing Lubrication. Bearings of power pumps shall be lubricated with water or oil of a bacterial quality equal to that of the water being pumped.

(a) Water Lubricated Pumps. The oil reservoir shall be constructed to protect the oil from contamination. The lubrication system should be designed and installed to minimize leakage of oil into the water. The oil shall be free from substances imparting an undesirable taste to the water.

3.1.5.4. Pumphouses. Unless the power-driven pump installation is of weatherproof and frost proof construction, a structure housing the pump shall be constructed permitting access to the pump for maintenance and repair work. The pumphouse floor shall be constructed of impervious material and shall slope away in all directions from the well or suction pipe.

3.1.5.5. Protection Against Freezing. Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.

3.1.5.6. Well Vents. All well vent opening shall be piped water-tight to a point not less than 24 inches above any known flood water level, and in any event, to the top of the well casing. Such vent opening and piping shall be of sufficient size to prevent clogging by hoarfrost and in no case less than one-quarter inch in diameter. The terminals of vent pipes shall be shielded and screened to prevent the entrance of foreign matter and preferably turned down. If toxic or inflammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not produce a hazard. Openings in pump bases shall be sealed water-tight.

3.1.5.7. Sampling Faucets. In all pressure water systems provision shall be made for collection of water samples by installation of a faucet on the discharge side of and as close as possible to the pump. The sampling faucet shall have a smooth turned down nozzle. A hose bib shall not be used.

3.1.5.8. Suction or non-pressure lines. All buried

suction pipe, or non-pressure lines shall be enclosed in a pipe conduit having a minimum wall thickness equivalent to a casing of same size, and shall be located from sources of pollution in accordance with the distances specified in sub-section 3.1.3.3. Suction pipes with annular space between pipe and encasement under pressure may be installed within the specified distances but in no case within 10 feet. Sewers of cast iron pipe with leaded joints, clear water drains, and cisterns, shall not be located within 10 feet of a suction line. No suction line shall be beneath a sewer. An exposed suction pipe, as in a basement room, shall be 18 inches, or greater practicable distance above the floor. Any pipe connecting a pump and well shall be protected against freezing.

3.1.5.9. Materials Prohibited. No material will be used in the well and pump installation that will result in the delivered water being toxic or having an objectionable taste or odor. All metallic and non-metallic materials shall have sufficient structural strength and other properties to accomplish the purpose for which installed. Flexible or non-rigid plastic pipe shall not be used for suspending submersible pumps, unless having the physical properties to withstand the torque and load to which it is subjected. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties to withstand the torque and load to which it is subjected.

3.1.5.10. Offset Pumps, Pressure Tanks and Sampling Faucets shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space either by gravity or by means of a sump pump, and a minimum of four (4) feet of clear working space is provided between the floor of the crawl space and the floor joist in the pump area. If located in a crawl space, the pump shall be located within five (5) feet of the point of entry. The access opening should be at least two (2) feet high and two (2) feet wide. Any part or accessory to the water system, which requires routine maintenance shall not be installed in a crawl space unless that crawl space meets the requirements of the provisions of this Ordinance.

3.1.5.11. Pressure Tanks or approved substitutes used as part of the water system shall be of such size as to prevent excessive wear of the pump due to frequency of starting or stopping.

3.1.6. Use of Wells for Drainage Purposes.

3.1.6.1. The use of a well for disposal of sewage or other material which may pollute the potable underground water is prohibited.

3.1.7. Disinfection, Samples and Reports.

3.1.7.1. Disinfections. To prevent contamination of well or aquifer, it is desirable to maintain a chlorine residual of 200 parts per million in the well hole all during the drilling process. Under these conditions the well need not be disinfected until the pump is set. Every new, modified, or reconditioned water source, including pumping equipment and gravel used in gravel wall wells, shall be disinfected before being placed in service for general use. Such treatment shall be performed both when the well work is finished and when pump is installed or reinstalled. If there is no significant lapse of time between the two operations, only the latter disinfection will be required. The casing pipe shall be thoroughly swabbed to remove oil, grease, and joint dope, using alkalies if necessary to obtain clean metal surfaces. The well or other ground water development equipment, including the pumping equipment, in house plumbing and gravel used in gravel well construction shall be disinfected with a solution containing enough chlorine to leave a residual of 25 parts per million in the well after a period of at least 24 hours.

3.1.7.2. Water Samples. After pumping the well to remove all the disinfectant, water samples shall be collected from the in house plumbing and shall be laboratory analysis indicate the water to be satisfactory before such installation shall be placed in service and water samples shall be collected by the owner or agent of the owner. A copy of the satisfactory laboratory analysis must be submitted to the Hendricks County Health Department.

3.1.7.3. Well Record. The well driller shall supply the Health Officer, within thirty (30) days after drilling the well or open loop return well, with an accurate record of the construction details of the well or open loop return well, including a log of the soil formations and deeper material in which hole is drilled, results of pumping tests and such other information that may be requested. The driller shall furnish the owner a duplicate copy of this information.

3.1.8 Abandoning Wells or Open Loop Return Wells.

3.1.8.1. A well or open loop return well, to be temporarily abandoned, but which the owner intends to equip and use at some future time shall be temporarily sealed at the surface by welded or threaded cap in the case of a dug well in a manner satisfactory to the Health Officer.

3.1.8.2. Permanent Abandonment. A well or open loop return well that is to be abandoned permanently shall be filled with cement grout opposite each water bearing formation and in the top 40 feet of the hole. The remainder of the hole may be filled with puddled clay or other impermeable material that will permanently prevent migration of fluids in the hole. Sand, gravel, slag, and crushed limestone are not desirable

materials to use in filling a hole because they are permeable, but they may be used opposite a formation or stratum that is impermeable to water to bridge between zones of cement grout. If salt water is entering or may enter the well or open loop return well, the entire hole should be filled with cement grout. When permanently abandoning a well or open loop return well, the person doing such work shall report to the Health Officer within forty-eight (48) hours after completion of such work.

3.1.9. Closed Loop Geothermal Heat Pump Systems.

3.1.9.1. Closed loop geothermal heat pump systems must be installed in accordance with the Indiana State Board of Health Bulletin PWS-5 or the current Indiana State Board of Health Bulletin. (Current Bulletin Attached)

3.1.10. Powers for Inspection-Enforcement-Service of Notices and Orders-Hearings.

3.1.10.1. The Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties at proper times for the purpose of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this ordinance.

3.1.10.2. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice as such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided.

Such notice shall:

- (a) Be put in writing;
- (b) Include a statement of reasons why it is being issued.
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner of his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state;
- (e) Such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this ordinance.

3.1.10.3. Any person affected by any such notice may request and shall be granted a hearing on the matter before the Health Officer or his designated representative provided that

such person shall file in the office of the Health Officer within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefore. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

3.1.10.4. After such hearing, the Health Officer or his designated representative shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this ordinance have been complied with. If the Health Officer or his designated representative shall sustain or modify such notice, it shall be deemed to be an order. A notice served pursuant to sub-section 3.1.10.2. of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within the ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the Health Officer, or his designated representative, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served.

3.1.10.5. Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in sub-section 3.1.10.3. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.

3.1.11. Penalties.

3.1.11.1. Any person found to be violating any 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 therewith.

3.1.11.2. Any person who shall continue any violation of

this ordinance beyond the time limit provided for in sub-section 3.1.10.1. of this ordinance shall be guilty of a Class B misdemeanor. On conviction, the violator shall be punished for the first offense by a penalty of not more than Five Hundred Dollars (\$500.00); for the second offense by a penalty for not more than One Thousand Dollars (\$1,000.00) and for the third and each subsequent offense by a penalty of not more than One Thousand Dollars (\$1,000.00) to which may be added imprisonment for any determinate period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating the violation shall constitute a distinct and separate offense.

3.1.11.3. Any person violating any provisions of this Ordinance shall become liable to Hendricks County Department of Health for any expense, loss, or damage occasioned it by reason of such violation.

3.1.12. Enforcement Interpretation.

3.1.12.1. The Health Officer may adopt such rules and regulations as he deems necessary for the proper enforcement and to carry out the purpose and intent of this ordinance.

3.1.13. Validity

3.1.13.1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3.1.13.2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

3.1.14. Ordinance in Force

3.1.14.1. This ordinance shall be in full force and effect on and after its passage, approval by the Commissioners and publication as required by law.

Passed and adopted by the Commissioners of Hendricks County, State of Indiana on this 7th day of October 1985.

Commissioners of Hendricks County

Dick Himself
Dick Himself

Marvin Money
Marvin Money

Herschel Gentry, Jr.
Herschel Gentry, Jr.

Attest: Mary Jane Weathers
Mary Jane Weathers, Auditor

AMENDMENT TO THE HENDRICKS COUNTY
BOARD OF HEALTH ORDINANCE FOR
COLLECTION OF FEES

WHEREAS, the legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to IC 16-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended changing the fees for well and pump inspections, changing fees for yearly mobile food units, creating fees for inspections of geothermal heat pump systems, and wallet sized birth certificates; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the commissioners office on Oct. 7 1985 at approximately 1:30 P.M.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by adding a fee to Section III-C of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-C

Vital Record Services

Birth Certificates (per copy)	\$3.00
Death Certificates (per copy)	\$3.00 for 1st copy a \$1.00 for each additional cop

Adoption

Legitimation

Other (Specify)

Search

Actual cost of
making copies

And said section be amended to read as follows:

Section III-C

Vital Record Services

Legitimation

Other (Specify)

Search

Actual cost of
making copies

And be amended further by changing the fee for well and pump inspections, adding a fee for mobile food units, and adding a fee for inspection of geothermal heat pump systems in Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees \$25.00

6 thru 9 employees \$40.00

10 or more employees \$60.00

TEMPORARY OR MOBILE FOOD SERVICE

ESTABLISHMENTS SERVING MORE THAN

THREE DAYS AT ONE LOCATION

PENALTY FEE (Receiving a probationary \$40.00

permit because of sanitation problems or

closure of establishment)

DELINQUENT FEE (Failure to pay above \$20.00

mentioned fees 30 days past due date.

Septic System Permit \$25.00

Water Sample \$ 2.00

Other (Specify)

Landfill Permit (Renewable every year) \$250.00

Special Waste Disposal Permit \$500.00

(Renewable every year)

Well & Pump Permits \$11.00

Temporary Campground Permits \$25.00

And said section be amended to read as follows:

Section III-D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees \$25.00

6 thru 9 employees \$40.00

10 or more employees \$60.00

Hendricks County Board of Health Ordinance for Collection of Fees

mentioned fees 30 days past due date)

Septic System Permit	\$25.00
Water Sample	\$ 2.00
Other (Specify)	
Landfill Permit (Renewable every year)	\$250.00
Special Waste Disposal Permit (Renewable every year)	\$500.00
Well & Pump Permits	\$15.00
Closed Loop Geothermal Heat Pump Systems	\$25.00

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 7th day of October 1985.

Marvin Money
Marvin Money

M. Richard Himself
M. Richard Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

Attest:

Mary Jane Weathers
Mary Jane Weathers, Hendricks County Auditor

AMENDMENTS TO THE HENDRICKS COUNTY

TEMPORARY CAMPGROUND ORDINANCE,

HEALTH ORDINANCE 3.3

BOOK 105 PAGE 87

2145

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners, relative to the adoption of ordinances, and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on September 16, 1985 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of Commissioners, after hearing testimony found: 1.) The provision in the ordinance that allowed no more than (3) three license per year to any tract of land caused a problem to the temporary campground owners; and 2.) A maximum number of camp sites was needed.

NOW THEREFORE, be it ordained by the Hendricks County Board of Commissioners that the Section 2 License section of the Hendricks County Temporary Campground Health Ordinance 3.3, enacted by the Hendricks County Board of Commissioners on July 29, 1980, and all amendments thereto; which reads as follows:

Section 2: License.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage any temporary campground which has more than two camp sites, unless a license to hold temporary camping activities has first been issued by the Hendricks County Board of Health, Indiana. A license to hold a temporary campground issued to one (1) person shall permit any person to engage in any lawful activity in connection with the holding of the license. A separate license shall be required for each specified period of time and for each location at which camp sites are reasonably anticipated to be the maximum number of camp sites and for the maximum number of days stated in the license. The maximum time for any one license shall not exceed seven (7) days. No more than three (3) license shall be issued to any one plot of land within any given calendar year.

Be amended to read as follows:

Section 2: License.

ENTERED FOR RECORD

BOOK

105

SEP 20 1985 PAGE 87-9

Bonnie R. Mayhew
RECORDER HENDRICKS COUNTY

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage any temporary campground which has more than two camp sites, unless a license to hold temporary camping activities has first been issued by the Hendricks County Board of Health, Indiana. A license to hold a temporary campground issued to one (1) person shall permit any person to engage in any lawful activity in connection with the holding of the license. A separate license shall be required for each specified period of time and for each location at which camp sites are reasonably anticipated to be used or maintained. A license shall permit the assembly of only the maximum number of camp sites and for the maximum number of days stated in the license. The total number of license days may not exceed (21) twenty one days within any given calendar year.

AND, that said Ordinance be further amended by amending Section 5. Camp site and campground which reads as follows:

Section 5: Camp site and campground.

(a) All camp sites shall be on level or gently sloping land which will permit satisfactory use for tents, trailers, etc.

(b) All camp sites shall be located away from heavy traffic and all camp sites shall have a setback of 65 feet from center line of all state and county roads.

(c) Private access roads, entrances and exits shall be provided with a clear view in both directions when adjoining a highway.

(d) Roads within the campground shall be of sufficient width to prevent vehicular and pedestrian problems and should be a minimum of 10 feet wide for one-way traffic and a minimum of 18 feet wide for two-way traffic. An adequate turn-around shall be provided for all dead end roads.

(e) Each camp site shall be provided with at least one car parking space and adequate space for tent or vacation trailer.

(f) An area of not less than 2,000 square feet shall be provided for each camp site.

Be amended to read as follows:

Section 5: Camp site and campground.

(a) All camp sites shall be on level or gently sloping land which will permit satisfactory use for tents, trailers, etc.

(b) All camp sites shall be located away from heavy traffic and all camp sites shall have a setback of 65 feet from center line of all state and county roads.

(c) Private access roads, entrances and exits shall be provided with a clear view in both directions when adjoining a highway.

(d) Roads within the campground shall be sufficient width to prevent vehicular and pedestrian problems and should be a minimum of 10 feet wide for one-way traffic and a minimum of 18 feet wide for two-way traffic. An adequate turn-around shall be provided for all dead end roads.

(e) Each camp site shall be provided with at least one car parking space and adequate space for tent or vacation trailer.

(f) An area of not less than 2,000 square feet shall be provided for each camp site.

(g) Maximum number of camp sites is 250.

This Ordinance shall be in full effect from its' passage and approved accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision, or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 16th day of September 1985.

BOARD OF COMMISSIONERS

Marvin Money
Marvin Money

Dick Himself
Dick Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Mary Jane Weathers
Mary Jane Weathers, Hendricks County Auditor

HENDRICKS COUNTY
FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 3.2

BOOK 100 PAGE 73

8889

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on June 11, 1984 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony found that it is advisable for the promotion of public health to establish health and sanitary regulations for food service establishments and retail food markets.

NOW THEREFORE, in order to promote the health, safety, and welfare of the people of Hendricks County, Indiana by diminishing the possibility of a food-borne outbreak, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Hendricks County Food Establishment Ordinance", be adopted.

HENDRICKS COUNTY
FOOD ESTABLISHMENT ORDINANCE

ENTERED FOR RECORD
BOOK 100 PAGE 73-3

JUN 11 1984

Bonnie L. Morphy
RECORDER HENDRICKS COUNTY

SECTION 1 DEFINITIONS 3.2.1

The definitions as stated in the current Indiana State Board of Health Regulations concerning food service establishments and retail food markets shall be used in enforcing this Food Service Ordinance. At least 2 copies of the current Indiana State Board of Health's Regulations shall be on file in the County Auditor's Office.

A. HENDRICKS COUNTY - The term "Hendricks County" shall mean those rural and urban areas which are under the jurisdiction of the Hendricks County Health Officer.

B. HEALTH OFFICER - The term "Health Officer" shall mean the Hendricks County Health Officer or his duty authorized representative.

SECTION 11 PERMITS 3.2.3

A. Permits - It shall be unlawful for any person to operate a food service establishment, temporary food service establishment, mobile food service establishment, food market, or temporary food market in Hendricks County, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this ordinance shall be

entitled to receive and retain such a permit.

1. The permit of a full time establishment shall be for a term of one year and shall be renewed annually from the date of issuance.

2. A separate permit shall be required for each food establishment operated or to be operated by any person.

3. A permit issued under this ordinance is not transferable.

4. New food establishments or food markets must obtain a perfect 100 score on the inspection to receive a permit. Existing food establishments or food markets must obtain a score of 90 or above with no major violations in order to receive a permit. The current Indiana State Board of Health inspection form is used which has a maximum score of 100.

5. No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

6. Permits are needed for all temporary food service establishments.

B. Permits Fees - Permit fees shall be paid annually to the Hendricks County Health Department in accordance with the following classifications.

FEE SCHEDULE

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS

1 thru 5 employees	\$25.00
6 thru 9 employees	\$40.00
10 or more employees	\$60.00

TEMPORARY OR MOBILE FOOD SERVICE ESTABLISHMENTS SERVING MORE THAN

THREE DAYS AT ONE LOCATION	\$15.00
PENALTY FEE (Receiving a	\$40.00

probationary permit because of sanitation problems or closure of establishment).

DELINQUENT FEE (Failure to	\$20.00
pay above mentioned fees 30 days past due date).	

C. Permit Fee Exemptions:

1. The permit fee provisions of this Ordinance shall not apply to food service establishments, temporary food service establishments, mobile food service establishments, food market, temporary food markets operated by vending operators which are religious, educational and charitable organizations, unless they

provide food services to persons other than members, guests, or students on a regular basis. The above establishments are, however, still subject to periodic inspections.

2. The permit fee provisions of this Ordinance shall not apply to food service establishments, mobile food service establishments, food markets, or temporary food markets which provide only prepackaged food items or do not provide potentially hazardous foods for public consumption. A "potentially hazardous food" consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shelled eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less. Examples might be fresh produce stands, liquor stores and drug stores if the items for sale do not meet the above definition for "potentially hazardous food." However, the above establishments are still subject to periodic inspections.

3. The permit fee provisions of this Ordinance shall not apply for temporary food service establishments who sell food for 3 (three) days or less.

SECTION III MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS AND THEIR INSPECTION

A. All food establishments, whether operating under a standard permit or a temporary permit shall comply with the minimum sanitation requirements found in the current Indiana State Board of Health Regulations concerning food service establishments and food markets. Two copies of these regulations will be on file in the office of the County Auditor of Hendricks County, Indiana, for public inspection.

B. Frequency of Inspection: At least once each twelve (12) months or as deemed necessary by the Health Officer, the Health Officer or his agent shall inspect each food service establishment, temporary food service establishment, mobile food service establishment, food market, and temporary food market for which a permit is required under the provisions of this Ordinance.

C. Procedure When Violations Noted: If, during the inspection of any food service establishment, temporary food service establishment, mobile food service establishment, food market operation, the Health Officer or his agent discovers the violation of any of the sanitary requirements of this Ordinance, he shall issue a written order listing such violations to the owner or

manager or in his absence, any other person ostensibly in charge, and fixing a time within which said operator of said food service establishment, temporary food service establishment, mobile food service establishment, food market and temporary food market shall abate and remedy such violations. A copy of the written order shall be filed in the records of the Department.

D. Criteria for Issuance of Permits Based on Inspection Score:

1. New establishments and extensively remodeled establishments must receive a perfect 100 score to receive a permit. The establishment will be issued a 30 day probationary permit before receiving an annual operational permit.

2. Existing establishments must obtain a score of 90 or above with no major violations to receive an annual operational permit. If an existing establishment changes ownership, the new owner will be issued a 30 day probationary permit and must receive a score of 90 or above within this 30 day period.

3. Establishments obtaining a score below 70 will be issued a probationary 30 day permit. To be taken off a probationary status and be granted an operational permit, the establishment must attain a score of 90 with no major violations and pay the penalty fee.

4. Establishments obtaining a score of 60 or below will be ordered to close immediately and can not reopen until a score of 90 or higher with no major violations is obtained. The penalty must be paid and the establishment will reopen with a 30 day probationary permit.

5. Establishments may be issued two consecutive probationary permits in some instances at the discretion of the Health Officer. At the end of the probationary period, the effective date on the permit expires and the owners are in violation of operating an establishment without a valid permit.

SECTION IV APPROVAL OF PLANS

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in Section III (3) of this ordinance. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work.

SECTION V COMMUNICABLE AND INFECTIOUS DISEASE CONTROL

A. Infected persons prohibited: No person while affected with any disease in a communicable form, or while a carrier of such disease or while afflicted with boils, infected wounds, sores, a cold, diarrhea, gastrointestinal upset, or a respiratory infection shall work in an area of a food service establishment, temporary

food service establishment, food market, temporary food market, mobile food service establishment or service in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals; and no person known or believed to be affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the food service establishment, temporary food establishment, mobile food service establishment, food market or temporary food market has reason to believe that any employee has contracted any disease in a communicable form or while a carrier of such disease, should contact the Health Officer immediately.

B. Procedure When Disease Suspected: When the Health Officer has probably cause to determine that there exists a reasonable possibility of the transmission of disease from any food service establishment, temporary food service establishment, mobile food service establishment, food market, and temporary food market, the Health Officer may require any or all of the following measures.

1. The immediate exclusion of all persons determined to be possible carriers or transmitters of disease from any or all food service establishments, temporary food establishments, mobile food service establishments, food markets or temporary food markets.

2. The immediate closing of the affected food service establishment, temporary food service establishment, mobile food service establishment, food market or temporary food market until no further danger of the presence of disease crisis in the opinion of the Health Officer.

3. Medical examination of any person determined to be possible carrier or transmitter of disease and said person associates to such extent as may be deemed necessary to satisfy the Health Officer that a determination of the presence or absence of disease can be made to a reasonable medical certainty.

SECTION VI FOOD MANAGER EDUCATION

A. Every owner or manager of a full time food service establishment and food market shall attend a food handling education course provided by the Hendricks County Health Department at least once every two years. Food establishments will not receive a permit unless this requirement is met.

B. It is highly recommended that each food establishment and food market conduct food handler education programs for all their employees. The Hendricks County Health Department will assist management with these programs.

SECTION VII DISPLAY OF PERMITS

All food service establishments shall have on display in full

view to its customers the Food Permit issued by the Hendricks County Health Department.

SECTION VIII PENALTY

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be guilty of a Class B. misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500.00); for the second offense by a fine of not more than one thousand dollars (\$1,000.00); and for the third and each subsequent offense by a fine of not more than one thousand dollars (\$1,000.00) to which may be added imprisonment for any determinate period of not exceeding ninety (90) days. Each day after the expiration of the time limit for abating insanitary 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.

SECTION IX UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall not be affected thereby.

SECTION X REPEAL AND DATE OF EFFECT

A. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval by the Commissioners and publication as required by law.

B. Passed and adopted by the Commissioners of Hendricks County, State of Indiana, on this 11 day of June 1984.

BOARD OF COMMISSIONERS

Marvin Money
Marvin Money

Dick Himself
Dick Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Patricia J. Stamper
Pat Stamper, Hendricks County Auditor

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH
ORDINANCE FOR COLLECTION OF FEES

WHEREAS, The legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to IC 15-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended changing the fees for personal health services; for food service establishment license; for search of vital records; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the commissioners office on June 11 1984 at approximately 1:30 PM; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by changing the fees to Section III-B of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-B

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	\$.75
Immunization (Specify)	\$.25 for 1
Other (Specify)	\$.50 for 2 or more
Child Health Clinic	\$2.00 Maximum (see attached fee schedule in original ordinance)
Blood Glucose	\$.75
Flu Vaccine	\$3.00
Urinalysis	\$1.00

ENTERED FOR RECORD
BOOK

100

JUN 11 1984

PAGE 469-72

Bonnie L. Morgan
RECORDER HENDRICKS COUNTY

And said section be amended to read as follows:

Section III-B

BOOK 100 PAGE 170

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	\$1.00
Immunization	\$.50
Child Health Clinic	\$1.00
Blood Glucose	\$1.00
Flu Vaccine	Price will vary on
Urinalysis	these tests based on
Pediatric DT	cost of supplies and
Hemoglobin	other variables.

And be amended further by changing the food service establishment fees to Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III D-E

Environmental Health Services

Food Service Establishment License	\$25.00
Septic System Permit	\$25.00
Water Sample	\$ 2.00
Other (Specify	
Landfill Permit (Renewable each year)	\$250.00
Special Waste Disposal Permit (Renewable each year)	\$500.00
Well & Pump Permits	\$11.00
Temporary Campground Permits	\$25.00

And said section be amended to read as follows:

Section III D-E

Environmental Health Services

FOOD SERVICE ESTABLISHMENTS AND FOOD MARKETS	
1 thru 5 employees	\$25.00
6 thru 9 employees	\$40.00
10 or more employees	\$60.00
TEMPORARY OR MOBILE FOOD SERVICE ESTABLISHMENTS SERVING MORE THAN THREE DAYS AT ONE LOCATION	
PENALTY FEE (Receiving a probationary permit because of sanitation problems or closure of establishment).	\$40.00
DELINQUENT FEE (Failure to pay above mentioned fees 30 days past due date).	\$20.00
Septic System Permit	\$25.00
Water Sample	\$ 2.00

Other (Specify)	
Landfill Permit(Renewable ever year)	\$250.00
Special Waste Disposal Permit (Renewable each year)	\$500.00
Well & Pump Permits	\$ 11.00
Temporary Campground Permits	\$ 25.00

And be amended further by changing the search fees for vital records in Section III-C of Schedule A, being a part of Section IV subsection A, which said section now reads as follows:

Section III-C

Vital Record Services

Birth Certificates (per copy)	\$3.00
Death Certificates (per copy)	\$3.00 for 1st copy and \$1.00 for each additional copy
Adoption	
Legitimation	
Other (Specify)	\$5.00 (1st copy incl)
Search	

And said section be amended to read as follows:

Section III-C

Vital Record Services

Birth Certificates (per copy)	\$3.00
Death Certificates (per copy)	\$3.00 for 1st copy and \$1.00 for each additional copy
Adoption	
Legitimation	
Other (Specify)	
Search	Actual cost of making copies

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of
Hendricks County, Indiana, this 11 day of June 1984.

Marvin Money
Marvin Money

M. Richard Himself
M. Richard Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

Attest:

Pat Stamper
Pat Stamper, Hendricks County Auditor

Reviewed by Hendricks County Health Department Attorney,
Thomas O'Brien

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH ?
ORDINANCE FOR COLLECTION OF FEES No. 1981-5

WHEREAS, The Legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to IC 15-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended establishment of fees for urinalysis and special solid waste disposal; also abolishment of fee for refuse truck permits; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioners office on May 16 1983 at approximately _____; and-

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by adding the following fee to Section III-B of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-B

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	.75
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	2.00 Maximum (see attached fee schedule in original ordinance.)
Blood Glucose	.75
Flu Vaccine	3.00

And said section be amended to read as follows:

Section III-B

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	.75
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	2.00 Maximum (see attached fee schedule in original ordinance.)
Blood Glucose	.75

Flu Vaccine	3.00
Urinalysis	1.00

And be amended further by adding and deleting fees to Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III D-E

Environmental Health Services

Food Service Establishment License	\$25.00
Septic System Permit	25.00
Water Sample	2.00
Other (Specify)	
Landfill Permit	50.00
Refuse Trucks	10.00
Well & Pump Permits	11.00
Temporary Campground Permits	25.00

And said section be amended to read as follows:

Section III D-E

Environmental Health Services

Food Service Establishment License	\$25.00
Septic System Permit	25.00
Water Sample	2.00
Other (Specify)	
Landfill Permit (Renewable each year)	250.00
Special Waste Disposal Permit (Renewable each year)	500.00
Well & Pump Permits	11.00
Temporary Campground Permits	25.00

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks
County, Indiana, this 16 day of May 1983.

Marvin Money
Marvin Money

Arthur Himsel
Arthur Himsel

Herschel Gentry, Jr.
Herschel Gentry, Jr.

Attest:

Pat Stamper
Pat Stamper, Hendricks County Auditor

Reviewed by Hendricks County Health Department Attorney, Thomas O'Brien

Exotic 3-25-10
Reproduction 3-26-10

AMENDMENTS TO THE HENDRICKS COUNTY ORDINANCE NO. 1979-9

AMENDING ORDINANCE NO. 1967-1

WHEREAS, I.C. 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances, and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on May 16, 1983 pursuant to the legislative procedures established under I.C. 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: 1.) The existing ordinance did not adequately define special wastes; 2.) The permit fees don't adequately cover expenses of inspections; and 3.) The permits for refuse hauling vehicles are no longer needed.

NOW THEREFORE, in order to promote the health, safety, and welfare of the people of Hendricks County, Indiana by regulating the disposal of garbage and rubbish on the land,

BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana, that the Hendricks County Ordinance No. 1979-9 Amending Ordinance No. 1967-1, enacted by the Board of Commissioners of Hendricks County, Indiana on May 8, 1970, and all amendments thereto, be amended by amending Chapter III Section 15-A (Hazardous and Special Wastes), which Section reads as follows:

Section 15. (Hazardous and Special Wastes) The disposal of hazardous and special wastes must conform to the following:

(a) Under no circumstances shall hazardous wastes be accepted at a sanitary landfill unless authorized in writing by the state and by the local Health Officer.

Be amended to read as follows:

Section 15. (Hazardous and Special Wastes) Special wastes are wastes which by definition are considered hazardous waste but have been evaluated by the Indiana State Board of Health and found to be non-hazardous. The disposal of hazardous and special wastes must conform to the following:

(a) Under no circumstances shall hazardous and/or special wastes be accepted and disposed of at a sanitary landfill unless the disposal is authorized in writing by the Indiana State Board of Health and by the local Health Officer.

THAT, said Ordinance be further amended by amending Chapter V, which reads as follows:

Chapter V - Permits and Duration

Section 1. Operating permits shall be valid for a period of two years from the effective date of the permit.

Section 2. An operating permit may be issued for less than two years if the Health Officer determines it is appropriate.

Section 3. A permit may be temporarily suspended by the County Health Officer upon violation by the holder of any part of the terms of this Ordinance, or revoked after a reasonable opportunity for a hearing by the Health Officer upon serious repeated violations.

Section 4. A separate permit shall be required for each refuse disposal and/or processing facility or method and a separate permit shall be required for each site.

Section 5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee in the amount of Fifty Dollars (\$50.00). All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County.

Section 6. No fee shall be charged for any State, County or Municipally owned and operated public garbage and rubbish disposal site in Hendricks County; provided, nevertheless, the County Health Officer shall have full jurisdiction and control over the policing of such, within the terms of this Ordinance.

Be amended to read as follows:

Chapter V - Permits and Duration

Section 1. Operating permits shall be valid for a period of one year from the effective date of the permit.

Section 2. An operating permit may be issued for less than a year if the Health Officer determines it is appropriate.

Section 3. A permit may be temporarily suspended by the County Health Officer upon violation by the holder of any part of the terms of this Ordinance, or revoked after a reasonable opportunity for a hearing by the Health Officer upon serious repeated violations.

Section 4. A permit shall be required for each refuse disposal and/or processing facility. If a site contains more than one type of refuse disposal and/or processing facility then a separate permit will be required for each facility. A separate permit shall also be required for the disposal of special and/or hazardous wastes. Each special and/or hazardous waste disposed of must have approval letters as required in Chapter II Section 15.

Section 5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee in the amount of Two Hundred and Fifty Dollars (\$250.00) for a refuse disposal and/or processing facility

permit and Five Hundred Dollars (\$500.00) for special or hazardous waste disposal permit. All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County. Permit fees may be paid on a prorated basis if the permit is valid for less than a year.

Section 6. No fee shall be charged for any State, County, or Municipally owned and operated public garbage and rubbish disposal site in Hendricks County; provided, nevertheless, the County Health Officer shall have full jurisdiction and control over the policing of such, within the terms of this Ordinance.

AND, that said Ordinance be further amended by amending Chapter VII, which reads as follows:

Chapter VII. - Permits for Refuse Hauling Vehicles

Section 1. It shall be unlawful any person in Hendricks County, who does not possess an unrevoked permit from the Health Officer, to engage in the removal and/or the transportation of refuse from premises to a location other than the place of origin of such refuse for disposal.

(a) The provisions of this section shall not apply to any person disposing of only their own refuse if transported to an approved disposal site in a sanitary manner.

Section 2. Before a permit is issued by the Health Officer for the collection and transportation of refuse, all equipment and vehicles to be used shall be approved by the Health Officer or his authorized representative. All equipment and vehicles used to transport refuse to an approved disposal site shall be suitably constructed, sanitary type, refuse must be adequately covered and vehicles shall be cleaned as may be necessary to prevent nuisances and health hazards. Equipment other than the above shall meet the approval of the Health Officer.

Section 3. Any permit issued by the Health Officer shall contain the name of the person to whom the permit is granted and such other pertinent information as may be required by the Health Officer. A separate permit shall be required for each vehicle used to transport refuse. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County a permit fee in the amount of Ten Dollars (\$10.00) for each vehicle. All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County.

Section 4. No fee shall be charged for any State, County, or Municipally owned operated refuse hauling vehicles in Hendricks County; provided, nevertheless, the County Health Officer shall have full jurisdiction and control over the policies of such within the terms of this Ordinance.

Section 5. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. The permit shall be for the term of one year on a calendar year basis and shall be renewable annually. No permit or renewal thereof shall be denied on arbitrary or capricious grounds.

Section 6. Before any permit shall be issued, the applicant for such a permit shall first furnish proof of insurance with the Health Officer showing public liability and property damage insurance policy insuring the applicant against liability for damages sustained by a person other than the employee of said applicant and occassioned by the neglectful operation of the vehicle or vehicles of said applicant, and the insurance policy shall provide a minimum coverage in the amount of \$15,000.00 for the injury or death of any person as a result of any one accident, and shall provide a minimum coverage in the amount of \$30,000.00 for property damage. Such insurance policy shall be written by a company authorized to do business in the State of Indiana.

Be amended to read as follows:

Chapter VII - Refuse Collection Vehicles

Section 1. The commercial collection of refuse shall be in mechanically discharging compaction vehicles designed specifically for the collection of refuse.

Section II. (Exclusions) Persons or corporations which are using manual discharge vehicles for the collection of refuse prior to the adoption of this Ordinance shall be exempt from having to use a mechanically discharging compaction vehicle, provided the manually discharging vehicles are tarped or covered properly to prevent littering of the roads within Hendricks County.

Section III. The Hendricks County Health Department and/or the Hendricks County Sheriff's Office shall report any vehicles found littering Hendricks County's roads to the Hendricks County Prosecutor. Littering of the roads shall be strictly prohibited. This is a violation of I.C. 35-45-3-2. Littering a class B misdemeanor.

Section IV. Persons or corporations which collect and haul wastes which will not create a littering problem will be exempt from the requirements in Section I. These wastes would include bulky wastes such as automobiles, furniture, appliances, wood, barrels, large pieces of metal and other wastes which the Health Officer determines should be exempt.

This Ordinance shall be in full effect from and after it's passage and approved accordingly.

If any section, clause, paragraph, provision, or portion of this admendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision, or portion of this admendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 16 day of May 1983.

BOARD OF COUNTY COMMISSIONERS

Hendricks County, Indiana

Marvin Money
Marvin Money

Arthur Himsel
Arthur Himsel

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Debra Slonick

AMENDMENTS TO THE HENDRICKS COUNTY

ON-SITE SEWAGE DISPOSAL ORDINANCE NO. 9, 1982

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances', and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on May 16, 1983 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found; 1.) The waiver letter required on lots approved prior to December 18, 1977 wasn't needed; and 2.) A typing error was made on page 9 of the Ordinance.

NOW THEREFORE, in order to promote the health, safety, and welfare of the people of Hendricks County, Indiana, by regulating the installation of sewage systems.

BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana, that Section IV - Exemption, Provision B., of the Hendricks County On-Site Sewage Disposal Ordinance No. 9, 1982, enacted by the Board of Commissioners of Hendricks County, Indiana on July 19, 1982, and all amendments thereto, which reads as follows:

B. In developments approved prior to December 18, 1977 conventional septic systems will be allowed. However, an on-site inspection may be made by the Hendricks County Health Officer or an agent prior to the issuance of sewage disposal permit to determine the best know on-site sewage disposal system available. The property owner will be contacted and advised of the Health Department findings. If the Health Department recommends an alternative system and the property owner chooses to install a conventional system, the property owner must sign a letter releasing the Health Department from any responsibility if the conventional system fails. The letter must be signed prior to issuance of sewage disposal permit for anyone utilizing a conventional septic system within a severe rated soil.

All subdivisions that have received only preliminary approval prior to December 18, 1977 will be required to meet all current sewage disposal standards at the time of final approval.

Subdivisions which have had final approvals for some sections and have remaining sections pending final approval may be considered for waivers from final design standards which create extreme engineering, construction and/or economic hardship.

Be amended to read as follows:

B. In developments approved prior to December 18, 1977 conventional septic systems will be allowed. The Health Department will work with property owners to explain the existing soil conditions, to educate them on the proper maintenance of sewage systems, and to recommend alternative sewage systems if applicable.

All subdivisions that have received only preliminary approval prior to December 18, 1977 will be required to meet all current sewage disposal standards at the time of final approval.

Subdivisions which have had final approvals for some sections and have remaining sections pending final approval may be considered for waivers from final design standards which create extreme engineering, construction and/or economic hardship.

THAT, said Ordinance be further amended by amending Section V, J. which reads as follows:

J. Sizing absorption fields for commercial or industrial uses shall be determined by the standards of the Indiana State Board of Health.

1. Minimum square footage of the absorption field shall be 450 square feet per bedroom.
2. Each system will be designed into two (2) separate fields utilizing a splitter box, which will allow the fields to be alternating.
3. Each separate field will be designed and constructed in a loop method.
4. The bottom of the absorption field shall be constructed eighteen to twenty-four (18-24) inches below the finished grade.
5. Perimeter drains shall be installed around the absorption field according to the current design and installation practices.
6. Excessive scraping and/or removal of topsoil in the area of the absorption field is strictly prohibited.
7. The finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.
8. The project engineer and/or land surveyor must state the soil type found in the area of the absorption field on the lot, state any limitation and certify that his design will overcome the limitations if the system is properly installed and operated.
9. The final design shall include detailed information pertaining to the septic tank location and elevation, the absorption drainage location and elevation, perimeter tile location and elevation, finished lot grade and finished pad grade.

J. be amended to read as follows:

J. Sizing absorption fields for commercial or industrial uses shall be determined by the standards of the Indiana State Board of Health.

AND, that said Ordinance be further amended by amending Section V, K. which reads as follows:

K. On any new lot or parcel proposing to utilize an on-site sewage disposal method within a severe rated soil there should be a disposal system designed and installed to overcome the limitations of the soil. The following minimum requirements are based on the current technology necessary to satisfy the provisions of Section III, General Requirement Subsection E of Indiana State Board of Health Rule 6-8 and it must be recognized that they do not displace the obligation and responsibility of the engineer or land surveyor to design a system to overcome the limiting factors of particular site. Consistently changing technology, based upon additional research, may dictate additional requirements to overcome the limiting factor found in certain soils. However, it is recognized that any changes in standards, site evaluation or system design, except alternative systems, must be done by amendments to this ordinance. These minimum standards apply to soils that are rated severe because of slow permeability and a seasonal high water table.

Be Amended to read as follows:

K. On any new lot or parcel proposing to utilize an on-site sewage disposal method within a severe rated soil there should be a disposal system designed and installed to overcome the limitations of the soil. The following minimum requirements are based on the current technology necessary to satisfy the provisions of Section III, General Requirement Subsection E. of Indiana State Board of Health Rule 6-8 and it must be recognized that they do not displace the obligation and responsibility of the engineer or land surveyor to design a system to overcome the limiting factors of a particular site. Consistently changing technology, based upon additional research, may dictate additional requirements to overcome the limiting factor found in certain soils. However, it is recognized that any changes in standards, site evaluation or system design, except alternative systems, must be done by amendments to this ordinance. These minimum standards apply to soils that are rated severe because of slow permeability and a seasonal high water table.

1. Minimum square footage of the absorption field shall be 450 square feet per bedroom.
2. Each system will be designed into two (2) separate fields utilizing a splitter box, which will allow the fields to be alternating.
3. Each separate field will be designed and constructed in a loop method.
4. The bottom of the absorption field shall be constructed eighteen to twenty-four (18-24) inches below the finished

grade.

5. Perimeter drains shall be installed around the absorption field according to the current design and installation practices.
6. Excessive scraping and/or removal of topsoil in the area of the absorption field is strickly prohibited.
7. The finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.
8. The project engineer and/or land surveyor must state the soil type found in the area of the absorption field on the lot, state any limitation and certify that his design will overcome the limitations if the system is properly installed and operated.
9. The final design shall include detailed information pertaining to the septic tank location and elevation, the absorption drainage location and elevation, perimeter tile location and elevation, finished lot grade and finished pad grade.

This Ordinance shall be in full effect from its' passage and approved accordingly.

If any section, clause, paragraph, provision, or portion of this admendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision, or portion of this admendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 16 day of May 1983.

BOARD OF COMMISSIONERS

Marvin Money

Marvin Money

Arthur Himself

Arthur Himself

Herschel Gentry, Jr.

Herschel Gentry, Jr.

ATTEST:

Patricia Stamper

Patricia Stamper, Hendricks County Auditor

*Agenda 5-20-83
Resolution 5-20-83*

FILED

OCT 12 1982

Patricia J. Stumpfer

AUDITOR HENDRICKS COUNTY

3152

HENDRICKS COUNTY HEATING AND COOLING
SYSTEM DISCHARGE ORDINANCE
ORDINANCE NO. 13 1982

BOOK 95 PAGE 19

ENTERED FOR RECORD

BOOK

95 OCT 12 1982 12:32

Marille Abbott

RECORDER HENDRICKS COUNTY

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on Oct 12, 1982 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: 1.) that buildings or structures which utilize water to obtain a temperature transfer within their heating or cooling systems can create a water discharge problem; 2.) that water discharge from heating or cooling systems could greatly diminish the capacity of certain drainage systems designed and installed to accommodate storm water drainage; and 3.) that in order to protect the integrity of certain storm water drainage systems within Hendricks County it is necessary to prohibit the discharge of water from heating and cooling facilities into those systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, by protecting storm water drainage systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Hendricks County Heating and Cooling System Discharge Ordinance", be adopted.

HENDRICKS COUNTY HEATING AND COOLING
SYSTEM DISCHARGE ORDINANCE

SECTION I - PURPOSE

A. This ordinance is to regulate the water discharge from heating and/or cooling systems into storm water drainage systems.

B. This ordinance prohibits persons who utilize heating and cooling with water discharges from releasing the water into certain storm water drainage systems. Most storm water drainage systems are not designed to accommodate the additional water generated by discharge from certain types of heating and cooling systems.

SECTION II - DEFINITIONS

A. Heating and/or Cooling System - means a heat transfer system which either extracts or expends heat from or to a water supply for purposes of heating or cooling a structure.

B. Person - means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or his legal representative or an agent.

C. Storm Water Drainage System - means all ditches, channels, conduits, curbs, gutters, subsurface drains, tile drains, retention-detention systems, swales, sewers and other natural or artificial means of draining storm water from land.

D. Water Discharge - means the water that is released from a heating and/or cooling system after heat is either extracted or expended.

SECTION III - PROHIBITED DISCHARGE

No person shall cause or permit a water discharge into a storm water drainage system from a heating or cooling system except as permitted by Section IV of this ordinance and subject to the conditions therein.

SECTION IV - PERMITTED DISCHARGE

A. Water discharge from a heating and/or cooling system is permitted to an intermittent stream or creek designated as such on the United States Department of Interior Geological Survey Maps, a lake, a pond or a well.

B. Other natural ravines and waterways may be used as an outlet to discharge water from heating and/or cooling systems provided they are approved for such discharge by the Hendricks County Engineer, which said approval will not be unreasonable withheld.

C. Open legal drains may be used for heating and/or cooling discharge provided the discharge is approved by the Hendricks County Drainage Board.

SECTION V - REMEDIES AND PENALTIES

A. The principal enforcement of this ordinance shall be the duty of the Hendricks County Engineer. Any person found in violation of this ordinance may receive a written notice of the violation from the Hendricks County Engineer. Such written notice will give the violator twenty (20) days to correct the violation. If the violation is not corrected, the Hendricks County Engineer will notify the County Attorney who will institute a suit for injunction in a court of competent jurisdiction.

B. Any person or persons, jointly or severally aggrieved, may institute a suit for injunction in a Hendricks County court of competent jurisdiction to restrain a person or persons from violating the provisions of this ordinance.

C. Any person found to be in violation of this ordinance shall be guilty of an infraction or a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars (\$500), for the second offense by a fine of not more than one thousand dollars (\$1,000), and for the third offense and each subsequent offense by a fine of not more than one thousand five hundred dollars (\$1,500).

D. Any person found in violation of the ordinance by a court of competent jurisdiction shall be liable for any litigation expenses including, but not limited to, transportation expenses, witness fees and attorney fees.

SECTION VI - ADOPTION

A. All ordinances or part of ordinances in conflict with ordinances are hereby repealed.

B. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

C. This ordinance shall be in full force and effect from and after its passage and approved according to law.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 12 day of Oct, 1982.

BOARD OF COMMISSIONERS

Marvin Money
Marvin Money

Arthur Himself
Arthur Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Patricia Stamper
Patricia Stamper
Hendricks County Auditor

This instrument prepared by E. Alonzo Deckard, Attorney at Law,
Danville, Indiana

ENTERED FOR RECORD

BOOK

94

SEP 15 1982

19:05

100-562-3

BOOK 94 PAGE 562

Marville Abbott

RECORDER HENDRICKS COUNTY

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH
ORDINANCE FOR COLLECTION OF FEES

2595

WHEREAS, the Legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to IC 16-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended the establishment of fees for tuberculosis skin tests, blood glucose tests and flu vaccines; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioners' Office on August 31, 1982 at approximately 8:00 p.m.; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by adding certain fees to Section III-B of Schedule A, being a part of Section IV, subsection A, which said section reads as follows:

Section III-B

Personal Health Services

Venereal Disease	(service not available)
Tuberculosis	(service not available)
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	\$2.00 maximum (see attached fee schedule)

And said section be amended to read as follows:

Section III-B

Personal Health Services

Venereal Disease	(service not available)
Tuberculosis (Specify)	.75
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	\$2.00 maximum (see attached fee schedule)
Blood Glucose	.75
Flu Vaccine	\$3.00

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 7 day of Sept, 1982.

Marvin Money
Marvin Money

Arthur Himself
Arthur Himself

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST:

Pat Stamper
Pat Stamper, Hendricks Co. Auditor

Reviewed by Hendricks County Health Department Attorney, Thomas O'Brien

FILED

JUL 20 1982

Patricia J. Stumper

AUDITOR HENDRICKS COUNTY

BOOK 94 PAGE 155

ENTERED FOR RECORD

BOOK

94 JUL 20 1982 ^{9:50} ₁₅₋₉₁

Marille Abbott
RECORDER HENDRICKS COUNTY

HENDRICKS COUNTY
ON-SITE SEWAGE DISPOSAL ORDINANCE
ORDINANCE NO. 9, 1982

1380

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of County Commissioners, relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on July 19, 1982 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: 1.) That there are public health hazards associated with the improper disposal of sewage; 2.) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, use of soil absorption systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and 3.) That there was a need to establish standards for the design, construction and inspection of on-site sewage disposal systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing on-site sewage disposal systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana that the following ordinance, entitled "Hendricks County On-Site Sewage Disposal Ordinance", be adopted.

HENDRICKS COUNTY
ON-SITE SEWAGE DISPOSAL ORDINANCE

SECTION I - PURPOSE

A. This ordinance is to regulate on-site sewage disposal systems within Hendricks County in order that the most effective disposal method is used given current technology. It is also the purpose of this ordinance to provide for the orderly, consistent and effective implementation of the Indiana State Board of Health Rule 410 IAC 6-8.

B. This ordinance requires persons designing, installing and utilizing on-site sewage disposal systems to recognize the limitations of certain soils found in Hendricks County. The Soil Conservation Service (SCS), an agency of the United States Department of Agriculture, has identified, classified and mapped soils within Hendricks County. Three classifications developed by the SCS to describe limitations present within different soil types for on-site sewage disposal systems are slight, moderate and severe. This

ordinance provides standards for on-site sewage disposal systems within slight, moderate and severe soils.

SECTION II - DEFINITIONS

A. AGENT means a registered professional sanitarian with knowledge of environmental health science employed in the Hendricks County Health Department or other persons selected by the Health Officer to assist in the administration of this ordinance.

B. BOARD OF HEALTH shall mean the Board of Health having jurisdiction in Hendricks County, State of Indiana.

C. BUILDING DRAIN means that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building, and conveys the same to the building sewer beginning two (2) feet outside the building.

D. BUILDING SEWER means that part of the horizontal piping from the end of the building drain to its connection with the main sewer or on-site sewage disposal system and conveying the drainage of but one building site.

E. DISTRIBUTION BOX means a structure designed to distribute the effluent from a septic tank equally into the various sections of pipe of an absorption system.

F. DWELLING means any house or place used or intended to be used by human occupants as a place of residence.

G. FOUNDATION DRAIN means that portion of a building drainage system provided to drain ground water from the outside of the foundation or under basement floor, not including any sewage.

H. HEALTH DEPARTMENT means an agency governed by the Hendricks County Health Officer and the Hendricks County Board of Health whose personnel provides public health services to the citizens of Hendricks County.

I. HEALTH OFFICER means the Health Officer having jurisdiction in Hendricks County, State of Indiana

J. HORIZON means a layer of soil, approximately parallel to the soil surface, with distinct characteristics produced by the soil forming process.

K. LIMITING LAYER means any layer of soil with a stabilized percolation rate exceeding sixty (60) minutes for the water to fall one inch.

L. ON-SITE SEWAGE DISPOSAL SYSTEM means a subsurface absorption system.

M. PERCOLATION TEST means a procedure used to determine the ability of soils to absorb water.

N. PERSON means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

O. PRIVATE WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply that serves one (1) residential unit or business.

P. PRIVY means a fly tight, rodent proof structure erected on or over a properly constructed vault or pit.

Q. PUBLIC SEWER means any sewage system constructed, installed, maintained, operated and owned by a municipality or a taxing district established for the purpose of receiving, treating and disposing of sewage.

R. PUBLIC WATER SYSTEM means a system for providing piped water for human consumption to the public.

S. PUBLIC WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply system which services over twenty-five (25) residential units or businesses.

T. RULE 410 IAC 6-8 means an Indiana State Board of Health regulation that establishes standards for residential sewage disposal systems.

U. SANITARY SEWAGE SYSTEM means, for the purposes of this regulation, a system of sewers which conveys sewage away from the lot on which it originates for treatment.

V. SEMI-PUBLIC WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply system which services two (2) to twenty-five (25) residential units or businesses.

W. SEPTIC TANK means a watertight structure into which sewage is discharged for settling and solids digestion.

X. SEWAGE means the water-carried waste derived from ordinary living processes.

Y. SLUDGE means the digested or partially digested solid material accumulated in a sewage treatment facility.

Z. SUBSURFACE ABSORPTION FIELD means open-jointed or perforated pipes laid in a system of trenches into which effluent is discharged for direct absorption into the soil.

ZZ. SUBSURFACE ABSORPTION SYSTEM means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage utilizing soil absorption.

SECTION III - GENERAL REQUIREMENTS

A. No person shall throw, run, drain, seep or otherwise dispose into any of the streams or waters of this state or cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise disposed into such waters any organic or inorganic matter that shall cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained as authorized by IC 13-1-3 or IC 13-7.

B. The design, construction, installation, location, maintenance and operation of on-site sewage disposal systems shall comply with the provisions of the ordinance.

C. The utilization of a privy shall conform to the standards of the Indiana State Board of Health.

D. Any dwelling or building containing facilities for the disposal of sewage which is not connected to a sanitary sewage system shall be provided with an on-site sewage disposal system.

E. Whenever a public sewer becomes available and is within one hundred (100) feet of the property line of a residential or business property served by an on-site sewage disposal system or privy, a direct connection shall be made to said sewer and the on-site sewage disposal system or privy shall be abandoned and filled in a safe and sanitary manner that is acceptable to the Health Officer or an agent.

F. No person shall construct, install, alter or repair an on-site sewage disposal system within Hendricks County, State of Indiana, without first having a filed written application and having obtained a written permit from the Health Officer or an agent.

G. No portion of an on-site sewage disposal system shall be located upon another property or lot other than that property or lot which the sewage originates unless easements to that effect are legally recorded and approved by the proper authority or commission.

H. Should any defect exist or occur in any on-site sewage disposal system or privy which would cause said sewage disposal system or privy to fail and cause an unsanitary condition, the defect shall be corrected by the owner or representative of the owner, occupant or representative of the occupant within the time limit set by the Health Officer or an agent. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section IX of this ordinance.

I. All provisions within this ordinance shall apply to residential, commercial and industrial on-site sewage disposal system.

J. The Hendricks County Health Department will write a letter to any property owner utilizing a new on-site sewage disposal system advising them of the limitations of the system. This letter will advise the property owner of the maintenance steps necessary for the on-site sewage disposal system.

SECTION IV - EXEMPTION PROVISION

A. Due to past development in Hendricks County and due to the provisions of Rule 410 IAC 6-8, it is necessary that the following exemptions be provided. These exemptions affect development approved prior to December 18, 1977 and development approved after December 18, 1977 to September 1, 1981.

B. In developments approved prior to December 18, 1977 conventional septic systems will be allowed. However, an on-site inspection may be made by the Hendricks County Health Officer or an agent prior to the issuance of sewage disposal permit to determine the best known on-site sewage disposal system available. The property owner will be contacted and advised of the Health Department findings. If the Health Department recommends an alternative system and the property owner chooses to install a conventional system, the property owner must sign a letter releasing the Health Department from any responsibility if the conventional system fails. The letter must be signed prior to issuance of a sewage disposal permit for anyone utilizing a conventional septic system within a severe rated soil.

All subdivisions that have received only preliminary approval prior to December 18, 1977 will be required to meet all current sewage disposal standards at the time of final approval.

Subdivisions which have had final approvals for some sections and have remaining sections pending final approval may be considered for waivers from final design standards which create extreme engineering, construction and/or economic hardship.

C. In those subdivisions approved after December 18, 1977 to September 1, 1981 that have acceptable outlets for perimeter drains, the minimum design for an on-site sewage disposal system in soils having a severe SCS classification because of slow permeability and seasonal high water table include the following:

1. Perimeter drains shall be installed around the absorption field area according to current design and installation practices.
2. The size of the absorption field area will be according to the recommendation made by the project engineer at the time of final subdivision approval.
3. The bottom of the absorption field shall be designed and constructed eighteen to twenty-four (18-24) inches below the finished grade.
4. Finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.
5. Excessive scraping and/or removal of top soil in the area of the absorption field is strictly prohibited.
6. The absorption field will be designed and constructed in a loop method where possible.

D. If it is determined that a lot within a subdivision approved after December 18, 1977 to September 1, 1981 does not contain the necessary characteristics to comply with these minimum design standards, then the project engineer and/or land surveyor may recommend an alternate system. Such recommended alternative shall state any limitations found on the site and specify how the registered engineer's and/or land surveyor's design overcomes the limitations. Any alternative system must be acceptable to the Health Officer or an agent.

E. A registered engineer and/or land surveyor shall prepare a plot plan according to the current standards of the Hendricks County Plan Commission and shall, in addition to preparing a drainage certification, certify that the sewage disposal system will comply with this policy if properly constructed and maintained.

SECTION V - SITE EVALUATION & SYSTEM DESIGN

A. Subsurface absorption design shall be a total evaluation of the site characteristics including terrain and soil conditions to which sound engineering practices are applied.

B. Properties of the soil of each site shall be evaluated by using a soil analysis prepared in accordance with the guidelines as set forth in the soil manuals and handbooks of the Soil Conservation Service, U.S. Department of Agriculture and in accordance with the procedures contained within this ordinance.

C. If the site evaluation reveals unusual or inconsistent information including, but not limited to, the following: 1.) a disagreement between the Health Officer or an agent and the project engineer and/or project land surveyor 2.) fill material of undetermined soil characteristics a percolation test conducted in accordance with the provisions of this ordinance may be required.

D. No absorption field lateral shall be installed in unstable ground such as unconsolidated fill.

E. If an absorption field lateral is to be constructed in consolidated fill, the fill material must be approved by the Health Officer or an agent.

F. Roof, foundation and storm water drains shall not discharge into nor upon subsurface absorption systems.

G. There shall be no construction of any kind, including driveways, covering any portion of a building sewage disposal system. The connecting sewers between the building and the septic tank (building sewer), the septic tank and the distribution box and the absorption lines may be installed under driveways if the sewer is constructed of cast iron or other solid material approved by the Health Officer or an agent.

H. Soil analysis shall be prepared in accordance with the following procedures:

1. At least one (1) hole a minimum of one and one-half ($1\frac{1}{2}$) inches in diameter and average depth of five (5) feet and a minimum of four (4) feet below planned final grade for each building site and in the area of the septic tank system location. This hole is to be bored in such a manner that each layer, or strata, of soil can be identified for analysis. Any water level encountered in this soil sampling process shall be recorded and made a part of the registered engineer's and/or land surveyor's certification.
2. Each horizon within at least five (5) feet of the surface shall have an analysis as to the type and kind of soil.
3. The analysis of the soil shall be certified to by the registered professional engineer or registered land surveyor and submitted as a part of the plans for the subdivision or as a part of the plans for a building permit.
4. The development plan of the subdivision shall show the location of all holes used to make this soil analysis.

I. Percolation test, which may be required, shall be prepared in accordance with the following procedure.

1. When percolation tests are required before a subsurface absorption field is installed, a minimum of three test holes distributed evenly over the proposed lateral field are required. The Health Officer or an agent may require as many additional percolation test holes as may be deemed necessary to determine the acceptability of the site.
2. Percolation tests, when required, shall be performed by a registered professional engineer, a registered land surveyor or a registered professional sanitarian.
3. The procedure for conducting the percolation test is as follows:
 - a. Dig or bore holes with horizontal dimensions of from four to twelve (4-12) inches and vertical sides to the estimated depth of the bottom of the proposed absorption trench or to a maximum of thirty-six (36) inches.
 - b. Scratch the bottom and sides of the hole with a knife blade or sharp pointed instrument in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose soil from the hole. Place about two (2) inches of clean coarse sand or fine gravel in the bottom of the hole.
 - c. Carefully fill the hole with clear water. By refilling, if necessary, keep the hole full of water for at least

- twelve (12) hours. This saturation procedure will give most soils ample time to swell and approach the conditions that prevail during the wetter seasons of the year.
- d. After the twelve (12) hour stauration period, remove that portion of the sand or gravel which has become coated with soil particles.
 - e. Next either fill or remove water in the hole to a minimum of two (2) inches below the topsoil layer.
 - f. Establish a reference point by use of a nail stuck in the side of the hole near the top of the water level. Record the measurement and exact time.
 - g. Continue the measurement to the top of the water surface for a period of at least three (3) hours and time recording at fifteen (15) minute intervals until at least three (3) consecutive readings of approximately the same rates of percolation are obtained. It may be necessary to add water more than once to obtain the consecutive same-rate readings.
 - h. Convert the final time interval obtained in "g" above to minutes and divide this figure by the number of inches which has seeped away in that interval to obtain the time for one (1) inch of water to seep away. The system design should be based on the percolation rate of the slowest hole on the proposed site.
 - i. See Table I for width of absorption trenches.

TABLE I
SIZE REQUIREMENTS FOR ABSORPTION TRENCHES

<u>Width of Trench at Bottom in Inches</u>	<u>Effective Absorption Area In Square Feet Per Linear Foot</u>
18	1.5
24	2.0
30	2.5
36	3.0
48	4.0

- j. Multiply the square feet of trench bottom absorption area needed for each bedroom by the number of bedrooms in the house to get the total trench bottom area needed.

J. Sizing absorption fields for commercial or industrial uses shall be determined by the standards of the Indiana State Board of Health.

1. Minimum square footage of the absorption field shall be 450 square feet per bedroom.
2. Each system will be designed into two (2) separate fields utilizing a splitter box, which will allow the fields to be alternating.
3. Each separate field will be designed and constructed in a loop method.
4. The bottom of the absorption field shall be constructed eighteen to twenty-four (18-24) inches below the finished grade.
5. Perimeter drains shall be installed around the absorption field according to the current design and installation practices.
6. Excessive scraping and/or removal of topsoil in the area of the absorption field is strictly prohibited.
7. The finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.
8. The project engineer and/or land surveyor must state the soil type found in the area of the absorption field on the lot, state any limitation and certify that his design will overcome the limitations if the system is properly installed and operated.
9. The final design shall include detailed information pertaining to the septic tank location and elevation, the absorption drainage location and elevation, perimeter tile location and elevation, finished lot grade and finished pad grade.

K. On any new lot or parcel proposing to utilize an on-site sewage disposal method within a severe rated soil there should be a disposal system designed and installed to overcome the limitations of the soil. The following minimum requirements are based on the current technology necessary to satisfy the provisions of Section III, General Requirement Subsection E of Indiana State Board of Health Rule 6-8 and it must be recognized that they do not displace the obligation and responsibility of the engineer or land surveyor to design a system to overcome the limiting factors of a particular site. Consistently changing technology, based upon additional research, may dictate additional requirements to overcome the limiting factor found in certain soils. However, it is recognized that any changes in standards, site evaluation or system design, except alternative systems, must be done by amendments to this ordinance. These minimum standards apply to soils that are rated severe because of slow permeability and a seasonal high water table.

L. If the project engineer and/or land surveyor determines that there are other acceptable alternatives to the minimum on-site sewage disposal method to overcome a severe soil limitation then he may recommend an alternative. Such recommendation shall state the limitations found, recommend the alternative

system to overcome such limitations and certify that the limitations will be overcome if the system is properly installed and operated. Any alternative system must be acceptable to the Health Officer or an agent after consultation with the Indiana State Board of Health.

SECTION VI - STANDARDS

A. Building Sewer - The building sewer shall be located at least fifty (50) feet from any water supply well or pump suction line serving a building. However, sewers constructed of water works grade cast iron having mechanical or push type joints or of water works grade pressure type plastic with an SDR rating of twenty-six (26) having gasketed or push type joints may be located within the fifty (50) foot distance but not closer than ten (10) feet to drilled and driven wells or underground pump suction lines.

The building sewer shall be so designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Kutters formula using an "N" value of 0.013.

The building sewer pipe must have a minimum diameter of four (4) inches, from the septic tank to where the pipe connects to the plumbing stub out.

B. Septic Tanks - All septic tanks shall be located in accordance with the distances in Table II.

Access must be provided to all parts of septic tanks where necessary to enable adequate inspection, operation and maintenance.

TABLE II
SEPARATION DISTANCE FOR
SEPTIC TANK & ABSORPTION SYSTEM

<u>Minimum Distance in Feet from - to</u>	<u>Septic Tank</u>	<u>Absorption System</u>
Private water system source	50	50
Semi-public water system source	100	100
Public water system source	200	200
Lake or reservoir	50	50
Stream, ditch or drainage tile	25	25
Dwelling or other structure	10	10
Side or rear lot lines	10	10
Front lot lines	10	10
Water lines continually under pressure	10	10
Suction water lines	50	50

1. Capacity:

BOOK 94, PAGE 165

- a. Every septic tank shall have a minimum capacity below the water lines as specified in Table III.
- b. Minimum water depth in any compartment shall be thirty-two (32) inches.
- c. Maximum depth of water for calculating capacity of the tank shall not exceed six (6) feet.
- d. On-site sewage disposal systems shall not be used for the disposal of (1) chemical wastes in quantities which will be detrimental to the bacterial action in the tank, (2) roof drainage, (3) foundation drains, (4) area drains, and (5) other wastes which may be determined by the Health Officer or an agent as possibly being detrimental to the operation of the system.
- e. All septic tank effluent shall discharge into a subsurface absorption field or other treatment system as approved in accordance with the provisions of this ordinance.

TABLE III
REQUIRED MINIMUM CAPACITIES FOR SEPTIC TANKS

<u>No. of Bedrooms in Dwelling</u>	<u>Normal Liquid Capacity of Tank in Gallons</u>
3 or less	1,000
4 or 5	1,250
6	1,500

2. Construction Details:

- a. Either tees or baffles shall be used as inlet and outlet fixtures. Inlet baffles shall extend at least eight (8) inches above and six (6) inches below the water level of the tank. The outlet baffle shall extend above the water level a distance of at least eight (8) inches and below the water level a distance of forty (40) percent of the liquid depth. A minimum clearance of one (1) inch shall be provided between the lid of the tank and the top of the baffle or tee. The invert of the inlet pipe shall be a minimum of three (3) inches higher than the invert of the outlet pipe.
- b. All septic tanks shall contain an access opening which shall be so located that sludge and scum measurements may be readily ascertained in each compartment of the tank.

This access opening shall be a minimum of eight (8) inches in its least dimension and shall be located close to the ground surface. In the event the tank is covered by twenty-four (24) inches or more of earth backfill, a riser with a suitable manhole cover shall be extended to within a minimum of six (6) inches of the ground surface. The riser shall be at least thirty (30) inches in diameter and placed over the access opening in the top of the tank.

- c. Materials for construction shall be watertight concrete, metal or other impervious material.
- d. Minimum wall thickness of tanks shall conform to the following specifications:

Steel	1/4 inch thick
Fiberglass	1/4 inch thick
Segmented blocks, bricks, etc.,	8 inches thick
Poured concrete	6 inches thick
Poured concrete, reinforced $\leq 4,000$ PSI.	4 inches thick
Precast concrete, reinforced $> 4,000$ PSI.	2 1/2 inches thick
- e. Septic tank bottoms shall conform to the specifications set forth for septic tank walls.
- f. Concrete septic tank tops shall be a minimum of four (4) inches in thickness and reinforced with 1/4 inch reinforcing rods in a six (6) grid or equivalent.
- g. All concrete surfaces above the water line inside septic tanks shall be given a protective coating of bituminous or similar material.

C. Connection Pipes - The pipe connecting septic tanks installed in series, the septic tank to the distribution box and the pipe connecting the distribution box to the absorption system shall be a minimum of four (4) inches in diameter, be watertight and be constructed of cast iron, vitrified clay tile, concrete sewer tile, asbestos cement, copper, (hard drawn, type K or L) or plastic sewer pipe or equivalent. The plastic pipe must meet standards acceptable to the Indiana State Board of Health. All inlet and outlet connections at the septic tanks shall be sealed with an appropriate material. All joints in the sewer connecting septic tanks in series shall be watertight.

D. Distribution Boxes - A distribution box or series of distribution boxes shall be installed between the septic tank and the subsurface absorption system and each absorption line shall connect directly thereto. It shall be installed in such a manner that it will remain level and provide equal distribution of flow to the individual lines of the subsurface absorption field.

Distribution boxes shall be constructed of watertight concrete, metal or other impervious material.

Distribution boxes shall be provided with an opening, such as a removable lid, which will serve as a ready access for inspection, cleaning and general maintenance.

E. Subsurface Absorption Field - The construction of a subsurface absorption field shall comply with the following minimum standards.

1. All subsurface absorption fields shall be location in accordance with the distances shown in Table II. In the soils underlain by fissured or creviced rock formations or by sand or gravel, greater separation distances may be necessary to minimize the possibility of water contamination.
2. The trench width shall be a minimum of twenty-four (24) inches with a maximum width of forty-eight (48) inches. The trench depth shall be a maximum of thirty-six (36) inches. Depths of twelve (12) inches to the top of the tile are minimum.
3. The absorption tile or perforated pipe shall be completely surrounded by coarse gravel, stone or other approved materials with at least six (6) inches below the tile or pipe extending upward to at least two (2) inches above the tile or pipe.
4. The top of the stone shall be covered with filter fabric such as Typar or other similar materials in such a manner as to prevent the stones becoming clogged with the earth fill.
5. Field tile shall be lain with $\frac{1}{4}$ inch separation between the ends or joints.
6. Absorption lines located near trees or shrubs should have at least twelve (12) inches of coarse gravel, stone or other approved materials below the pipe or tile.
7. The gravel, stone or other approved materials shall be a mixture ranging in size from $\frac{1}{2}$ to $2\frac{1}{2}$ inches. Fines, dust, sand and clay must be removed from the material before placing in the trench.
8. Absorption lines shall be individually connected to a distribution box to insure equal distribution to the entire field.
9. Subsurface absorption fields shall not be constructed in areas where the land surface gradient is greater than twelve (12) percent.
10. A maximum of four (4) inches per 100 feet of run shall be given the distribution tile.
11. No single lateral shall exceed 100 feet in length.

12. All open joints in the distribution lines which would permit entry of material into the tile shall be covered with paper treated to prevent its decomposition.
13. There shall be a minimum of 7½ feet, on center, between the absorption field trenches.
14. The minimum size of any absorption field shall be 300 square feet per dwelling bedroom.
15. Distribution lines shall be equal in length where possible.

G. Alternative Systems - When alternative systems are approved by the Health Officer or an agent, after consultation with the Indiana State Board of Health, then standards contained within this section may be altered if the Health Officer or agent determines that such alteration is necessary.

SECTION VII - PERMITS AND INSPECTION

A. Before commencement of construction or repair of an on-site sewage disposal system or privy, the owner or agent of the owner shall obtain a written permit signed by the Health Officer of Hendricks County and the permit shall be posted in a conspicuous place on the premises prior to the commencement of work. No person shall perform any work on such project until such permit is so obtained and posted on the premises. The application for such permit shall be made on a form provided by the Hendricks County Board of Health, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Health Officer of Hendricks County.

B. Final approval of the permit for an on-site sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or an agent. He, or an agent, shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Officer or an agent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Health Officer or an agent.

C. The Health Officer or an 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.

SECTION VIII - ENFORCEMENT AND HEARINGS

A. Whenever the Health Officer or an agent determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Health Officer or an agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereinafter provided. Such notice shall:

1. Be put in writing
2. Include a statement of the reasons why it is being issued
3. Allow a reasonable time for the performance of any act it requires
4. Be served upon the owner or his representative, or the occupant as the case may require, provided that such notice shall be deemed to be properly served upon such owner or representative, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the building affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.
5. Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

B. Any person affected by any such notice issued by the Health Officer or an agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health provided that such person shall file in the office of the Health Officer or an agent, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. Upon receipt of such petition, the Health Officer or an agent shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after the receipt of request thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

C. After such hearing the respective Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this ordinance have been complied with. If the Board shall sustain or modify such notice it shall be deemed to be an order. Any notice served pursuant to Sub-section VIII-A of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or an agent within ten (10) days after such notice is served.

D. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

E. Whenever the Health Officer, his authorized representative excluded, finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in Subsection VIII-B. After such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Board shall continue such order in effect, modify it or revoke it.

SECTION IX - PENALTIES

A. Any person found to be violating any provisions of this ordinance, except Section III-H shall be served by the Health Officer or an agent with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person found to be violating Subsection III-H immediately shall be subject to prosecution thereof, and upon conviction, shall be subject to the penalties set forth in this section.

B. Any person who shall continue any violation of this ordinance beyond the time limit provided for in Section IX-A of this ordinance shall be guilty of an infraction or a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars (\$500); for the second offense by a fine of not more than One Thousand Dollars (\$1,000); and for the third and each subsequent offense by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Health Officer or an agent shall constitute a distinct and separate offense.

C. Any person found in violation of the ordinance by a court of competent jurisdiction shall be liable to the Hendricks County Board of Health for any litigation expenses including, but not limited to, engineering expenses, transportation expenses, witness fees and attorney fees.

SECTION X - ADOPTION

A. All ordinances or parts of ordinances in conflict with ordinances are hereby repealed.

B. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance.

C. This ordinance shall be in full effect from and after its passage and approved according to law.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana, this 19 day of July, 1982.

BOARD OF COMMISSIONERS

Marvin Money
Marvin Money

Arthur Himself
Arthur Himself

Herschel Gentry Jr.
Herschel Gentry, Jr.

ATTEST:

Pat Stamper
Pat Stamper, Hendricks County Auditor

This instrument prepared by E. Alonzo Deckard, Attorney at Law,
Danville, Indiana.

AMENDMENT TO THE HENDRICKS COUNTY BOARD OF HEALTH ?
ORDINANCE FOR COLLECTION OF FEES No. 1981-5B

WHEREAS, The Legislature of the State of Indiana granted certain powers to County Health Departments dealing with the collection of fees within their jurisdiction, pursuant to IC 15-1-4-24; and

WHEREAS, the Hendricks County Health Department has recommended establishment of fees for urinalysis and special solid waste disposal; also abolishment of fee for refuse truck permits; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioners office on May 16 1983 at approximately _____; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance #1981-5, enacted by the Board of Commissioners of Hendricks County, Indiana on March 16, 1981, and all amendments thereto be amended by adding the following fee to Section III-B of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III-B

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	.75
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	2.00 Maximum (see attached fee schedule in original ordinance.)
Blood Glucose	.75
Flu Vaccine	3.00

And said section be amended to read as follows:

Section III-B

Personal Health Services

Veneral Disease	(service not available)
Tuberculosis (Specify)	.75
Immunization (Specify)	.25 for 1
Other (Specify)	.50 for 2 or more
Child Health Clinic	2.00 Maximum (see attached fee schedule in original ordinance.)
Blood Glucose	.75

Flu Vaccine	3.00
Urinalysis	1.00

And be amended further by adding and deleting fees to Section III-D-E of Schedule A, being a part of Section IV, subsection A, which said section now reads as follows:

Section III D-E

Environmental Health Services

Food Service Establishment License	\$25.00
Septic System Permit	25.00
Water Sample	2.00
Other (Specify)	
Landfill Permit	50.00
Refuse Trucks	10.00
Well & Pump Permits	11.00
Temporary Campground Permits	25.00

And said section be amended to read as follows:

Section III D-E

Environmental Health Services

Food Service Establishment License	\$25.00
Septic System Permit	25.00
Water Sample	2.00
Other (Specify)	
Landfill Permit (Renewable each year)	250.00
Special Waste Disposal Permit (Renewable each year)	500.00
Well & Pump Permits	11.00
Temporary Campground Permits	25.00

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

This ordinance shall be in full effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks
County, Indiana, this 16 day of May 1983.

Marvin Money

Marvin Money

Arthur Himself

Arthur Himself

Herschel Gentry, Jr.

Herschel Gentry, Jr.

Attest:

Pat Stamper

Pat Stamper, Hendricks County Auditor

Reviewed by Hendricks County Health Department Attorney, Thomas O'Brien

Exhibit 2-105-12
Registration - 1983

HENDRICK'S COUNTY
AMENDMENT TO GENERAL ORDINANCE NO. 4, 1972
BEING THE FOOD ESTABLISHMENT ORDINANCE

ORDINANCE NO. 1981-5A

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana established a Food Establishment Ordinance on November 6, 1972 being General Ordinance No. 4 to regulate food service establishments and other entities retailing food and beverages

WHEREAS, the Board of Health of Hendricks County Indiana has indicated that the general inspection of food establishments is to be accomplished by inspections periodically throughout each year. General Ordinance No. 4, 1972 provided that the Health Officer would issue permits for the operation of food establishments on a one year basis commencing on January 1, and expiring on December 31 of each year. It is necessary to change the annual food establishment permit's term from a period commencing January 1 and expiring December 31 to a period commencing to a date of issuance of the permit to run for one year thereafter.

NOW THEREFORE, IT IS HEREBY ORDERED AND ORDAINED by the Board of County Commissioners of Hendricks County, Indiana that General Ordinance No. 4, 1972, being the food establishment ordinance shall be amended by the deletion of section II, sub-section A and replaced by the following section II, sub-section A, to-wit:

A. Permits - It shall be unlawful for any person to operate a food establishment in Hendricks County, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this Ordinance shall be entitled to receive and obtain such a permit. That permit shall be for a term of one year which shall commence upon issuing of the annual permit and shall be renewed annually.

1. A separate permit shall be required for each food establishment operated or to be operated by any person.
2. A permit issued under this Ordinance is not transferable.
3. A permit is required for an operator of vending machines.
4. No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

NOW, THEREFORE, IT IS ORDERED AND ORDAINED that all of the remainder of General Ordinance No. 4, 1972, being the Food Establishment Ordinance, shall continue in full force and effect as passed on November 6, 1972.

IT IS FURTHER ORDERED AND ORDAINED that this amended Ordinance shall be in full force and effect from and after its passage, approval by the Commissioners and publication as required by law.

DULY PASSED AND ADOPTED by the Hendricks County Commissioners this 6 day of April, 1981.

Arthur Himes

Marion Menez

Kenneth H. Himes Jr.
BOARD OF COMMISSIONERS
HENDRICKS COUNTY, INDIANA

ATTESTED BY:

Robert J. Noel
COUNTY AUDITOR

4-23-15

501

HENDRICKS COUNTY BOARD OF HEALTH
ORDINANCE FOR COLLECTION OF FEE

Ordinance No. 1981-5

ENTERED FOR RECORD

BOOK

86 MAR 16 1981 *12:01*

Mareille Abbott

RECORDER HENDRICKS COUNTY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, HENDRICKS COUNTY, INDIANA, PROVIDING FOR THE HENDRICKS COUNTY BOARD OF HEALTH TO ESTABLISH AND COLLECT FEES FOR SERVICES AS AUTHORIZED WITH THE ACCOUNTING AND TRANSFER OF SUCH FEES AS PROVIDED BY IC, 16-1-4-24.

Be it Ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

Section I. The Hendricks County Board of Health is empowered to establish and collect fees in accord with the following definitions and provisions.

Section II. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. The term "board" as used herein shall mean the Hendricks County Board of Health as provided for in IC, 16-1-5-1.
- B. The term "health officer" shall mean the county health officer as provided for in IC, 16-1-5-2.

- C. The term "authorized representative" shall mean an agent in principal of the board and health officer as provided in IC, 16-1-4-21.
- D. The term "person" shall mean any individual, partnership, co-partnership, firm, company, corporation or association.

Section III. Fees for Services

The Board of Health having jurisdiction may charge a service fee not in excess of the cost for providing to any person the following services:

- A. Home Health Care as prescribed within the meaning of Section 1881 (o) of the Social Security Act for a Home Health Agency; and as authorized by the State Board of Health, IC, 16-1-3-28.
- B. For any personal health service provided through the Hendricks County Health Department including, but not limited to, the Chest Clinic as authorized by IC, 16-1-4-24.
- C. For services provided by the Hendricks County Health Department in providing a copy of a certificate of birth and death, IC, 16-1-4-24.

- D. For services provided in the inspection of public eating and drinking establishments, retail food markets, itinerant food stands, and semi-public food service establishments to obtain a permit for license for Food Markets and Eating and Drinking Establishments as required by the Hendricks County/^{General}Ordinance Number 14 (1972) as authorized by IC, 18-1-1- .5-7 and IC, 17-2-22-2.
- E. For supervision and inspection of sanitary installations ^{Private Sewage Disposal Ordinance} as required by the Hendricks County ~~Ordinance Number~~ as Amended September 16, 1968 as authorized by IC, 17-2-22-3.

Section IV. Collection Accounting and Disposition

- A. Collection of fees: The board shall collect such fees established as a part of this ordinance in accord with the schedule designated as Schedule A which is attached hereto and made a part hereof.
- B. Accounting for Fees: All fees collected by the Board shall be accounted for in detail for each program service area.

C. Disposition of Fees: All fees collected by the board shall be transferred to the Hendricks County health fund. The monies collected in accord with the provisions of this Ordinance shall be used only for the maintenance or future expansion of the specific program services from which they are derived.

D. Health Services--Fees--Other County health jurisdictions: Fees collected for health services provided individuals in other county health jurisdictions and involving payment from county tax revenue shall be collected in accord with an agreement pursuant to IC, 16-1-4-22, as amended by P.L. 53, Acts of 1974.

Section V. Repeal and Date of Effect

A. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect as of March 16, 1981.

B. Passed by the County Commissioners of Hendricks

County, State of Indiana, this 16 day of March

19 81.

BOARD OF COUNTY COMMISSIONERS OF

HENDRICKS COUNTY, INDIANA

Arthur Hinsel

Commissioner

Marion Momy

Commissioner

Wesley H. H. H. H.

Commissioner

Attest:
Patience Noel
Auditor

SCHEDULE A

Fee schedule established and collected in accordance with Section IV-A and made a part thereof of this ordinance No. 1987-5 :

Section III-C

Vital Record Services

Birth Certificates (per copy)	\$ 3.00
Death Certificates (per copy)	\$ 3.00 for 1st copy and \$1.00 for each additional copy
Adoption	\$
Legitimation	\$
Other (Specify)	\$
Search	\$ 5.00 (1st copy included)
	\$
	\$
	\$

Section III D-E

Environmental Health Services

Food Service Establishment License	\$ 25.00
Septic System Permit	\$ 25.00
Water Sample	\$ 2.00
Other (Specify)	\$
Landfill Permit	\$ 50.00
Refuse Trucks	\$ 10.00 (Per Vehicle)
Well & Pump Permits	\$ 11.00 each
Temporary Campground Permits	\$ 25.00

Section III-A

Home Health Agency Services

Home Care	\$
Registered Nurse	\$
Licensed Practical Nurse Visit	\$
Physical Therapist Visit	\$
Home Health Aide Visit	\$
Other (Specify)	\$
	\$
	\$
	\$

Section III-B

Personal Health Services

Veneral Disease	\$
Tuberculosis (Specify)	\$
Immunization (Specify)	\$.25 for 1
Other (Specify)	\$.50 for 2 or more
Child Health Clinic	\$ 2.00 maximum (see attached fee schedule)
	\$
	\$
	\$

HENDRICKS COUNTY

REFUSE CONTROL ORDINANCE

ORDINANCE NO. 4 1981

ENTERED FOR RECORD

BOOK

26 MAR 16 1981

12:02
pg. 202-10Marville Abbott
RECORDER HENDRICKS COUNTY

An Ordinance providing for the removal of refuse from premises in Hendricks County and establishing enforcement procedures for persons who are violators.

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, has found that in order to protect the health of the citizens of Hendricks County from the nuisance and the unsanitary conditions of accumulations of refuse, it is ordained as follows:

Section I: Definitions: The following definitions shall apply in the interpretation and enforcement of this order:

(1) "Garbage" shall mean rejected food waste and shall include, but is not limited to, every waste accumulation of animal, fruit, or vegetable matter used or intended for food and wastes from the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(2) "Health Officer" shall mean the Hendricks County Health Officer or his authorized representative.

(3) "Person" shall mean and include any individual, firm, corporation, association or partnership.

(4) "Refuse" means any combination of garbage and/or rubbish.

(5) "Rubbish" shall mean and include such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind.

Section II: Removal of Refuse which is detrimental of public health - Enforcement.

When the Health Officer or his authorized representative shall determine that any person is accumulating, or permitting the accumulation of, refuse, in other than a lawful and sanitary matter, the Health Officer shall order the removal of the refuse from the premises within a period of time as deemed reasonable by the Health Officer under the circumstances. The order shall be in writing and shall be delivered to the person, in person, or by mail to the last known address of the person. The refuse must be removed to an approved sanitary landfill. If the person fails or refuses to remove the refuse as ordered by the Health Officer, the Health Officer will report the violation to the Hendricks County Prosecuting Attorney, to cause proceedings to be

commenced against the person violating this Ordinance, and to prosecute said matter to final determination.

Section III: Penalty

Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and punished by a fine not exceeding One Hundred Dollars (\$100.00); and if such violation be continued, each day's violation shall be a separate offense.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

Section V: Unconstitutionality

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage and approval according to law.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 16 day of March, 1981.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana

Arthur Kissel

Maria Mowry

Herschel Rusty

ATTEST:

Ratna J. Mael
County Auditor

urinals

1 urinal to 2 feet or urinal
trough for each 50 camp sites

Women

privy seats

1 for each 50 camp sites

3.3.9. Refuse Disposal.

3.3.9.1. The campground owner and/or operator shall be responsible for satisfactory storage, collection and disposal of all refuse including garbage, trash and combustible materials.

3.3.9.2. There shall be at least one refuse container provided for each four camp sites, together with a plan for holding and a plan for collecting all such waste at least once each day of the camping.

3.3.9.3. Garbage, trash and combustible refuse shall be disposed of at a public disposal site or in such other manner that it will not create a nuisance or health, fire or safety hazard.

3.3.10. Enforcement.

The provisions of this Ordinance shall be enforced by the Hendricks County Health Department, and the Hendricks County Sheriff.

3.3.11. Penalty.

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$100.00; and if such violation be continued, each day's violation shall be a separate offense.

CHAPTER 3.4. ✓

MINIMUM STANDARDS FOR TRANSPORTATION OF
REFUSE, REFUSE DISPOSAL, AND REFUSE
PROCESSING FACILITIES

An ordinance regulating the transportation of refuse, refuse disposal, facilities, and refuse processing facilities by establishing standards for operating such vehicles and facilities and by establishing a licensing system for enforcement of those standards as authorized by I.C. 36-8-2-4 and I.C. 36-8-2-10.

BE IT ORDAINED AND ENACTED by the Board of County Commissioners of Hendricks County, Indiana, this chapter of title 3 of the Hendricks County Code of Ordinances, regulating the disposal of garbage and rubbish on lands situated outside any incorporated

violations thereof be amended to read as follows:

-3.4.1. Purpose and General Policy.

3.4.1.1. The Board of Commissioners of Hendricks County finds that improperly operated landfills and other refuse disposal and processing facilities can (1) endanger the health and welfare of the citizens of this County by causing or contributing to the pollution of ground and surface waters, (2) result in nuisances and a hazard to the public health, and (3) provide a breeding place for flies, rats, and other vermin. It is therefore declared to be the public policy of the county to eliminate and prevent these health and safety hazards by establishing standards for the proper operation of refuse disposal and processing facilities.

3.4.1.2. The Board of Commissioners of Hendricks County finds that there is a need to eliminate the blowing and spillage of refuse from vehicles which transport refuse and that there is a need for such transportation to be done in a sanitary manner.

3.4.1.3. All existing refuse disposal and/or processing sites shall comply with the provisions of this ordinance.

3.4.1.4. The Hendricks County Health Officer or his representatives shall enforce the provisions of this ordinance.

3.4.1.5. Before the Health Officer issues a local permit for operation of a refuse disposal and/or a refuse processing facility, the applicant must first secure all appropriate zoning approvals from the Hendricks County Planning Commission and/or Hendricks County Board of Zoning Appeals.

3.4.1.6. Before the County Health Officer issues a local permit for operation of a refuse disposal and/or a refuse processing facility, the applicant must first secure all appropriate permits from the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health.

3.4.2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise indicated clearly by the text.

3.4.2.1. "Access Roads" means roads which lead to the entrance of a refuse processing or disposal facility, normally, a county, state or federal highway.

3.4.2.2. "Aquifer" means a porous, water-bearing geological formation, such as sand, gravel, sandstone and fractured or cavernous limestone, from which water can be drawn by wells in useable quantities.

3.4.2.3. "Bedrock" means cemented or consolidated earth materials, undisturbed by erosion or weathering, exposed on the earth's surface or underlying unconsolidated earth materials.

3.4.2.4. "Board of Health" means the Hendricks County Board of Health.

3.4.2.5. "Carcasses" means dead animals or portions thereof.

3.4.2.6. "Cell" means a deposit of refuse, compacted and completely enveloped by cover.

3.4.2.7. "Cover" means soil which is used to bury refuse.

3.4.2.8. "Dailey Cover" means that cover which is placed over refuse and compacted at the end of an operating day.

3.4.2.9. "Decomposition" means the chemical or biological breakdown through time of refuse into constituent chemicals or other products.

3.4.2.10. "Decomposition Gases" means gases produced by decomposition.

3.4.2.11. "Energy Recovery Operation" means the processing of refuse so that energy or gases may be recovered.

3.4.2.12. "Facility" means, except in Section 3.4.4. any operation for the disposal or processing of refuse, including the site upon which the operation rests.

3.4.2.13. "Final Cover" means cover placed and compacted over a refuse disposal area upon completion of the refuse disposal use of that area.

3.4.2.14. "Flood Plain" means the area adjoining a river, stream, or lake, which would be covered by floodwater from the 100-year frequency flood.

3.4.2.15. "Floodway" means the channel of a river or stream

peak flood flow of the 100-year frequency flood.

3.4.2.16. "Garbage" shall mean rejected food waste and shall include, but is not limited to, every waste accumulation of animal, fruit, or vegetable matter used or intended for food attends to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

3.4.2.17. "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a pre-determined plan.

3.4.2.18. "Groundwater" means water filling the pore spaces of earth materials below the water-saturated zone.

3.4.2.19. "Groundwater Table" means the upper surface of the water-saturated zone.

3.4.2.20. "Hazardous Wastes" means any solid or liquid waste with inherent dangers, including but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, septic tank pumpings, and raw or digested sewage sludge.

3.4.2.21. "Health Officer" shall mean the Hendricks County Health Officer or his authorized representative.

3.4.2.22. "Hendricks County" shall mean those areas which are under the jurisdiction of the Hendricks County Health Officer and situated outside the corporate limits of any town.

3.4.2.23. "Hydrology" means the properties, distribution, and flow of water on or in the earth.

3.4.2.24. "Incinerator" means any apparatus to burn waste substances in which all the factors of combustion-temperature, retention time, turbulence, and combustion air-can be controlled and used for reduction of garbage, carcasses, or refuse.

3.4.2.25. "Land Application of a Waste" means the application of hazardous waste onto land and incorporation into the surface soil.

3.4.2.26. "Landfill" means a sanitary landfill..

3.4.2.27. "Leachate" means liquid that has percolated through solid waste or other deposited materials and has extracted soluble or suspended substances from it.

3.4.2.28. "Lift" means a horizontal layer of cells covering a designated area of a sanitary landfill.

3.4.2.29. "Manually Discharge Vehicle" means a vehicle which must be unloaded by the physical handling of refuse by a person, for example, a pickup truck.

3.4.2.30. "Mechanically Discharged Vehicle" means a vehicle which unloads refuse automatically, with hydraulic devices.

3.4.2.31. "Modification" means a change in form or method of operation of any facility.

3.4.2.32. "On-site Roads" means roads for the passage of vehicles from a site entrance to the working face.

3.4.2.33. "Operating Personnel" means persons necessary to properly operate a refuse disposal or processing facility.

3.4.2.34. "Person" shall mean an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

3.4.2.35. "Point of Generation" means that place where a material initially becomes discarded, for processing or disposal, as refuse.

3.4.2.36. "Processing" means the method, system, or other treatment of refuse so as to change its chemical or physical form or affect it for disposal or recovery of materials, but excluding vehicles for the transportation of refuse from its point of generation.

3.4.2.37. "Recycling Station" means a facility for the storage of separated solid wastes prior to transportation to markets.

3.4.2.38. "Refuse" means any combination of garbage and/or rubbish.

3.4.2.39. "Refuse Disposal" means the permanent or semi-permanent placement of refuse in any location.

3.4.2.40. "Refuse Handling Equipment" means equipment used for the processing or disposal of refuse.

3.4.2.41. "Regulation SPC-18" means the Indiana Stream

3.4.2.42. "Resource Recovery Plant" means any facility which has at least one of its purposes the processing of refuse into commercially valuable materials or energy.

3.4.2.43. "Rubbish" shall mean and include such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds, or litter of any kind.

3.4.2.44. "Salvaging" means the controlled removal of materials from refuse for utilization.

3.4.2.45. "Sanitary Landfill" means an engineering method of disposing of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with compacted soil at the end of each working day.

3.4.2.46. "Scavenging" means the uncontrolled removal of materials from refuse.

3.4.2.47. "Sludge" means a semi-liquid sediment.

3.4.2.48. "Soil Borings" means the drilling of holes in the earth for the purpose of identifying soil types, sub-surface materials, and groundwater table level.

3.4.2.49. "State" means the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health.

3.4.2.50. "Surface Water" means water present on the surface of the earth, including: streams, lakes, ponds, rivers, swamps, marshes, or rainwater present on the earth.

3.4.2.51. "Transfer Station" means a facility for the acceptance, holding, and loading of refuse into a vehicle for movement to a processing or disposal facility, excluding stationary compactors and collection containers.

3.4.2.52. "Vector" means any living animal capable of harboring and transmitting microorganisms from one animal to another animal or human.

3.4.2.53. "Water Course" means the path taken by flowing surface waters.

3.4.2.54. "Water Table" means ground water table.

3.4.2.55. "Working Face" means that portion of a sanitary landfill where refuse is discharged from collection trucks and is compacted prior to placement of cover material.

3.4.3. Local Permit for Operation of a Sanitary Landfill.

3.4.3.1. No person shall cause or allow the operation of a sanitary landfill without a valid operating permit issued by the County Health Officer.

3.4.3.2. No application for a local operating permit for a new sanitary landfill will be accepted unless that sanitary landfill holds a valid construction plan permit and a valid operating permit from the State as specified by Regulation SPC 18. A copy of all plans and specifications approved by the State shall accompany all local permit applications.

3.4.3.3. No application for a local operating permit for a sanitary landfill will be accepted unless the facility has received all appropriate zoning approvals from the Hendricks County Plan Commission and/or Board of Zoning Appeals.

3.4.3.4. Complete application for operating permits for sanitary landfill must be made on forms provided by the Health Officer at least 30 days prior to proposed initial date of operation unless a shorter time is approved in advance by the Health Officer.

3.4.3.5. Application for an operating permit for a sanitary landfill must be signed by the owner and the person who shall be responsible for the quality of operation, affirming that such person shall adhere to the method of operations specified in the plans, specifications, and description of project, and shall maintain operational quality at or above the standards set by this Chapter.

3.4.3.6. (General Standards) Sanitary Landfill operations must conform to the following minimum general standards of operation:

(a) All on-site roads shall be passable by vehicles, including automobiles, regardless of weather.

(b) Any shelter or sanitary facilities provided shall be constructed in accordance with the requirements of the Indiana State Board of Health for such construction.

(c) Feeding of cattle, hogs, poultry or other animals at the landfill site is prohibited.

(d) No refuse deposit shall be made nearer than 600 feet to any dwelling without written consent of the occupant and

3.4.3.7. (Water Quality) Sanitary Landfill operations must conform to the following minimum water quality standards:

(a) Where groundwater monitoring wells are deemed necessary by the Board, the sampling frequency will be specified. Tests performed on groundwater samples shall include COD, pH, Fe., Cl, conductivity and other tests deemed necessary by the Board.

(b) Surface water courses and runoff shall be diverted from the sanitary landfill by trenches and proper grading. The sanitary landfill shall be constructed and cover material graded and seeded so as to promote rapid surface water runoff without excessive erosion. Regrading shall be done as required during operation and after completion to avoid ponding and to maintain cover thickness.

(c) In no case shall solid waste be deposited within an aquifer. A barrier of undisturbed soil shall be maintained between the lowest portion of deposited refuse and the aquifer of a thickness to be determined by the Board based upon permeability and in exchange properties.

3.4.3.8. (Air Quality) Open burning of solid wastes is prohibited.

3.4.3.9. (Aesthetics) A sanitary landfill shall at all times be operated in an aesthetically acceptable manner.

(a) Portable litter fences or other devices shall be used in the immediate vicinity of the working face and other locations to control blowing litter. Windblown materials must be collected and buried daily.

(b) Access to the site shall be controlled and shall be by established roadways only. The sanitary landfill shall be accessible only when operating personnel are on duty. Large containers may be placed outside the site entrance so that users can deposit waste after hours; the large containers and areas around them shall be maintained in a sanitary and litter-free condition.

(c) Vegetation shall be cleared only as necessary. Natural windbreaks such as green belts, shall be maintained where they will be maintained in a sanitary and litter-free condition.

(d) A sign of at least 16 square feet shall be erected at the side entrance identifying the operation, stating operating schedule and fees.

(e) Salvaged materials must be stored in transportable containers or in buildings while awaiting removal from the site. In no instance shall salvaged materials be allowed to accumulate on the ground.

(f) On-site roads shall be constructed in such a way as to minimize the tracking of mud or soil material onto public highways, or the operator shall maintain the equipment required to remove any mud or soil materials which are tracked onto the public highway. Policing of litter on roads upon the site shall be the responsibility of the owner and operator of that landfill.

3.4.3.10. (Gases) Decomposition gases generated within a sanitary landfill shall be controlled on-site. Decomposition gases shall not be allowed to migrate laterally from the sanitary landfill site, nor allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

3.4.3.11. (Vectors) Effective means shall be taken to prevent the harboring, feeding or breeding of vectors. The presence of adult flies, roaches, mosquitoes, rodents and the immature stages of these and other vectors is inimical to public health. Effective control shall be indicated by the absence of fly larvae, nymphs of roaches, larval mosquitoes, and all other immature stages of vectors, as well as by the absence of mature or adult stages of vectors.

3.4.3.12. (Safety) A sanitary landfill shall be operated and maintained in such a manner as to protect the health and safety of personnel associated with the operation.

(a) Safety devices, including, but not limited to, roll bars and fire extinguishers shall be provided on all rolling equipment to protect the health and safety of operators.

(b) Provision shall be made to extinguish any fires in wastes being delivered to the site or which occur at the workface or within equipment or personnel facilities. Communi-

orderly traffic pattern to and from the discharge area and, if necessary, to restrict access to hazardous areas or to maintain efficient operating conditions. Manually discharged vehicles shall not hinder operation of mechanically discharged vehicles. No vehicle shall be left unattended at the working face or along traffic routes.

3.4.3.13. (Operator Instructions) An operating manual describing the various tasks that must be performed during a typical shift, as well as safety precautions and procedures, shall be available to employees for reference. Employees shall be instructed as to these tasks and safety precautions and procedures.

3.4.3.14. (Cover Applications) A cover of compacted soil shall be applied and compacted over all exposed solid waste by the end of each operating day. A final cover of soil shall be applied and compacted as each area is completed.

(a) Equipment shall spread all solid waste in layers, compact the waste, and place, spread, and compact cover material. These operations shall be on a working face slope maintained at 3:1 or steeper.

(b) All solid waste shall be covered by the end of each operating day. Daily cover shall be applied regardless of weather. The thickness of the compacted daily cover shall not be less than six inches.

(c) When any portion of a site reaches within two feet of final elevation, compacted final cover shall be applied, not less than two feet in depth. At the termination of operations at a site, final grading shall be done, and the area seeded with suitable vegetation to control erosion. Final cover shall have a slope of not less than 2 percent and be without depressions that will cause ponding of water.

3.4.3.15. (Hazardous and Special Wastes) Special wastes are wastes which by definition are considered hazardous waste but have been evaluated by the Indiana State Board of Health and found to be non-hazardous. The disposal of hazardous and special wastes must conform to the following:

(a) Under no circumstances shall hazardous and/or special wastes be accepted and disposed of at a sanitary landfill unless the disposal is authorized in writing by the Indiana State Board of Health and by the local Health Officer.

(b) Certain bulky wastes, such as automobile bodies, furniture, and appliances shall be crushed on solid ground and then pushed onto the working face near the bottom of the cell or into a separate disposal area. The special areas used only for bulky wastes shall be identified on the plan for the completed site.

(c) Procedures for disposing of dead animals have been established by law, I.C. (1971), 15-2-8-13. Any operation accepting carcasses shall comply accordingly. The soil shall be regraded periodically to keep water from ponding as a result of settlement.

3.4.3.16. (Equipment) At all times the equipment available shall be capable of spreading and compacting the solid waste and the cover material required for the most severe combination of solid waste delivery and weather conditions expected during any one operating day. Equipment manuals, catalogs, and spare parts lists shall be available at the equipment and maintenance facility.

3.4.3.17. (Records) A set of approved plans shall be maintained on site. An up-to-date plot plan of the landfill site shall be maintained on site, with areas marked as they are filled or excavated.

3.4.4. Local Permit for Operation of Refuse Processing Facilities.

3.4.4.1. In this Section, "Facilities shall mean all equipment, building, or other features of a project necessary to conduct the processing of refuse. Excluded are containers utilized for refuse collection and stationary compactors.

3.4.4.2. No person shall cause or allow the operation of any refuse processing facility without an operating permit issued by the County Health Officer.

3.4.4.3. No application for a local permit for a refuse processing facility will be accepted unless the applicant holds a valid construction plan permit and a valid operating permit from the State as specified by Regulation SPC 18. A copy of all plans and specifications approved by the State shall accompany all local permit applications.

3.4.4.4. No application for a local operating permit for a refuse processing facility will be accepted unless the applicant has received all appropriate zoning approvals from the Hendricks County Plan Commission and/or Board of Zoning Appeals.

3.4.4.5. Complete applications for operating permits for a refuse processing facility must be made on form provided by the Health Officer at least 30 days prior to the proposed initial date of operation unless a shorter time is approved in advance by the Health Officer.

3.4.4.6. Applications for permits to operate a refuse processing facility must be signed by the person responsible for maintaining operations within the limits and quality standards specified for that operation in this regulation and in the approval for that plant.

3.4.4.7. Refuse processing facilities shall maintain the premises in a litter-free condition. Overnight refuse storage areas must be enclosed.

3.4.4.8. Incinerator residue must be disposed of in a sanitary landfill holding a valid operating permit under this regulation.

3.4.4.9. In the event of a breakdown or failure of any

refuse processing facility, refuse normally accepted at that facility must be deposited at a sanitary landfill holding a valid operating permit under this regulation, until such time as the facility is fully operational again.

3.4.5. Permits and Duration

3.4.5.1. Operating permits shall be valid for a period of one year from the effective date of the permit.

3.4.5.2. An operating permit may be issued for less than a year if the Health Officer determines it is appropriate.

3.4.5.3. A permit may be temporarily suspended by the County Health Officer upon violation by the holder of any part of the terms of this Ordinance, or revoked after a reasonable opportunity for a hearing by the Health Officer upon serious repeated violations.

3.4.5.4. A permit shall be required for each refuse disposal and/or processing facility. If a site contains more than one type of refuse disposal and/or processing facility then a separate permit will be required for each facility. A separate permit shall also be required for the disposal of special and/or hazardous wastes. Each special and/or hazardous waste disposed of must have approval letters as required in Sub-Section 3.4.3.15.

3.4.5.5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee in the amount as specified in Schedule A of Chapter 3.6. of the Hendricks County Code of Ordinances for a refuse disposal and/or processing facility permit and special or hazardous waste disposal permit. All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County. Permit fees may be paid on a pro-rated basis if the permit is valid for less than a year.

3.4.5.6. No fee shall be charged for any State, County, or municipality owned and operated public garbage and rubbish disposal site in Hendricks County; provided nevertheless, the

3.4.6. Renewal of Permits

3.4.6.1. Complete applications for renewal of permits must be submitted at least 30 days prior to the expiration date of the expiring permit.

3.4.6.2. Evaluation of an operating permit renewal application will be based on the quality of operation during the period of the previous permit. If the standards specified in this ordinance have been met, the permit will be reissued.

(a) Evaluation will be based on reports of all inspections made during the evaluation period, with a minimum of eight inspections. No permit shall be renewed if the facility holding that permit has not been substantially in compliance with this Ordinance.

(b) No permit shall be renewed if, on more than half of the inspections, the operation did not meet requirements of this regulation, or if on more than one occasion one of the following had occurred:

(b)(1) Acceptance of hazardous wastes, except as set out in the ordinance.

(b)(2) Open burning of refuse without efforts to extinguish the fire having been initiated prior to the inspection.

(b)(3) Leachate flowing into a stream, lake, river, other surface water, or an aquifer without adequate control measures in operation.

3.4.7. Refuse Collection Vehicles

3.4.7.1. The commercial collection of refuse shall be in mechanically discharging compaction vehicles designed specifically for the collection of refuse.

3.4.7.2. (Exclusions) Persons or corporations which are using manual discharge vehicles for the collection of refuse prior to the adoption of this Ordinance shall be exempt from having to use a mechanically discharging compaction vehicle, provided the manually discharging vehicles are tarped or covered properly to prevent littering of the roads within Hendricks County.

3.4.7.3. The Hendricks County Health Department and/or the Hendricks County Sheriff's Office shall report any vehicles found littering the Hendricks County's roads to the Hendricks County Prosecutor. Littering of the roads shall be strictly prohibited. This is a violation of I.C. 35-45-3-2. Littering a class B. Misdemeanor.

3.4.7.4. Persons or corporations which collect and haul wastes which will not create a littering problem will be exempt from the requirements in subsection 3.4.7.1. These wastes would include bulky wastes such as automobiles, furniture, appliances, wood, barrels, large pieces of metal and other wastes which the Health Officer determines should be exempt.

3.4.8. Miscellaneous

3.4.8.1. (Exclusions) Disposal sites and operations which receive only rocks, brick, concrete or earth or any combination thereof shall be excluded from the provision of this regulation. Any operation wishing to accept any other inert fill may petition the Board or its designated agent for exclusion from this regulation. This exclusion is void if the disposal site or operation knowingly or unknowingly receives any matter than the above, or that approved by the Board.

3.4.8.2. Any land application of Hazardous Waste shall require an operating permit from the Health Officer. No local operating permit for disposal of Hazardous Waste using a land application method shall be approved until the applicant has first secured written approval from the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health. Application for operating permit must be made on forms provided by the Health Officer at least 30 days prior to the proposed initial date of operation unless a shorter time is approved in advance by the Health Officer. The applicant shall follow the same procedures as outlined in Section 3.4.5. of this

Ordinance. Any land application of Hazardous Wastes which creates a problem by polluting ground and/or surface water, by creating a breeding place for vermins, or by creating a noxious, harmful or offensive odor shall be considered detrimental to the health and welfare of the citizens of Hendricks County.

3.4.8.3. Sanitary landfills and other disposal operations which are closed after promulgation of this ordinance shall be inspected by the Health Officer or his designated agent. Following final acceptance by the Health Officer or his designated agent, a detailed description, including a plan, shall be recorded by the owner or operator with the County's land recording authority. The description shall include general types and location of wastes, depth of fill, and other information of interest to potential land owners. The owner or operator shall maintain surface contours, continue periodic groundwater monitoring, and exercise any necessary controls over gas or leachate produced.

3.4.9. Enforcement

3.4.9.1. The enforcement of this Ordinance shall be by the Hendricks County Health Officer.

3.4.9.2. When the Health Officer or his authorized representative shall determine that any person is accumulating, or permitting the accumulation of, refuse, in other than a lawful and sanitary matter, the Health Officer shall order the removal of the refuse from the premises within a period of time as deemed reasonable by the Health Officer under the circumstances. The order shall be in writing and shall be delivered to the person, in person, or by mail to the last known address of the person. The refuse must be removed to an approved sanitary landfill. If the person fails or refuses to remove the refuse as ordered by the Health Officer, the Health Officer will report the violation to the Hendricks County Prosecuting Attorney, to cause proceedings to be commenced against the person violating this ordinance, and to prosecute said matter to final determination.

3.4.9.3. (Penalty) Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and punished by a fine not exceeding One Hundred Dollars (\$100.00); and if such violation be continued, each day's violation shall be a separate offense.

CHAPTER 3.5.

ON-SITE SEWAGE DISPOSAL ORDINANCE

WHEREAS, the Board of County Commissioners, after hearing testimony, found: 1.) That there are public health hazards associated with the improper disposal of sewage; 2.) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, use of soil absorption systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and 3.) That there was a need to establish standards for the design, construction and inspection of on-site sewage disposal systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing on-site sewage disposal systems, as authorized by I.C. 36-8-2-4 and I.C. 36-8-2-10, be it ordained by the Board of County Commissioners of Hendricks County, Indiana, that the following ordinance, entitled "Hendricks County On-Site Sewage Disposal Ordinance", be adopted.

HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE

3.5.1. Purpose

3.5.1.1. This ordinance is to regulate on-site sewage disposal systems within Hendricks County in order that the most effective disposal method is used given current technology. It is also the purpose of this ordinance to provide for the orderly, consistent and effective implementation of the Indiana State Board of Health Rule 410 IAC 6-8.

3.5.1.2. This ordinance requires persons designing, installing and utilizing on-site sewage disposal systems to recognize the limitations of certain soils found in Hendricks County. The Soil

ment of Agriculture, has identified, classified and mapped soils within Hendricks County. Three classifications developed by the SCS to describe limitations present within different soil types for on-site disposal systems are slight, moderate and severe. This ordinance provides standards for on-site sewage disposal systems within slight, moderate and severe soils.

3.5.2. Definitions

3.5.2.1. AGENT means a registered professional sanitarian with knowledge of environmental health science employed in the Hendricks County Health Department or other persons selected by the Health Officer to assist in the administration of this ordinance.

3.5.2.2. BOARD OF HEALTH shall mean the Board of Health having jurisdiction in Hendricks County, State of Indiana.

3.5.2.3. BUILDING DRAIN means that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building, and conveys the same to the building sewer beginning two (2) feet outside the building.

3.5.2.4. BUILDING SEWER means that part of the horizontal piping from the end of the building drain to its connection with the main sewer or on-site sewage disposal system and conveying the drainage of but one building site.

3.5.2.5. DISTRIBUTION BOX means a structure designed to distribute the effluent from a septic tank equally into the various sections of pipe of an absorption system.

3.5.2.6. DWELLING means any house or place used or intended to be used by human occupants as a place of residence.

3.5.2.7. FOUNDATION DRAIN means that portion of a building drainage system provided to drain ground water from the outside of the foundation or under basement floor, not including any sewage.

3.5.2.8. HEALTH DEPARTMENT means an agency governed by the Hendricks County Health Officer and the Hendricks County Board of Health whose personnel provides public health services to the citizens of Hendricks County.

3.5.2.9. HEALTH OFFICER means the Health Officer having jurisdiction in Hendricks County, State of Indiana.

3.5.2.10. HORIZON means a layer of soil, approximately parallel to the soil surface, with distinct characteristics produced by the soil forming process.

3.5.2.11. LIMITING LAYER means any layer of soil with a stabilized percolation rate exceeding sixty (60) minutes for the water to fall one inch.

3.5.2.12. ON-SITE SEWAGE DISPOSAL SYSTEM means a subsurface absorption system.

3.5.2.13. PERCOLATION TEST means a procedure used to determine the ability of soils to absorb water.

3.5.2.14. PERSON means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

3.5.2.15. PRIVATE WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply that serves one (1) residential unit or business.

3.5.2.16. PRIVY means a fly tight, rodent proof structure erected on or over a properly constructed vault or pit.

3.5.2.17. PUBLIC SEWER means any sewage system constructed, installed, maintained, operated and owned by a municipality or a taxing district established for the purpose of receiving, treating and disposing of sewage.

3.5.2.18. PUBLIC WATER SYSTEM means a system for providing piped water for human consumption to the public.

3.5.2.19. PUBLIC WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply system which services over twenty-five (25) residential units or businesses.

3.5.2.20. RULE 410 IAC 6-8 means an Indiana State Board of Health Regulation that establishes standards for residential sewage disposal systems.

3.5.2.21. SANITARY SEWAGE SYSTEM means, for the purposes of this regulation, a system of sewers which conveys sewage away from the lot on which it originates for treatment.

3.5.2.22. SEMI-PUBLIC WATER SYSTEM SOURCE means the starting point of the distribution system for a water supply system which services two (2) to twenty-five (25) residential units or businesses.

sewage is discharged for settling and solids digestion.

3.5.2.24. SEWAGE means the water-carried waste derived from ordinary living processes.

3.5.2.25. SLUDGE means the digested or partially digested solid material accumulated in a sewage treatment facility.

3.5.2.26. SUBSURFACE ABSORPTION FIELD means open-jointed or perforated pipes laid in a system of trenches into which effluent is discharged for direct absorption into the soil.

3.5.2.27. SUBSURFACE ABSORPTION SYSTEM means all equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage utilizing soil absorption.

3.5.3. GENERAL REQUIREMENTS

3.5.3.1. No person shall throw, run, drain, seep or otherwise dispose into any of the streams or waters of this state or cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise disposed into such waters any organic or inorganic matter that shall cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained as authorized by I.C. 13-1-3 or I.C. 13-7.

3.5.3.2. The design, construction, installation, location, maintenance and operation of on-site sewage disposal systems shall comply with the provisions of the ordinance.

3.5.3.3. The utilization of a privy shall conform to the standards of the Indiana State Board of Health.

3.5.3.4. Any dwelling or building containing facilities for the disposal of sewage which is not connected to a sanitary sewage system shall be provided with an on-site sewage disposal system.

3.5.3.5. Whenever a public sewer becomes available and is within one hundred (100) feet of the property line of a residential or business property served by an on-site sewage disposal system or privy, a direct connection shall be made to said sewer and the on-site sewage disposal system or privy shall be abandoned and filled in a safe and sanitary manner that is acceptable to the Health Officer or an agent.

3.5.3.6. No person shall construct, install, alter or repair an on-site sewage disposal system within Hendricks County, State of Indiana, without first having a filed written application and

having obtained a written permit from the Health Officer or an agent.

3.5.3.7. No portion of an on-site sewage disposal system shall be located upon another property or lot other than that property or lot which the sewage originates unless easements to that effect are legally recorded and approved by the proper authority or commission.

3.5.3.8. Should any defect exist or occur in any on-site sewage disposal system or privy which would cause said sewage disposal system or privy to fail and cause an unsanitary condition, the defect shall be corrected by the owner or representative of the owner, occupant or representative of the occupant within the time limit set by the Health Officer or any agent. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section 3.5.9. of this ordinance.

3.5.3.9. All provisions within this ordinance shall apply to residential, commercial and industrial on-site sewage disposal system.

3.5.3.10. The Hendricks County Health Department will write a letter to any property owner utilizing a new on-site sewage disposal system advising them of the limitations of the system. This letter will advise the property owner of the maintenance steps necessary for the on-site sewage disposal system.

3.5.4. Exemption Provision

3.5.4.1. Due to past development in Hendricks County and due to the provisions of Rule 410 IAC 6-8, it is necessary that the following exemptions be provided. These exemptions affect development approved prior to December 18, 1977, and development approved after December 18, 1977, to September 1, 1981.

3.5.4.2. In developments approved prior to December 18, 1977 conventional septic systems will be allowed. The Health Department will work with property owners to explain the existing soil conditions, to educate them on the proper maintenance of sewage systems, and to recommend alternative sewage systems if applicable.

All subdivisions that have received only preliminary approval prior to December 18, 1977 will be required to meet all current sewage disposal standards at the time of final approval.

Subdivision which have had final approvals for some sections and have remaining sections pending final approval may be considered for waivers from final design standards which create extreme engineering, construction and/or economic hardship.

3.5.4.3. In those subdivisions approved after December 18, 1977, to September 1, 1981, that have acceptable outlets for perimeter drains, the minimum design for an on-site sewage disposal system in soils having a severe SCS classification because of slow permeability and seasonal high water table

include the following:

(a) Perimeter drains shall be installed around the absorption field area according to current design and installation practices.

(b) The size of the absorption field area will be according to the recommendation made by the project engineer at the time of final subdivision approval.

(c) The bottom of the absorption field shall be designed and constructed eighteen to twenty-four (18-24) inches below the finished grade.

(d) Finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.

(e) Excessive scraping and/or removal of top soil in the area of the absorption field is strictly prohibited.

(f) The absorption field will be designed and constructed in a loop method where possible.

3.5.4.4. If it is possible that a lot within a subdivision approved after December 18, 1977, to September 1, 1981, does not contain the necessary characteristics to comply with these minimum design standards, then the project engineer and/or land surveyor may recommend an alternate system. Such recommended alternative shall state any limitations found on the site and specify how the registered engineer's and/or land surveyor's design overcomes the limitations. Any alternative system must be acceptable to the Health Officer or an agent.

3.5.4.5. A registered engineer and/or land surveyor shall prepare a plot plan according to the current standards of the Hendricks County Plan Commission and shall, in addition to preparing a drainage certification, certify that the sewage disposal system will comply with this policy if properly constructed and maintained.

3.5.5. SITE EVALUATION & SYSTEM DESIGN

3.5.5.1. Subsurface absorption design shall be a total evaluation of the site characteristics including terrain and soil condi-

ted by using a soil analysis prepared in accordance with the guidelines as set forth in the soil manuals and handbooks of the Soil Conservation Service, U.S. Department of Agriculture and in accordance with the procedures contained within this ordinance.

3.5.5.3. If the site evaluation reveals unusual or inconsistent information including, but not limited to, the following: 1.) a disagreement between the Health Officer or an agent and the project engineer and/or project land surveyor 2.) fill material of undetermined soil characteristics, a percolation test conducted in accordance with the provisions of this ordinance may be required.

3.5.5.4. No absorption field lateral shall be installed in unstable ground such as unconsolidated fill.

3.5.5.5. If an absorption field lateral is to be constructed in consolidated fill, the fill material must be approved by the Health Officer or an agent.

3.5.5.6. Roof, foundation and storm water drains shall not discharge into nor upon subsurface absorption systems.

3.5.5.7. There shall be no construction of any kind, including driveways, covering any portion of a building sewage disposal system. The connecting sewers between the building and the septic tank (building sewer), the septic tank and the distribution box and the absorption lines may be installed under driveways if the sewer is constructed of cast iron or other solid material approved by the Health Officer or an agent.

3.5.5.8. Soil analysis shall be prepared in accordance with the following procedures:

(a) At least one (1) hole a minimum of one and one-half ($1\frac{1}{2}$) inches in diameter and average depth of five (5) feet and a minimum of four (4) feet below planned final grade for each building site and in the area of the septic tank system location. This hole is to be bored in such a manner that each layer, or strata, of soil can be identified for analysis. Any water level encountered in this soil sampling process shall be recorded and made a part of the registered engineer's and/or land surveyor's certification.

(b) Each horizon within at least five (5) feet of the surface shall have an analysis as to the type and kind of soil.

(c) The analysis of the soil shall be certified to by the

registered professional engineer or registered land surveyor and submitted as a part of the plans for the subdivision or as a part of the plans for a building permit.

(d) The development plan of the subdivision shall show the location of all holes used to make this soil analysis.

3.5.5.10. Percolation test, which may be required, shall be prepared in accordance with the following procedure.

(a) When percolation tests are required before a subsurface absorption field is installed, a minimum of three test holes distributed evenly over the proposed lateral field are required. The Health Officer or any agent may require as many additional percolation test holes as may be deemed necessary to determine the acceptability of the site.

(b) Percolation tests, when required, shall be performed by a registered professional engineer, a registered land surveyor or a registered professional sanitarian.

(c) The procedure for conducting the percolation test is as follows:

(c)(1) Dig or bore holes with horizontal dimensions of from four to twelve (4-12) inches and vertical sides to the estimated depth of the bottom of the proposed absorption trench or to a maximum of thirty-six (36) inches.

(c)(2) Scratch the bottom and sides of the hole with a knife blade or sharp pointed instrument in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose soil from the hole. Place about two (2) inches of clean coarse sand or fine gravel in the bottom of the hole.

(c)(3) Carefully fill the hole with clear water. By refilling, if necessary, keep the hole full of water for at least twelve (12) hours. This saturation procedure will give most soils ample time to swell and approach the conditions that prevail during the wetter seasons of the year.

(c)(4) After the twelve (12) hour saturation period, remove that portion of the sand or gravel which has become coated with soil particles

a minimum of two (2) inches below the topsoil layer.

(c)(6) Establish a reference point by use of a nail stuck in the side of the hole near the top of the water level. Record the measurement and exact time.

(c)(7) Continue the measurement to the top of the water surface for a period of at least three (3) hours and time recording at fifteen (15) minute intervals until at least three (3) consecutive readings of approximately the same rates of percolation are obtained. It may be necessary to add water more than once to obtain the consecutive same-rate readings.

(c)(8) Convert the final time interval obtained in "(c)(7)" above to minutes and divide this figure by the number of inches which has seeped away in that interval to obtain the time for one (1) inch of water to seep away. The system design should be based on the percolation rate of the slowest hold on the proposed site.

(c)(9) See Table I for width of absorption trenches.

TABLE I

SIZE REQUIREMENTS FOR ABSORPTION TRENCHES

<u>Width of Trench at Bottom in Inches</u>	<u>Effective Absorption Area In Square Feet Per Linear Foot</u>
18	1.5
24	2.0
30	2.5
36	3.0
48	4.0

(c)(10) Multiply the square feet of trench bottom absorption area needed for each bedroom by the number of bedrooms in the house to get the total trench bottom area needed.

3.5.5.11. Sizing absorption fields for commercial or industrial uses shall be determined by the standards of the Indiana State Board of Health.

3.5.5.12. On any new lot or parcel proposing to utilize an on-site sewage disposal method within a severe rated soil there should be a disposal system designed and installed to overcome the limitations of the soil. The following minimum requirements are based on the current technology necessary to satisfy the provisions of Sec-

tion III, General Requirement Subsection E. of Indiana State Board of Health Rule 6-8 and it must be recognized that they do not displace the obligation and responsibility of the engineer or land surveyor to design a system to overcome the limiting factors of a particular site. Consistently changing technology, based upon additional research, may dictate additional requirements to overcome the limiting factor found in certain soils. However, it is recognized that any changes in standards, site evaluation or system design, except alternative systems, must be done by amendments to this ordinance. These minimum standards apply to soils that are rated severe because of slow permeability and a seasonal high water table.

(a) Minimum square footage of the absorption field shall be 450 square feet per bedroom.

(b) Each system will be designed into two (2) separate fields utilizing a splitter box, which will allow the fields to be alternating.

(c) Each separate field will be designed and constructed in a loop method.

(d) The bottom of the absorption field shall be constructed eighteen to twenty-four (18-24) inches below the finished grade.

(e) Perimeter drains shall be installed around the absorption field according to the current design and installation practices.

(f) Excessive scraping and/or removal of topsoil in the area of the absorption field is strictly prohibited.

(g) The finished grades shall be established in order to provide positive surface drainage away from the absorption field and erosion control measures will be followed in order to stabilize the area over and around the absorption field.

(h) The project engineer and/or land surveyor must state the soil type found in the area of the absorption field on the lot, state any limitation and certify that his design will overcome the limitations if the system is properly installed and operated.

(i) The final design shall include detailed information pertaining to the septic tank location and elevation, the absorption

3.5.5.13. If the project engineer and/or land surveyor determines that there are other acceptable alternatives to the minimum on-site sewage disposal method to overcome a severe soil limitation then he may recommend an alternative. Such recommendation shall state the limitations found, recommend the alternative system to overcome such limitations and certify that the limitations will be overcome if the system is properly installed and operated. Any alternative system must be acceptable to the Health Officer or an agent after consultation with the Indiana State Board of Health.

3.5.6. Standards

3.5.6.1. Building Sewer - The building sewer shall be located at least fifty (50) feet from any water supply well or pump suction line serving a building. However, sewers constructed of water works grade cast iron having mechanical or push type joints or of water works grade pressure type plastic with an SDR rating of twenty-six (26) having gasketed or push type joints may be located within the fifty (50) foot distance but not closer than ten (10) feet to drilled and driven wells or underground pump suction lines.

The building sewer shall be so designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Kutters formula using an "N" value of 0.013.

The Building sewer pipe must have a minimum diameter of four (4) inches, from the septic tank to where the pipe connects to the plumbing stub out.

3.5.6.2. Septic tanks - All septic tanks shall be located in accordance with the distance in Table II.

Access must be provided to all parts of septic tanks where necessary to enable adequate inspection, operation and maintenance.

TABLE II
SEPARATION DISTANCE FOR
SEPTIC TANK & ABSORPTION SYSTEM

<u>Minimum Distance in Feet from-to</u>	<u>Septic Tank</u>	<u>Absorption System</u>
Private water system source	50	50
Semi-public water system source	100	100

Public Water system source	200	200
Lake or reservoir	50	50
Stream, ditch or drainage tile	25	25
Dwelling or other structure	10	10
Side or rear lot lines	10	10
Water lines continually under		
Pressure	10	10
Suction water lines	50	50

3.5.6.3. Capacity.

(a) Every septic tank shall have a minimum capacity below the water lines as specified in Table III.

(b) Minimum water depth in any compartment shall be thirty-two (32) inches.

(c) Maximum depth of water for calculating capacity of the tank shall not exceed six (6) feet.

(d) On-site sewage disposal systems shall not be used for the disposal of (1) chemical wastes in quantities which will be detrimental to the bacterial action in the tank, (2) roof drainage, (3) foundation drains, (4) area drains, and (5) other wastes which may be determined by the Health Officer or an agent as possibly being detrimental to the operation of the system.

(e) All septic tank effluent shall discharge into a subsurface absorption field or other treatment system as approved in accordance with the provisions of this ordinance.

TABLE III
REQUIRED MINIMUM CAPACITIES FOR SEPTIC TANKS

<u>No. of Bedrooms in dwelling</u>	<u>Normal Liquid Capacity of Tank in Gallons</u>
3 or less	1,000
4 or 5	1,250
6	1,500

3.5.6.4. Construction Details:

(a) Either tees or baffles shall be used as inlet and outlet fixtures. Inlet baffles shall extend at least eight (8) inches above and six (6) inches below the water level of the tank. The outlet baffle shall extend above the water level a distance of at least eight (8) inches and below the water level a distance of forty (40)

shall be provided between the lid of the tank and the top of the baffle or tee. The invert of the inlet pipe shall be a minimum of three (3) inches higher than the invert of the outlet pipe.

(b) All septic tanks shall contain an access opening which shall be so located that sludge and scum measurements may be readily ascertained in each compartment of the tank. This access opening shall be a minimum of eight (8) inches in its least dimension and shall be located close to the ground surface. In the event the tank is covered by twenty-four (24) inches or more of earth backfill, a riser with a suitable manhole cover shall be extended to within a minimum of six (6) inches of the ground surface. The riser shall be at least thirty (30) inches in diameter and placed over the access opening in the top of the tank.

(c) Materials for construction shall be watertight concrete, metal or other impervious material.

(d) Minimum wall thickness of tanks shall conform to the following specifications:

Steel	1/4 inch thick
Fiberglass	1/4 inch thick
Segmented blocks, bricks, etc.	8 inches thick
Poured concrete	6 inches thick
Poured concrete	4 inches thick

Reinforced _____ 4,000 PSI

Precast concrete

Reinforced _____ 4,000 PSI 1 1/2 inches thick

--- (e) Septic tank bottoms shall conform to the specifications set forth for septic tank walls.

(f) Concrete septic tank tops shall be a minimum of four (4) inches in thickness and reinforced with 1/4 inch reinforcing rods in a six (6) grid or equivalent.

(g) All concrete surfaces above the water line inside septic tanks shall be given a protective coating of bituminous or similar material.

3.5.6.5. Connection Pipes-The pipe connecting the septic tanks installed in series, the septic tank to the distribution box and the pipe connecting the distribution box to the absorption system

shall be a minimum of four (4) inches in diameter, be watertight and be constructed of cast iron, vitrified clay tile, concrete sewer tile, asbestos cement, copper, (hard drawn, type K or L) or plastic sewer pipe or equivalent. The plastic pipe must meet standards acceptable to the Indiana State Board of Health. All inlet and outlet connections at the septic tanks shall be sealed with an appropriate material. All joints in the sewer connecting septic tanks in series shall be watertight.

3.5.6.6. Distribution boxes-A distribution box or series of distribution boxes shall be installed between the septic tank and the subsurface absorption system and each absorption line shall connect directly thereto. It shall be installed in such a manner that it will remain level and provide equal distribution of flow to the individual lines of the subsurface absorption field. Distribution boxes shall be constructed of watertight concrete, metal or other impervious material.

Distribution boxes shall be provided with an opening, such as a removable lid, which will serve as a ready access for inspection cleaning and general maintenance.

3.5.6.7. Subsurface Absorption Field-The construction of a subsurface absorption field shall comply with the following minimum standards.

(a) All subsurface absorption fields shall be located in accordance with the distances shown in Table II. In the soils underlain by fissured or creviced rock formations or by sand or gravel, greater separation distances may be necessary to minimize the possibility of water contamination.

(b) The trench width shall be a minimum of twenty-four (24) inches with a maximum width of forty-eight (48) inches. The trench depth shall be a maximum of thirty-six (36) inches. Depths of twelve (12) inches to the top of the tile are minimum.

(c) The absorption tile or perforated pipe shall be completely surrounded by coarse gravel, stone or other approved materials with at least six (6) inches below the tile or pipe extending upward to at least two (2) inches above the tile or pipe.

(d) The top of the stone shall be covered with filter

to prevent the stones becoming clogged with the earth fill.

(e) Field tile shall be lain with 1/4 inch separation between the ends or joints.

(f) Absorption lines located near trees or shrubs should have at least twelve (12) inches of coarse gravel, stone or other approved materials below the pipe or tile.

(g) The gravel, stone or other approved materials shall be a mixture ranging in size from 1/2 to 2 1/4 inches. Fines, dust, sand and clay must be removed from the material before placing in the trench.

(h) Absorption lines shall be individually connected to a distribution box to insure equal distribution to the entire field.

(i) Subsurface absorption fields shall not be constructed in areas where the land surface gradient is greater than twelve (12) percent.

(j) A maximum of four (4) inches per 100 feet of run shall be given the distribution tile.

(k) No single lateral shall exceed 100 feet in length.

(l) All open joints in the distribution lines which would permit entry of material into the tile shall be covered with paper treated to prevent its decomposition.

(m) There shall be a minimum of 7 1/2 feet, on center, between the absorption field trenches.

(n) The minimum size of any absorption field shall be 300 square feet per dwelling bedroom.

(o) Distribution lines shall be equal in length where possible.

3.5.6.8. Alternative systems-When alternative systems are approved by the Health Officer or an agent, after consultation with the Indiana State Board of Health, then standards contained within this section may be altered if the Health Officer or agent determines that such alteration is necessary.

3.5.7. Permits and Inspection

3.5.7.1. Before commencement of construction or repair of an on-site sewage disposal system or privy, the owner or agent of the owner shall obtain a written permit signed by the Health Officer of Hendricks County and the permit shall be posted in a conspicuous place on the premises prior to the commencement of work. No person shall perform any work on such project until such permit is so obtained and posted on the premises. The application for such permit shall be made on a form provided by the Hendricks County Board of Health, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Health Officer of Hendricks County.

3.5.7.2. Final approval of the permit for an on-site sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or an agent. He, or an agent, shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Officer or an agent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Health Officer or an agent.

3.5.7.3. The Health Officer or an 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.

3.5.8. Enforcement and Hearing

3.5.8.1. Whenever the Health Officer or an agent determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Health Officer or an agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereinafter provided. Such notice shall:

(a) Be put in writing.

(b) Include a statement of the reasons why it is being

(c) Allow a reasonable time for the performance of any act it requires.

(d) Be served upon the owner or his representative, or the occupant as the case may require, provided that such notice shall be deemed to be properly served upon such owner or representative, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the building affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

(e) Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

3.5.8.2. Any person affected by any such notice issued by the Health Officer or an agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health provided that such person shall file in the office of the Health Officer or an agent, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. Upon receipt of such petition, the Health Officer or an agent shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

3.5.8.3. After such hearing the respective Board shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this ordinance have been complied with. If the Board shall sustain or modify such notice it shall be deemed to be an order. Any notice served pursuant to Sub-section 3.5.8.1. of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer or an agent within ten (10) days after such notice is served.

3.5.8.4. The proceedings at such hearings, including the findings and decision of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of

the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

3.5.8.5. Whenever the Health Officer, his authorized representative excluded, finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in Sub-section 3.5.8.2. After such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Board shall continue such order in effect, modify it or revoke it.

3.5.9. Penalties

3.5.9.1. Any person found to be violating any provisions of this ordinance, except sub-section 3.5.3.8. shall be served by the Health Officer or an agent with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person found to be violating Subsection 3.5.3.8. immediately shall be subject to prosecution thereof, and upon conviction, shall be subject to the penalties set forth in this section.

3.5.9.2. Any person who shall continue any violation of this ordinance beyond the time limit provided for in Sub-Section 3.5.9.1. of this Ordinance shall be guilty of an infraction or a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than Five Hundred Dollars (\$500.00); for the second offense by a fine of not more than One Thousand Dollars (\$1,000.00); and for the third and each subsequent offense by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and each day after the expiration of the time limit for restoring sanitary conditions and completing improvements to abate such infraction.

tute a distinct and separate offense.

3.5.9.3. Any person found in violation of the ordinance by a court of competent jurisdiction shall be liable to the Hendricks County Board of Health for any litigation expenses including, but not limited to, engineering expenses, transportation expenses, witness fees and attorneys fees.

CHAPTER 3.6.

HENDRICKS COUNTY BOARD OF HEALTH ORDINANCE FOR COLLECTION OF FEE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, HENDRICKS COUNTY, INDIANA, PROVIDING FOR THE HENDRICKS COUNTY BOARD OF HEALTH TO ESTABLISH AND COLLECT FEES FOR SERVICES AS AUTHORIZED WITH THE ACCOUNTING AND TRANSFER OF SUCH FEES AS PROVIDED BY I.C. 16-1-4-24.

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that:

3.6.1. The Hendricks County Board of Health is empowered to establish and collect fees in accord with the following definitions and provisions.

3.6.2. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance:

3.6.2.1. The term "Board" as used herein shall mean the Hendricks County Board of Health as provided for in I.C. 16-1-5-1.

3.6.2.2. The term "Health Officer" shall mean the county health officer as provided for in I.C. 16-1-5-2.

3.6.2.3. The term "authorized representative" shall mean an agent in principal of the board and health officer as provided in I.C. 16-1-4-21.

3.6.2.4. The term "person" shall mean any individual, partnership, co-partnership, firm, company, corporation or association.

3.6.3. Fees for Services

The Board of Health having jurisdiction may charge a service fee not in excess of the cost for providing to any person the following services:

3.6.3.1. Home Health Care as prescribed within the meaning of Section 1881 (o) of the Social Security Act for a Home Health Agency; and as authorized by the State Board of Health, I.C. 16-1-3-28.

SCHEDULE A

Fee schedule established and collected in accordance with
Section IV-A and made a part thereof of this ordinance no. 1981-5 :

Section III-C

Vital Record Services

Birth Certificates (per copy)	\$ 3.00
Death Certificates (per Copy)	\$ 3.00 for 1st copy and
Adoption	\$ 1.00 for each
Legitimation	\$ additional copy
Other (Specify)	\$
Search	\$ 5.00 (1st copy included
	\$
	\$
	\$

Section III D-E

Environmental Health Services

Food Service Establishment License	\$ 25.00
Septic System Permit	\$ 25.00
Water Sample	\$ 2.00
Other (Specify)	
Landfill Permit	\$ 250.00
Refuse Trucks	\$ 10.00 (Per Vehicle)
Well & Pump Permits	\$ 11.00 each
Temporary Campground Permits	\$ 25.00
Special or Hazardous Waste Disposal	\$ 500.00
Permit	

Section III-A

Home Health Agency Services

Home Care	\$
Registered Nurse	\$
Licensed Practical Nurse Visit	\$
Physical Therapist Visit	\$
Home Health Aide Visit	\$
Other (Specify)	
	\$
	\$
	\$
	\$

Section III-B

Personal Health Service

Venereal Disease	\$
Tuberculosis (Specify)	\$
Immunization (Specify)	\$.25 for 1, .50 for 2
Other (Specify)	\$ or more \$2.00
- Child Health Clinic	\$ maximum (See
	\$ Attached fee
	\$ schedule)
	\$

3.6.3.2. For any personal health service provided through the Hendricks County Health Department including, but not limited to, the Chest Clinic as authorized by I.C. 16-1-4-24.

3.6.3.3. For services provided by the Hendricks County Health Department in providing a copy of a certificate of birth and death, I.C. 16-1-4-24.

3.6.3.4. For services provided in the inspection of public eating and drinking establishments, retail food markets, itinerant food stands, and semi-public food service establishments to obtain a permit for license for Food Markets and Eating and Drinking Establishments as required by the Hendricks County Ordinance (3.2.2.6.) as authorized by I.C. 36-8-2-4 and I.C. 36-8-2-10.

3.6.3.5. For supervision and inspection of sanitary installations as required by the Hendricks County Private Sewage Disposal Ordinance 3.5. as authorized by I.C. 36-8-2-4 and 36-8-2-10.

3.6.3.6. For supervision and inspection of wells and water supply systems as required by Hendricks County Ordinance 3.1. as authorized by I.C. 36-8-2-4 and 36-8-2-10.

3.6.4. Collection Accounting and Disposition

3.6.4.1. Collection of fees: The board shall collect such fees established as a part of this ordinance in accord with the schedule designated as Schedule "A" which is attached hereto and made a part hereof.

3.6.4.2. Accounting for Fees: All fees collected by the Board shall be accounted for in detail for each program service area.

3.6.4.3. Disposition of fees: All fees collected by the Board shall be transferred to the Hendricks County health fund. The monies collected in accord with the provisions of this Ordinance shall be used only for the maintenance or future expansion of the specific program services from which they are derived.

3.6.4.4. Health Services--Fees--Other County Health jurisdictions: Fees collected for health services provided individuals in other county health jurisdictions and involving payment from county tax revenue shall be collected in accord with an agreement pursuant to I.C. 16-1-4-22, as amended by P.L. 8, Acts of 1980.

Percent of Applicable Fee
Charged to Patient -0:

Payment Level	01	02	03	04	05
<u>Family Size</u>					
1	\$0-5,685	5,686- 6,848	6,849- 8,211	8,212- 9,474	9,475
2	0-7,515	7,516- 9,185	9,186-10,855	10,856-12,525	12,526
3	0-9,345	9,346-11,421	11,422-13,497	13,498-15,573	15,574
4	0-11,175	11,176-13,658	13,659-16,141	16,142-18,624	18,625
5	0-13,005	13,006-15,895	15,896-18,785	18,786-21,675	21,676
6	0-14,835	14,836-18,132	18,133-21,429	21,430-24,726	24,737

For each family unit with more than six members, add \$1,850 for each additional member.

Indiana, that:

Section I. The Hendricks County Board of Health is empowered to establish and collect fees in accord with the following definitions and provisions.

Section II. Definitions: The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. The term "board" as used herein shall mean the Hendricks County Board of Health as provided for in IC, 16-1-5-1.
- B. The term "health officer" shall mean the county health officer as provided for in IC, 16-1-5-2.

FILED

4660

HENDRICKS COUNTY

AUG 4 1980

TEMPORARY CAMPGROUND ORDINANCE

BOOK 84 PAGE 56

ORDINANCE NO. 11 1980

Patricia J. Nash
AUDITOR HENDRICKS COUNTY

An Ordinance regulating the temporary camping activities which are associated and generated by periodical gatherings of persons in connection with recreational and/or sporting activities.

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, having conferred with the County Health Department, County Planning Commission, and the County Sheriff's Department, has found that in order to protect the health and welfare of the citizens of Hendricks County, from the nuisance and the unsanitary conditions of temporary camping activities, and to promote the health and welfare of the public, it is ordained as follows:

Section 1: Definitions.

(a) Person: any individual, partnership, corporation, firm, company, association, society, or any other group that acts as a unit or legal entity.

(b) Temporary campground: any private (or public) plot of land, open to the public, which for a specified limited period of time is used or maintained to be used by transient guests for a camping place.

Section 2: License.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage any temporary campground which has more than two camp sites, unless a license to hold temporary camping activities has first been issued by the Hendricks County Board of Health, Indiana. A license to hold a temporary campground issued to one (1) person shall permit any person to engage in any lawful activity in connection with the holding of the license. A separate license shall be required for each specified period of time and for each location at which camp sites are reasonably anticipated to be used or maintained. A license shall permit the assembly of only the maximum number of camp sites and for the maximum number of days stated in the license. The maximum time for any one license shall not exceed seven (7) days. No more than three (3) license shall be issued to any one plot of land within any given calendar year.

Section 3: Fee.

The fee for each license shall be Twenty Five Dollars (\$25.00) made payable to the Hendricks County Board of Health.

Section 4: Site Plan.

The applicant shall provide a site plan at the time a license is requested showing:

(a) The maximum number and location of camp sites.

(b) The maximum number of days anticipated for camping activities.

(c) Boundary lines of the plot of land drawn to scale and showing the dimensions of the land.

ENTERED FOR RECORD

BOOK

84

AUG 4 1980

12:30

56-9

Marille Abbott

HENDRICKS COUNTY

(d) Layout and number of camping sites including dimensions of typical site.

(e) Street design.

(f) Legal description.

(g) North point.

(h) County and State road numbers.

(i) Location and size of driveway.

(j) Location and dimensions of all existing structures.

(k) Location and dimensions of easements and road setback requirements.

(l) Location of sewage disposal system if proposed and location and number of restrooms.

(m) Location of water supply.

(n) Number and location of refuse containers.

Section 5: Camp site and campground.

(a) All camp sites shall be on level or gently sloping land which will permit satisfactory use for tents, trailers, etc.

(b) All camp sites shall be located away from heavy traffic and all camp sites shall have a setback of 65 feet from center line of all state and county roads.

(c) Private access roads, entrances and exits shall be provided with a clear view in both directions when adjoining a highway.

(d) Roads within the campground shall be of sufficient width to prevent vehicular and pedestrian problems and should be a minimum of 10 feet wide for one-way traffic and a minimum of 18 feet wide for two-way traffic. An adequate turn-around shall be provided for all dead end roads.

(e) Each camp site shall be provided with at least one car parking space and adequate space for tent or vacation trailer.

(f) An area of not less than 2,000 square feet shall be provided for each camp site.

Section 6: Water Supply.

(a) An adequate and convenient supply of water of quality that meets the standards of the Local and State Board of Health shall be available at all times for drinking, culinary and purposes.

(b) Where a public water supply is available, water for the campground shall be obtained from the public water supply.

(c) When wells are used as a source of water supply for the campground, they shall be constructed and protected in accordance with the Hendricks County Well Ordinance and each well must have a current certified water test from the Indiana State Board of Health.

(d) No surface or cistern water supply shall be used except under conditions approved for obtaining water to be used at a point at least thirty (30) feet from any waste dumping station. Such outlets shall extend above the ground surface to permit filling of containers.

Section 7: Sewage Disposal.

(a) Adequate facilities shall be provided and maintained for the satisfactory treatment and disposal of all excreta and liquid waste.

(b) Where an approved sewer system is available, sewage disposal shall be accomplished by a connection to the approved sewer system.

(c) Where approved sewers are not available, and where conditions will permit, a subsurface seepage system or other type of liquid waste disposal system shall be installed in accordance with Hendricks County Health Department. The services of a professional engineer registered in Indiana should be obtained when a sewer system and waste water treatment plant is planned.

(d) If non-water carriage excreta disposal facilities are used, they shall be located and constructed in accordance with the recommendations of the Hendricks County Health Department.

(e) If trailer dumping stations are provided for the disposal of liquid wastes from travel trailers, they shall be constructed in accordance with the recommendations of the Hendricks County Health Department.

(f) A waste dumping station constructed in accordance with the recommendations of the Hendricks County Health Department shall be provided in all campgrounds where self-contained trailers are admitted and individual sewer connections are not provided at each camp site or the campground owner shall make available an alternative off site dumping station approved by the Hendricks County Health Department.

Section 8: Sanitary Facilities (restrooms):

(a) An adequate number of restrooms shall be provided in all campgrounds to serve the maximum number of camp sites. Restrooms shall not be located nearer than fifty feet to any camp site or a picnic site.

(b) A restroom shall contain the necessary toilet and other plumbing fixtures in at least the following ratios:

Men

water closets	1 for each 50 camp sites
urinals	1 for each 50 camp sites

Women

water closets	1 for each 50 camp sites
---------------	--------------------------

Where privies are used for toilet facilities, they shall be provided in at least the following ratios;

Men

privy seats	1 for each 50 camp sites
urinals	1 urinal to 2 feet of urinal trough for each 50 camp sites

Women

privy seats

Section 9: Refuse Disposal.

(a) The campground owner and/or operator shall be responsible for satisfactory storage, collection and disposal of all refuse including garbage, trash and combustible materials.

(b) There shall be at least one refuse container provided for each four camp sites, together with a plan for holding and a plan for collecting all such waste at least once each day of the camping.

(c) Garbage, trash and combustible refuse shall be disposed of at a public disposal site or in such other manner that it will not create a nuisance or health, fire or safety hazard.

Section 10: Enforcement.

The provisions of this Ordinance shall be enforced by the Hendricks County Health Department, and the Hendricks County Sheriff.

Section 11: Penalty.

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$100.00 ; and if such violation be continued, each day's violation shall be a separate offense.

Section 12: Repeals.

All other County Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 13: Severability.

If any part of this Ordinance shall be held void such part shall be deemed severable, and the invalidity thereof, shall not affect the remaining parts of this Ordinance.

Inasmuch as an emergency exists, this Ordinance shall be in full force and effect immediately upon its adoption and publication as required by law.

Adopted this 29 day of July, 1980.

Board of Commissioners
of Hendricks County, Indiana

Arthur Himsel
Marvin Money

Marvin Money
Arthur Himsel

Herschel Gentry, Jr.
Herschel Gentry, Jr.

ATTEST: Pat Noel
Pat Noel

FILED

1269

BOOK 79 PAGE 330

MAY 8 1979

AMENDMENT

HENDRICKS COUNTY

ORDINANCE NO. 1979 - 9

AMENDING

ORDINANCE NO. 1967 - 1

ENTERED FOR RECORD

BOOK

79

MAY - 8 1979 2:39 330-41

Marville Abbott
RECORDER HENDRICKS COUNTY

An ordinance regulating the transportation of refuse, refuse disposal, facilities, and refuse processing facilities by establishing standards for operating such vehicles and facilities and by establishing a licensing system for enforcement of those standards.

BE IT ORDAINED AND ENACTED by the Board of County Commissioners of Hendricks County, Indiana, Ordinance No. 1967 - 1 regulating the disposal of garbage and rubbish on lands situated outside any incorporated town, requiring license permits, and providing for penalties for violations thereof be amended to read as follows:

Chapter I. - Purpose and General Policy

Section 1. The Board of Commissioners of Hendricks County finds that improperly operated landfills and other refuse disposal and processing facilities can (1) endanger the health and welfare of the citizens of this County by causing or contributing to the pollution of ground and surface waters, (2) result in nuisances and a hazard to the public health, and (3) provide a breeding place for flies, rats, and other vermin. It is therefore declared to be the public policy of this County to eliminate and prevent these health and safety hazards by establishing standards for the proper operation of refuse disposal and processing facilities.

Section 2. The Board of Commissioners of Hendricks County finds that there is a need to eliminate the blowing and spillage of refuse from vehicles which transport refuse and that there is a need for such transportation to be done in a sanitary manner.

Section 3. All existing refuse disposal and/or processing sites shall comply with the provisions of this ordinance.

Section 4. The Hendricks County Health Officer or his representatives shall enforce the provisions of this ordinance.

Section 5. Before the Health Officer issues a local permit for operation of a refuse disposal and/or a refuse processing facility, the applicant must first secure all appropriate zoning approvals from the Hendricks County Planning Commission and/or Hendricks County Board of Zoning Appeals.

Section 6. Before the County Health Officer issues a local permit for operation of a refuse disposal and/or a refuse processing facility, the applicant must first secure all appropriate permits from the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health.

Chapter II. - Definitions

The following definitions shall apply in the interpretation and

enforcement of this ordinance, unless otherwise indicated clearly by the text.

(1) "Access Roads" means roads which lead to the entrance of a refuse processing or disposal facility, normally, a county, state or federal highway.

(2) "Aquifer" means a porous, water-bearing geological formation, such as sand, gravel, sandstone and fractured or cavernous limestone, from which water can be drawn by wells in useable quantities.

(3) "Bedrock" means cemented or consolidated earth materials, undisturbed by erosion or weathering, exposed on the earth's surface or underlying unconsolidated earth materials.

(4) "Board of Health" means the Hendricks County Board of Health.

(5) "Carcasses" means dead animals or portions thereof.

(6) "Cell" means a deposit of refuse, compacted and completely enveloped by cover.

(7) "Cover" means soil which is used to bury refuse.

(8) "Daily Cover" means that cover which is placed over refuse and compacted at the end of an operating day.

(9) "Decomposition" means the chemical or biological breakdown through time of refuse into constituent chemicals or other products.

(10) "Decomposition Gases" means gases produced by decomposition.

(11) "Energy Recovery Operation" means the processing of refuse so that energy or gases may be recovered.

(12) "Facility" means, except in Chapter IV, any operation for the disposal or processing of refuse, including the site upon which the operation rests.

(13) "Final Cover" means cover placed and compacted over a refuse disposal area upon completion of the refuse disposal use of that area.

(14) "Flood Plain" means the area adjoining a river, stream, or lake, which would be covered by floodwater from the 100-year frequency flood.

(15) "Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the 100-year frequency flood.

(16) "Garbage" shall mean rejected food waste and shall include, but is not limited to, every waste accumulation of animal, fruit, or vegetable matter used or intended for food attends to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(17) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.

(18) "Groundwater" means water filling the pore spaces of earth materials below the water-saturated zone.

(19) "Groundwater Table" means the upper surface of the water-saturated zone.

(20) "Hazardous Wastes" means any solid or liquid waste with inherent dangers, including but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent solids, pesticides, pesticide containers, septic tank pumpings, and raw or digested sewage sludge.

(21) "Health Officer" shall mean the Hendricks County Health Officer or his authorized representative.

(22) "Hendricks County" shall mean those areas which are under the jurisdiction of the Hendricks County Health Officer and situated outside the corporate limits of any town.

(23) "Hydrology" means the properties, distribution, and flow of water on or in the earth.

(24) "Incinerator" means any apparatus to burn waste substances in which all the factors of combustion - temperature, retention time, turbulence, and combustion air - can be controlled and used for reduction of garbage, carcasses, or refuse.

(25) "Land Application of a Waste" means the application of hazardous waste onto land and incorporation into the surface soil.

(26) "Landfill" means a sanitary landfill.

(27) "Leachate" means liquid that has percolated through solid waste or other deposited materials and has extracted soluble or suspended substances from it.

(28) "Lift" means a horizontal layer of cells covering a designated area of a sanitary landfill.

(29) "Manually Discharge Vehicle" means a vehicle which must be unloaded by the physical handling of refuse by a person, for example, a pickup truck.

(30) "Mechanically Discharged Vehicle" means a vehicle which unloads refuse automatically, with hydraulic devices.

(31) "Modification" means a change in form or method of operation of any facility.

(32) "On-site Roads" means roads for the passage of vehicles from a site entrance to the working face.

(33) "Operating Personnel" means persons necessary to properly operate a refuse disposal or processing facility.

(34) "Person" shall mean an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

(35) "Point of Generation" means that place where a material initially becomes discarded, for processing or disposal, as refuse.

(36) "Processing" means the method, system, or other treatment of refuse so as to change its chemical or physical form or affect it for disposal or recovery of materials, but excluding vehicles for the transportation of refuse from its point of generation.

(37) "Recycling Station" means a facility for the storage of separated solid wastes prior to transportation to markets.

(38) "Refuse" means any combination of garbage and rubbish.

(39) "Refuse Disposal" means the permanent or semi-permanent placement of refuse in any location.

(40) "Refuse Handling Equipment" means equipment used for the processing or disposal of refuse.

(41) "Regulation SPC-18" means the Indiana Stream Pollution Control Board regulation governing sanitary landfills and refuse processing facilities.

(42) "Resource Recovery Plant" means any facility which has as at least one of its purposes the processing of refuse into commercially valuable materials or energy.

(43) "Rubbish" shall mean and include such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds, or litter of any kind.

(44) "Salvaging" means the controlled removal of materials from refuse for utilization.

(45) "Sanitary Landfill" means an engineering method of disposing of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with compacted soil at the end of each working day.

(46) "Scavenging" means the uncontrolled removal of materials from refuse.

(47) "Sludge" means a semi-liquid sediment.

(48) "Soil Borings" means the drilling of holes in the earth for the purpose of identifying soil types, sub-surface materials, and groundwater table level.

(49) "State" means the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health.

(50) "Surface Water" means water present on the surface of the earth, including: streams, lakes, ponds, rivers, swamps, marshes, or rainwater present on the earth.

(51) "Transfer Station" means a facility for the acceptance, holding, and loading of refuse into a vehicle for movement to a processing or disposal facility, excluding stationary compactors and collection containers.

(52) "Vector" means any living animal capable of harboring and transmitting microorganisms from one animal to another animal or human.

(53) "Water Course" means the path taken by flowing surface waters.

(54) "Water Table" means groundwater table.

(55) "Working Face" means that portion of a sanitary landfill where refuse is discharged from collection trucks and is compacted prior to placement of cover material.

Chapter III. - Local Permit for Operation of a Sanitary Landfill

Section 1. No person shall cause or allow the operation of a sanitary landfill without a valid operating permit issued by the County Health Officer.

Section 2. No application for a local operating permit for a new sanitary landfill will be accepted unless that sanitary landfill hold a valid construction plan permit and a valid operating permit from the State as specified by Regulation SPC 18. A copy of all plans and specifications approved by the State shall accompany all local permit applications.

Section 3. No application for a local operating permit for a sanitary landfill will be accepted unless the facility has received all appropriate zoning approvals from the Hendricks County Plan Commission and/or Board of Zoning Appeals.

Section 4. Complete application for operating permits for sanitary landfill must be made on forms provided by the Health Officer at least 30 days prior to proposed initial date of operation unless a shorter time is approved in advance by the Health Officer.

Section 5. Application for an operating permit for a sanitary landfill must be signed by the owner and the person who shall be responsible for the quality of operation, affirming that such person shall adhere to the method of operation specified in the plans, specifications, and description of project, and shall maintain operational quality at or above the standards set by this Chapter.

Section 6. (General Standards) Sanitary landfill operations must conform to the following minimum general standards of operation:

(a) All on-site roads shall be passable by vehicles, including automobiles, regardless of weather.

(b) Any shelter or sanitary facilities provided shall be constructed in accordance with the requirements of the Indiana State Board of Health for such construction.

(c) Feeding of cattle, hogs, poultry or other animals at the landfill site is prohibited.

(d) No refuse deposit shall be made nearer than 600 feet to any dwelling without written consent of the occupant and owner of the dwelling.

Section 7. (Water Quality) Sanitary landfill operations must conform to the following minimum water quality standards:

(a) Where groundwater monitoring wells are deemed necessary by the Board, the sampling frequency will be specified. Tests performed on groundwater samples shall include COD, pH, Fe., Cl, conductivity and other tests deemed necessary by the Board.

(b) Surface water courses and runoff shall be diverted from the sanitary landfill by trenches and proper grading. The sanitary landfill shall be constructed and cover material graded and seeded so as to promote rapid surface water runoff without excessive erosion. Regrading shall be done as

required during operation and after completion to avoid ponding and to maintain cover thickness.

(c) In no case shall solid waste be deposited within an aquifer. A barrier of undisturbed soil shall be maintained between the lowest portion of deposited refuse and the aquifer of a thickness to be determined by the Board based upon permeability and ion exchange properties.

Section 8. (Air Quality) Open burning of solid wastes is prohibited.

Section 9. (Aesthetics) A sanitary landfill shall at all times be operated in an aesthetically acceptable manner.

(a) Portable litter fences or other devices shall be used in the immediate vicinity of the working face and other locations to control blowing litter. Windblown materials must be collected and buried daily.

(b) Access to the site shall be controlled and shall be by established roadways only. The sanitary landfill shall be accessible only when operating personnel are on duty. Large containers may be placed outside the site entrance so that users can deposit waste after hours; the large containers and areas around them shall be maintained in a sanitary and litter-free condition.

(c) Vegetation shall be cleared only as necessary. Natural windbreaks such as green belts, shall be maintained where they will be maintained in a sanitary and litter-free condition.

(d) A sign of at least 16 square feet shall be erected at the side entrance identifying the operation, stating operating schedule and fees.

(e) Salvaged materials must be stored in transportable containers or in buildings while awaiting removal from the site. In no instance shall salvaged materials be allowed to accumulate on the ground.

(f) On-site roads shall be constructed in such a way as to minimize the tracking of mud or soil material onto public highways, or the operator shall maintain the equipment required to remove any mud or soil materials which are tracked onto the public highway. Policing of litter on roads upon the site shall be the responsibility of the owner and operator of that landfill.

Section 10. (Gases) Decomposition gases generated within a sanitary landfill shall be controlled on-site. Decomposition gases shall not be allowed to migrate laterally from the sanitary landfill site, nor allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

Section 11. (Vectors) Effective means shall be taken to prevent the harboring, feeding or breeding of vectors. The presence of adult flies, roaches, mosquitoes, rodents and the immature stages of these and other vectors is inimical to public health. Effective control shall be indicated by the absence of fly larvae, nymphs of roaches, larval mosquitoes, and all other immature stages of vectors, as well as by the absence of mature or adult stages of vectors.

Section 12. (Safety) A sanitary landfill shall be operated and maintained in such a manner as to protect the health and safety of personnel

associated with the operation.

BOOK 79 PAGE 336

(a) Safety devices, including, but not limited to, roll bars and fire extinguishers shall be provided on all rolling equipment to protect the health and safety of operators.

(b) Provision shall be made to extinguish any fires in wastes being delivered to the site or which occur at the working face or within equipment or personnel facilities. Communication equipment shall be available for emergency situations.

(c) Scavenging shall be prohibited to avoid injury and to prevent interference with operations.

(d) Traffic signs shall be provided to promote an orderly traffic pattern to and from the discharge area and, if necessary, to restrict access to hazardous areas or to maintain efficient operating conditions. Manually discharged vehicles shall not hinder operation of mechanically discharged vehicles. No vehicle shall be left unattended at the working face or along traffic routes.

Section 13. (Operator Instructions) An operating manual describing the various tasks that must be performed during a typical shift, as well as safety precautions and procedures, shall be available to employees for reference. Employees shall be instructed as to these tasks and safety precautions and procedures.

Section 14. (Cover Applications) A cover of compacted soil shall be applied and compacted over all exposed solid waste by the end of each operating day. A final cover of soil shall be applied and compacted as each area is completed.

(a) Equipment shall spread all solid waste in layers, compact the waste, and place, spread, and compact the cover material. These operations shall be on a working face slope maintained at 3:1 or steeper.

(b) All solid waste shall be covered by the end of each operating day. Daily cover shall be applied regardless of weather. The thickness of the compacted daily cover shall not be less than six inches.

(c) When any portion of a site reaches within two feet of final elevation, compacted final cover shall be applied, not less than two feet in depth. At the termination of operations at a site, final grading shall be done, and the area seeded with suitable vegetation to control erosion. Final cover shall have a slope of not less than 2 percent and be without depressions that will cause ponding of water.

Section 15. (Hazardous and Special Wastes) The disposal of hazardous and special wastes must conform to the following:

(a) Under no circumstances shall hazardous wastes be accepted at a sanitary landfill unless authorized in writing by the state and by the local Health Officer.

(b) Certain bulky wastes, such as automobile bodies, furniture, and appliances shall be crushed on solid ground and then pushed onto the working face near the bottom of the cell or into a separate disposal area.

The special areas used only for bulky wastes shall be identified on the plan for the completed site.

(c) Procedures for disposing of dead animals have been established by law, I.C. (1971), 15-2-8-13. Any operation accepting carcasses shall comply accordingly. The soil shall be regraded periodically to keep water from ponding as a result of settlement.

Section 16. (Equipment) At all times the equipment available shall be capable of spreading and compacting the solid waste and the cover material required for the most severe combination of solid waste delivery and weather conditions expected during any one operating day. Equipment manuals, catalogs, and spare parts lists shall be available at the equipment maintenance facility.

Section 17. (Records) A set of approved plans shall be maintained on site. An up-to-date plot plan of the landfill site shall be maintained on site, with areas marked as they are filled or excavated.

Chapter IV. - Local Permit for Operation of Refuse Processing Facilities

Section 1. In this Chapter, "facilities shall mean all equipment, buildings, or other features of a project necessary to conduct the processing of refuse. Excluded are containers utilized for refuse collection and stationary compactors.

Section 2. No person shall cause or allow the operation of any refuse processing facility without an operating permit issued by the County Health Officer.

Section 3. No application for a local permit for a refuse processing facility will be accepted unless the applicant holds a valid construction plan permit and a valid operating permit from the State as specified by Regulation SPC 18. A copy of all plans and specifications approved by the State shall accompany all local permit applications.

Section 4. No application for a local operating permit for a refuse processing facility will be accepted unless the applicant has received all appropriate zoning approvals from the Hendricks County Plan Commission and/or Board of Zoning Appeals.

Section 5. Complete applications for operating permits for a refuse processing facility must be made on form provided by the Health Officer at least 30 days prior to the proposed initial date of operation unless a shorter time is approved in advance by the Health Officer.

Section 6. Applications for permits to operate a refuse processing facility must be signed by the person responsible for maintaining operations within the limits and quality standards specified for that operation in this regulation and in the approval for that plant.

Section 7. Refuse processing facilities shall maintain the premises in a litter-free condition. Overnight refuse storage areas must be enclosed.

Section 8. Incinerator residue must be disposed of in a sanitary

landfill holding a valid operating permit under this regulation.

Section 9. In the event of a breakdown or failure of any refuse processing facility, refuse normally accepted at that facility must be deposited at a sanitary landfill holding a valid operating permit under this regulation, until such time as the facility is fully operational again.

Chapter V - Permits and Duration

Section 1. Operating permits shall be valid for a period of two years from the effective date of the permit.

Section 2. An operating permit may be issued for less than two years if the Health Officer determines it is appropriate.

Section 3. A permit may be temporarily suspended by the County Health Officer upon violation by the holder of any part of the terms of this Ordinance, or revoked after a reasonable opportunity for a hearing by the Health Officer upon serious repeated violations.

Section 4. A separate permit shall be required for each refuse disposal and/or processing facility or method and a separate permit shall be required for each site.

Section 5. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County of a permit fee in the amount of Fifty Dollars (\$50.00). All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County.

Section 6. No fee shall be charged for any State, County or Municipally owned and operated public garbage and rubbish disposal site in Hendricks County; provided, nevertheless, the County Health Officer shall have full jurisdiction and control over the policing of such, within the terms of this Ordinance.

Chapter VI - Renewal of Permits

Section 1. Complete applications for renewal of permits must be submitted at least 30 days prior to the expiration date of the expiring permit.

Section 2. Evaluation of an operating permit renewal application will be based on the quality of operation during the period of the previous permit. If the standards specified in this Ordinance have been met, the permit will be reissued.

(a) Evaluation will be based on reports of all inspections made during the evaluation period, with a minimum of eight inspections. No permit shall be renewed if the facility holding that permit has not been substantially in compliance with this Ordinance.

(b) No permit shall be renewed if, on more than half of the inspections, the operation did not meet requirements of this regulation, or if on more than one occasion one of the following had occurred:

(i) Acceptance of hazardous wastes, except as set out

in the Ordinance.

- (ii) Open burning of refuse without efforts to extinguish the fire having been initiated prior to the inspection.
- (iii) Leachate flowing into a stream, lake, river, other surface water, or an aquifer without adequate control measures in operation.

Chapter VII. - Permits for Refuse Hauling Vehicles

Section 1. It shall be unlawful for any person in Hendricks County, who does not possess an unrevoked permit from the Health Officer, to engage in the removal and/or the transportation of refuse from premises to a location other than the place of origin of such refuse for disposal.

(a) The provisions of this section shall not apply to any person disposing of only their own refuse if transported to an approved disposal site in a sanitary manner.

Section 2. Before a permit is issued by the Health Officer for the collection and transportation of refuse, all equipment and vehicles to be used shall be approved by the Health Officer or his authorized representative. All equipment and vehicles used to transport refuse to an approved disposal site shall be suitably constructed, sanitary type, refuse must be adequately covered and vehicles shall be cleaned as may be necessary to prevent nuisances and health hazards. Equipment other than the above shall meet the approval of the Health Officer.

Section 3. Any permit issued by the Health Officer shall contain the name of the person to whom the permit is granted and such other pertinent information as may be required by the Health Officer. A separate permit shall be required for each vehicle used to transport refuse. No permit signed by the County Health Officer shall be valid until countersigned by the Treasurer of Hendricks County. The County Treasurer shall countersign a properly signed permit or license upon the payment to the Treasurer of Hendricks County a permit fee in the amount of Ten Dollars (\$10.00) for each vehicle. All monies or fees collected under the terms of this Ordinance shall revert to the General Fund of Hendricks County.

Section 4. No fee shall be charged for any State, County, or Municipally owned and operated refuse hauling vehicles in Hendricks County; provided, nevertheless, the County Health Officer shall have full jurisdiction and control over the policies of such within the terms of this Ordinance.

Section 5. Only persons who comply with the requirements of this ordinance shall be entitled to receive and retain such a permit. The permit shall be for the term of one year on a calendar year basis and shall be renewable annually. No permit or renewal thereof shall be denied on arbitrary or capricious grounds.

Section 6. Before any permit shall be issued, the applicant for

such a permit shall first furnish proof of insurance with the Health Officer showing public liability and property damage insurance policy insuring the applicant against liability for damages sustained by a person other than the employee of said applicant and occasioned by the neglectful operation of the vehicle or vehicles of said applicant, and the insurance policy shall provide a minimum coverage in the amount of \$15,000 for the injury or death of any person as a result of any one accident, and shall provide a minimum coverage in the amount of \$30,000 for property damage. Such insurance policy shall be written by a company authorized to do business in the State of Indiana.

Chapter VIII. - Miscellaneous

Section 1. (Exclusions) Disposal sites and operations which receive only rocks, brick, concrete or earth or any combination thereof shall be excluded from the provision of this regulation. Any operation wishing to accept any other inert fill may petition the Board or its designated agent for exclusion from this regulation. This exclusion is void if the disposal site or operation knowingly or unknowingly receives any matter than the above, or that approved by the Board.

Section 2. Any land application of Hazardous Waste shall require an operating permit from the Health Officer. No local operating permit for disposal of Hazardous Waste using a land application method shall be approved until the applicant has first secured written approval from the Indiana Stream Pollution Control Board and/or the Indiana State Board of Health. Application for operating permit must be made on forms provided by the Health Officer at least 30 days prior to the proposed initial date of operation unless a shorter time is approved in advance by the Health Officer. The applicant shall follow the same procedures as outlined in Chapter V of this Ordinance. Any land application of Hazardous Wastes which creates a problem by polluting ground and/or surface water, by creating a breeding place for vermins, or by creating a noxious, harmful or offensive odor shall be considered detrimental to the health and welfare of the citizens of Hendricks County.

Section 3. Sanitary landfills and other disposal operations which are closed after promulgation of this Ordinance shall be inspected by the Health Officer or his designated agent. Following final acceptance by the Health Officer or his designated agent, a detailed description, including a plan, shall be recorded by the owner or operator with the county's land recording authority. The description shall include general types and location of wastes, depth of fill, and other information of interest to potential land owners. The owner or operator shall maintain surface contours, continue periodic groundwater monitoring, and exercise any necessary controls over gas or leachate produced.

Chapter IX. - Enforcement

Section 1. The enforcement of this Ordinance shall be by the

Hendricks County Health Officer.

Section 2. It shall be the duty of the Hendricks County Prosecuting Attorney, to whom the County Health Officer shall report any alleged violations, to cause proceedings to be commenced against the alleged violator of the provisions of this Ordinance, and to prosecute said matter to final determination.

Section 3. Any person convicted of a violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, on conviction thereof, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), for a first offense; for a second offence a fine of not more than One Thousand Dollars (\$1,000.00); and for a third and each subsequent offense by a fine of not more than One Thousand Dollars (\$1,000.00), to which may be added imprisonment in the county jail for any determinate period not exceeding ninety (90) days. Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the County Health Officer, shall constitute a distinct and separate offense.

Chapter X. - Repeal

Section 1. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

Chapter XI. - Unconstitutionality

Section 1. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

This ordinance shall be in full force and effect from and after its passage and approval according to law.

Passed and approved by the Board of County Commissioners of Hendricks County, Indiana, this 7 day of May, 1979.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana

Arthur Himmel

Marvin Morley

Kenneth L. Lutz

ATTEST:

Patricia J. Neal
County Auditor

This instrument prepared by E. Alonzo Deckard, Attorney at Law,
Danville, Indiana 46122

HENDRICKS COUNTY ORDINANCE
NUMBER 7, 1977

WHEREAS, Public Law No. 158, of the 1975 Acts of the Indiana General Assembly (IC 17-2-2.5-1 through IC 17-2-2.5-7) provides the power to the Board of Commissioners of Hendricks County, Indiana, to adopt an ordinance to license certain business activities whenever it is in the public interest in the conduct of the affairs of said county to do so and,

WHEREAS, said Board of Commissioners deems it to be in the public interest of the citizens of Hendricks County, Indiana, to regulate the licensing of massage parlors and such licensing be applicable to such business activities in the incorporated communities in Hendricks County, Indiana, as well as the unincorporated areas;

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners, State of Indiana as follows, to-wit:

Section One, General Definition: Whenever used in this chapter, the following words and phrases shall be defined as herein stated.

(a) "Bath House" means any building, room, place or establishment other than a regularly licensed hospital, dispensary, hotel, rooming house or public lodging house, where members of the public are provided with baths, regardless whether steam, vapor, water, sauna, or otherwise.

(b) "Massage Parlor" means any building, room, place or establishment other than a regularly licensed hospital or dispensary where non-medical and non-surgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, podiatrist, or physical therapist duly registered with and licensed by the State of Indiana.

(c) "Massage" means any method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading or tapping with the hands or instruments.

(d) "Massage School" means any bath house or massage parlor defined in (a) and (b) above, where the act of massage as defined in (c) above is either taught or practiced.

(e) "Massage Therapy" means the act of body massage, either by mechanical or electrical apparatus for the purpose of reducing or contouring the body by the use of oil rub, salt, hot and cold

packs, cold showers and cabinet baths.

(f) "Massage Therapist" means any person who practices, administers or teaches all or any of the subjects or methods of treatment defined in subsection (e) above as massage therapy.

(g) "Massage Therapy Clinic" means any shop, establishment or place of business where any or all of the methods of massage therapy are administered or used.

(h) "Massage Therapy School" means any duly registered massage therapy establishment where a tuition is charged for the instruction of massage therapy techniques.

(i) "Private Health Club" means facility for exercise and physical training which is operated for, and open only to members of a private club and their invited guests.

(j) "Private Club" means an organization or association maintaining club rooms or other recreation or social facilities used primarily for purposes other than a bath house or massage parlor, membership in which is limited to persons paying a regular dues or assessment.

Section Two. License required.

(a) It is unlawful for any person or firm to operate, conduct, or maintain a massage school, massage parlor, massage therapy clinic or bath house without a license to operate such massage school, massage parlor, massage therapy clinic, or bath house issued by the County Auditor.

(b) It shall be unlawful for any person or firm licensed to operate a massage school, massage parlor, massage therapy clinic or bath house to employ or permit any person to perform a massage unless such person be licensed as a massage therapist by the County Auditor.

(c) It shall be unlawful for any person to be employed as a massage therapist or to perform massages for a fee unless such person be licensed as a massage therapist by the County Auditor.

Section Three. Applications for Licenses.

(a) The application for a license to operate a massage school, massage parlor, massage therapy clinic, or bath house shall contain the following information and shall be individually signed by the applicant:

1. Name of applicant and aliases;
2. Resident address of applicant and former addresses for the past three years;
3. Business address of applicant;
4. Number of massage tables, shower stalls, or other such individual units;
5. The age, date of birth, and citizenship of the applicant, in the case of individuals, and of the manager and officers in the case of a corporation;
6. The names, addresses, ages, citizenship and designations of each person connected with the applicant's establishments;
7. Whether the applicant or its manager or officers have ever been previously engaged in operating a massage school, massage parlor, massage therapy clinic, or bath house;
8. Whether any applicant, or in the case of a corporation, it's managers, officers, directors, or stockholders have ever been convicted of any act of violence, moral turpitude, sex offense, or prior violation of this ordinance;
9. The application shall state thereon that: "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or for revocation of a permit."

10. Type of license being applied for by the applicant.

(b) Along with the operators application for a license, there shall be filed a verified application for a massage therapist license by each individual who is employed in the establishment who is required by the chapter to be licensed. The application shall contain the following information:

1. Name and aliases;
2. Age, date of birth, and social security number;
3. Address and former addresses for past three (3) years;
4. Citizenship;
5. Nature of work performed;
6. Whether convicted of any public offense concerning an act of violence, moral turpitude, sex offense, or prior violation of this ordinance.
7. The application shall state thereon that: "It is unlaw-

for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for denial of an application or for revocation of a permit."

(c) Along with aforesaid applications for license there shall be filed a certificate from a duly licensed medical practitioner, on a form prescribed by the County Health Officer of Hendricks County, certifying that said applicant is free from communicable diseases and that said examination has been made within thirty (30) days prior to the application for the license or permit herein sought.

(d) All applicants for license to engage in the practice of massage therapy must submit a certificate of affidavit of their respective qualifications as to schooling, training, and experience and where and how obtained.

(e) Each applicant shall be photographed and have his or her fingerprints taken by the Hendricks County Sheriff, which fingerprints and photograph shall constitute a part of the application.

Section Four. License Fees.

The annual license fee for each person who operates or is employed by a massage parlor, massage therapy clinic, or bath house or any combination thereof shall be determined in accordance with the following scale:

(a) "Class A" licenses shall be required for all private health clubs. The fee for said license to be fifty dollars (\$50.00) annually.

(b) "Class B" licenses shall be required for all other owners of the above mentioned businesses, the fee for said license to be two hundred fifty dollars (\$250.00) annually.

(c) "Class C" licenses shall be required for massage therapists, the fee for said license to be twenty-five dollars (\$25.00) annually for each therapist.

Section Five. Operations.

(a) No massage school, massage parlor, massage therapy clinic, or bath house shall be operated or conducted in, or without a separate opening to living quarters. There must be a separate opening to living quarters, and a separate entrance to the place of business. No one shall use the building quarters for a place of habitation.

(b) All licensed operators or permit holders under this ordinance shall display their license or permits in a visible location in their establishment.

(c) All licenses or permit holders shall be subject to all other town or city ordinances, county ordinances and State Of Indiana statutes and the regulations of various administrative bodies of the town, city, county and state, and violation of such regulations, ordinances or statutes shall be grounds for revocation of licenses or permits.

(d) No person shall be employed by any licensee under this chapter or to be within view of any of the services rendered by a massage parlor, massage therapy clinic, or bath house who has not reached the age of twenty-one (21) years.

(e) Any bath house, massage parlor, massage therapy clinic, massage therapy school, or any combination thereof is prohibited from installing or maintaining any lock or similar device on the inside of any door of said business which cannot be operated by key or knob from the exterior of said door.

(f) Any establishment licensed under this chapter as a private health club shall maintain a current list of members as the case may be, and a roster of those receiving massage therapy by dates which lists and rosters shall be available to the County Auditor upon request.

Section Six. Issuance and Rejection of Application--Qualifications.

(a) Upon receipt of the application and license fee as set out in Section Four as provided for in the preceding section, the Auditor of Hendricks County shall make or cause to be made a thorough investigation relative to the application. The Auditor shall deny any application for a license under this Ordinance after notice and hearing if the Auditor finds that the applicant has been during the previous five (5) years convicted, pleaded nolo contendere, or suffered a forfeiture on any felony charge or on a charge of violating any provision included in IC 35-1-82-2, 35-30-4-1, 35-1-83-2, 35-1-87-1, 35-1-87-2, 35-30-1-1, 35-1-89-1, 35-30-7-1, 35-30-7-2, 35-30-6-1 and Public Law No. 341 of the 1975 Acts of the Indiana General Assembly,

of Commissioners of Hendricks County, shall make application for license as required herein within thirty (30) days of the effective date of this ordinance.

Section Nine. Penalties and Remedies.

(a) Penalties:

All persons, firms, or corporations violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof be punished by fine of not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars (\$300.00) for the first offense and not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1000.00) for each additional conviction thereafter.

(b) Remedies:

The Board of Commissioners, the Hendricks County Prosecutor, the Hendricks County Auditor, or any designated enforcement official, may institute a suit for injunction in the Circuit or Superior Courts of Hendricks County, Indiana, to restrain an individual, firm or corporation from violating the provisions of this ordinance.

Section Ten. Complaints.

All complaints of alleged violations of the provisions of this chapter shall be made in writing to the County Auditor. Upon learning of violations of the provisions of this chapter and/or related ordinances or laws, the Auditor shall utilize the enforcement remedies as provided herein.

After a hearing thereon, if the Auditor should determine that said license shall be revoked, no refund of license or permit fee shall be due.

Section Eleven.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section Twelve.

This ordinance shall be in full force and effect after passage, publication according to law.

The foregoing was passed by the Hendricks County Board of Commissioners
this 24 day of June, 1977.

BOARD OF COMMISSIONERS OF HENDRICKS
COUNTY, INDIANA

Arthur Hinsel

Marvin Monny

Herschel Bentley Jr.

ATTEST:

Patricia J. Noel
Hendricks County Auditor

AN ORDINANCE ESTABLISHING INSPECTION FEES
IN CONJUNCTION WITH WELL AND PUMP PERMITS
AMENDING GENERAL ORDINANCE NO. 3, 1972
ENTITLED "AN ORDINANCE REGULATING INSTALLA-
TION, CONSTRUCTION AND MAINTENANCE OF WELLS
AND PUMPS, FIXING PENALTIES FOR VIOLATIONS
THEREOF: AND FIXING A TIME WHEN THE SAME
SHALL TAKE EFFECT."

WHEREAS, the Board of County Commissioners of Hendricks County deemed it advisable for the promotion of public health to establish health and sanitary regulations, for the installation, construction and maintenance of wells in Hendricks County, Indiana, and

WHEREAS, the Board of County Commissioners of Hendricks County passed an Ordinance, the same being, General Ordinance No. 3, 1972, on the 7th day of February, 1972, regulating the installation, construction and maintenance of wells and pumps, and

WHEREAS, the Board of County Commissioners of Hendricks County deemed it advisable and necessary to establish a permit inspection fee in conjunction with the regulations contained in said General Ordinance No. 3, 1972,

Be it now ORDAINED by the Board of County Commissioners of Hendricks County, that Section 2.1 of said General Ordinance No. 1972, shall be amended by the following, which shall be Section 2.1A, of General Ordinance No. 3, 1972, as follows:

A permit inspection fee of Eight Dollars (\$8.00) shall be paid to the Hendricks County Health Department at such time as a well contractor shall apply for a well permit, pursuant to Section 2.1 above.

Be it further ORDAINED by the Board of County Commissioners Hendricks County, Indiana, that Section 2.2 of said General Ordinance No. 3, 1972, shall be amended by the following, which shall be known as Section 2.2A, of General Ordinance No. 3, 1972, as follows:

A permit inspection fee of Eight Dollars (\$8.00) shall be paid to the Hendricks County Health Department at such time as application is made for the installation of any well pump or facilities to convey water, pursuant to the regulation set forth above in Section 2.2.

Be it further ORDAINED by the Board of County Commissioners of Hendricks County, Indiana, that Section 10, entitled "Penalties", of said Ordinance No. 3, 1972, and more particularly Section 10.1 shall be amended as follows:

Penalties 10.1: Any person found to be violating any provision of this Ordinance, except Section 2.1, 2.1A, 2.2, or 2.2A, 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 therewith. Any person found to be violating sub-section 2.1, 2.1A, 2.2 or 2.2A, immediately shall be subject to prosecution therefore, and upon conviction, shall be subject to the penalties set forth in sub-section 10.2.

This Ordinance amending in part, General Ordinance No. 3, 1972, shall be in full force and effect from and after its approval, passage and publication, according to law.

Passed and Adopted by the Commissioners of Hendricks County, State of Indiana, on this 4th day of December, 1972.

Howard G. Kelly
Arthur H. Hines
Lowell L. Thompson
Commissioners of Hendricks County

Attest:

Mary Jane Weathers
Auditor

Food Establishment Ordinance

WHEREAS, the Board of County Commissioners of Hendricks County, deems it advisable for the promotion of public health to establish health and sanitary regulations for (1) food service establishments, (2) retail food markets, and (3) vending of foods and beverages.

BE IT ORDAINED by the Board of County Commissioners of Hendricks County that the provisions of this ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this ordinance.

SECTION I. DEFINITIONS

The definitions as stated in the Indiana State Board of Health Regulations HFD 17 (Food Service Establishments) HFD 19 (Retail Food Markets) HFD 21 (Vending for Foods and Beverages) shall be used to enforce the Food Establishment Ordinance. At least two copies of the Indiana State Board of Health Regulations HFD 17, 19 and 21 shall be on file in the County Auditor's Office.

HENDRICKS COUNTY -- The term "Hendricks County" shall mean those rural and urban areas which are under the jurisdiction of the Hendricks County Health Officer.

HEALTH OFFICER -- The term "Health Officer" shall mean the Hendricks County Health Officer or his duly authorized representative.

SECTION II. PERMITS

A. Permits -- It shall be unlawful for any person to operate a food establishment in Hendricks County, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this ordinance shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually.

1. A separate permit shall be required for each food establishment operated or to be operated by any person.
2. A permit issued under this ordinance is not transferable.
3. A permit is required for an operator of vending machines.
4. No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

B. Permit Fee -- A permit fee of Five Dollars (\$5.00) shall be paid annually for each food establishment permit issued beginning January 1, 1973. All such permit fees shall be collected by the Health Officer and shall become a part of the Hendricks County Health Fund.

C. Permit Fee Exceptions -- A permit fee shall not be required for food establishments operated by religious, educational or charitable organizations. However, such establishments shall comply with the provisions of Section II "A" and "D" of this ordinance.

D. Temporary Permit for Temporary Food Service Establishment -- A temporary permit shall be required for all temporary food service establishments operated by all religious, education, social, charitable, fair, carnival, circus, public exhibition, or similar transitory organizations. Such temporary permits shall be for a temporary period of time, not to exceed two (2) weeks. There shall be no permit fee for such temporary permit.

SECTION III. MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS

All food establishments, whether operating under a standard permit or a temporary permit shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in Regulations HFD 17, 19 and 21 or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the Auditor of Hendricks County, Indiana, for public inspection.

SECTION IV. INSPECTION OF FOOD ESTABLISHMENTS

Frequency of Inspection -- The Health Officer shall inspect each food establishment for which a permit is required under the provisions of this ordinance at least once each year.

SECTION V. APPROVAL OF PLANS

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in Section III of this ordinance. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work.

SECTION VI. DISEASE CONTROL

No person shall be permitted to work in a food establishment who does not meet the health requirements specified by the Indiana State Board of Health as provided in Regulations HFD 17, 19 and 21.

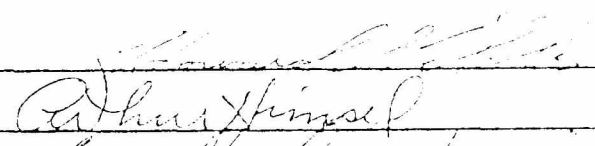
SECTION VII. UNCONSTITUTIONALITY CLAUSE

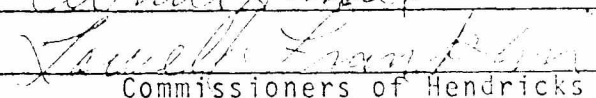
Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason the remainder of said ordinance shall not be affected thereby.

SECTION VIII. REPEAL AND DATE OF EFFECT

A. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval by the Commissioners and publication as required by law.

B. Passed and adopted by the Commissioners of Hendricks County, State of Indiana, on this 6th day of ^{November} ~~April~~, 1972.





Commissioners of Hendricks
County

Auditor

GENERAL ORDINANCE NO. 3, 1972

AN ORDINANCE regulating the installation, construction, and maintenance of wells and pumps, fixing penalties for violations thereof; and fixing a time when the same shall take effect.

WHEREAS, the Board of County Commissioners of Hendricks County deems it advisable for the promotion of public health to establish health and sanitary regulations for the installation, construction, and maintenance of wells in Hendricks County, Indiana.

BE IT ORDAINED by the Board of County Commissions of Hendricks County that the provisions of this ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this ordinance.

SECTION 1, DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 1.1 A WELL is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.
- 1.2 GROUND WATER is any water in natural state below the surface of the ground.
- 1.3 THE WATER TABLE is the top surface, or upper limit, of the ground water zone.
- 1.4 WELL DRILLING is any operation which produces a well.
- 1.5 A WELL DRILLER is any individual, partnership, firm or corporation that produces, or contracts to construct a well.
- 1.6 A WELL OWNER is the legal owner of the real estate containing the well site.
- 1.7 POLLUTION means such contamination or other alteration of the physical, chemical or biological properties of water as to render such water harmful or detrimental or injurious to public health or safety.
- 1.8 POTABLE WATER is water suitable for drinking or culinary purposes.
- 1.9 CASING is steel or wrought iron pipe, type K copper, or other material approved by the health officer, to exclude unwanted solids or liquids from the interior of the well.
- 1.10 TUBING is metal, fiber or plastic pipe, used to withdraw water from a well. A jet type pump may require two strings of tubing.
- 1.11 AQUIFER is a water-bearing formation or stratum.
- 1.12 CEMENT GROUT means a thorough mixture consisting of one bag of Portland cement (94 lbs) with five (5) or six (6) gallons of clean water. When such mixture cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

- 1.13 PUMP INSTALLER is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.
- 1.14 FLUSHING means the act of causing a rapid flow of water from a well by pumping, bailing or similar operation.
- 1.15 STUFFING BOX means an approved receptacle in which packing may be compressed to form a water-tight or air-tight junction between two objects.
- 1.16 WELL SEAL means an approved removable arrangement or device used to cap a well or to establish and maintain a water-tight junction between the casing or curbing of a well and the piping or equipment installed therein, so as to prevent unwanted water, or other contaminating material, from entering the well at the upper terminal.
- 1.17 WELL VENT means an opening or outlet at the upper end of the well casing to allow equalization of air pressure in the well.
- 1.18 YIELD means the quantity of water per unit of time, which may flow or be pumped from a well, when water level has remained stabilized for one (1) hour or longer.
- 1.19 PRIVATE WATER SUPPLY means one or more sources of ground water, including facilities for conveyance thereof, such as wells, springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.
- 1.20 RESIDENTIAL WELL shall mean any well drilled for the use of one or two dwelling units.
- 1.21 NON-RESIDENTIAL WELL shall mean any well drilled for more than two residential units or for use other than residential use or for wells drilled for a combination of use involving residential and non-residential use.
- 1.22 PERSON shall mean any individual, firm, corporation or partnership.
- 1.23 HEALTH OFFICER shall mean the health officer of Hendricks County, Indiana, or his authorized representative.

SECTION 2. PERMITS AND INSPECTION

- 2.1 Before commencement of construction of a well, a well driller shall obtain a written permit signed by the Health Officer, and the permit shall be posted in a conspicuous place on the premises prior to the commencement of work thereunder. No person shall perform any work on such project until such permit is obtained and posted on the premises. The application for such permit shall be made on a form provided by the health officer of Hendricks County Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year. In emergency situations, the well driller may drill the well prior to obtaining his permit but the water from such well shall not be used for human consumption until the application for the permit has been filed, permit secured, and well inspected and approved. In such emergency situations, the applicant for the well permit shall notify the health officer by telephone of the pending well installation prior to such installation. The well permit shall be obtained within 24 hours of the regular scheduled work day after the start of the emergency installation.

- 2.2 Before the installation of any pump or facilities to convey water from a well, including pitless adaptors, well seal, well houses, or connecting piping constructed as part of a private water supply built under the provisions of this ordinance, a pump installer shall obtain a written permit signed by the Health Officer, and permit shall be posted in a conspicuous place on the premises prior to the commencement of work thereunder. No person shall perform any work on such project until such permit is so obtained and posted on the premises. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which the applicant shall supplement by any plans specifications and other information as are deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year. These requirements shall apply to the repair of a well, pump, or accessory lines thereto when it is necessary to uncover the buried upper terminal of the well. In emergency situations, the pump installer may install a pump prior to obtaining a pump permit but the Health Officer shall be notified by telephone, by the pump installer, of the pending pump installation. In such emergency installations, the application for the permit shall explain the emergency and the reason why the pump was installed, prior to obtaining the permit. The pump permit shall be obtained within 24 hours of the regular scheduled work day of the Division of Public Health, for the start of the emergency installation.
- 2.3 The Health Officer shall be allowed to inspect the well installation at any stage of construction and in any event, the applicant for the permit shall notify the Health Officer when the work is completed or of his intention to abandon the well all in compliance with this ordinance. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Health Officer. Days not considered regular working days shall not be considered part of the forty-eight (48) hours notice.
- 2.4 The Health Officer shall be allowed to inspect the pump installation at any stage of construction, and, in any event, the applicant for the permit shall notify the Health Officer when the work will be ready for final inspection at least four (4) scheduled work hours before any underground portions are covered. Such scheduled work hours shall be the work hours of the Department of Public Health of Hendricks County, Indiana.

SECTION 3. LOCATION

- 3.1 Private water supply wells shall be located in keeping with the following principles:
- (a) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding.
 - (b) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.
- 3.2 Private water supply wells serving a residence consisting of not more than two dwellings shall maintain the following minimum separation distances from sources of contamination:

Cast iron sewers with approved joints	10 feet
Sewers and drains	50 feet
Privies	50 feet
Septic tanks and Absorption fields	50 feet
Seepage pits and Dry Wells	100 feet
Stables, livestock runs, manure piles, etc.	50 feet
Streams, lakes, ponds, ditches	25 feet
Property lines	15 feet

The Health Officer may waive by written documentation the requirements set forth above when he considers that it will not endanger public health.

- 3.3 Private water supply wells serving other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination:

Extra heavy cast iron sewers with approved joints	30 feet
Sewers and drains	100 feet
Septic tanks, absorption fields, filters	100 feet
Privies	100 feet
Streams, lakes, ponds, ditches	50 feet
Property lines	15 feet

The Health Officer may waive by written documentation the requirements set forth above when he considers that it will not endanger public health.

- 3.4 RELATIONSHIP TO BUILDINGS. The location of wells with respect to buildings shall be as follows:

- (a) Every well located so that it will be reasonably accessible with proper equipment for cleaning, treatment, testing, inspection, and such other attention as may be necessary. It should be at least three feet outside of any existing building overhang.
- (b) No well shall be located so that the top of the well will be within the basement of any building nor under a building having no basement.
- (c) Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirements as he prescribes.

SECTION 4. CONSTRUCTION OF WELLS

- 4.1 All wells shall be cased to a depth of 25 feet or more below the ground surface, or cased to a depth of 20 feet and set in stone.
- 4.2 CASING FORMATIONS WITH NON-STABLE OVERLAY. The casing of wells developed in clay, sand or gravel shall extend water-tight into the water-bearing formation.
- 4.3 CASING DIAMETER. The minimum casing diameter shall be preferably four inches but not less than two inches inside diameter for a well to be used as a source of potable water.
- 4.4 ROCK FORMATIONS. The casing of wells developed in rock formation shall be firmly seated and sealed in the rock.
- 4.5 DAMAGED OR CONTAMINATED PIPE shall not be used for well casing.
- 4.6 CASING MATERIAL. The casing of the well shall be made of wrought iron, steel, or type K copper of sufficient thickness and quality to protect the well against structural deficiencies during construction, and against corrosion.

undersidable water during the expected life of the well. Minimum thicknesses are given in Table I, II and III. Thicker wall pipe should be used where corrosive waters are likely to be encountered or where needed for structural stability. Other casing material may be used when approved by the Health Officer.

TABLE I
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD LINE PIPE¹

Nominal	Diameters		Wall	Weights In	
Size in	In Inches		Thicknesses	Pounds Per Foot	
Inches	External	Internal	In Inches	Plain Ends	T.&C.
2	2.375	2.067	0.154	3.56	3.71
2 ½	2.875	2.469	0.203	5.79	5.88
3	3.500	3.068	0.216	7.58	7.67
3 ½	4.000	3.548	0.226	9.11	9.27
4	4.500	4.026	0.237	10.79	11.01
5	5.563	5.047	0.258	14.62	14.90
6	6.625	6.065	0.280	18.97	19.33
8	8.625	8.071	0.277	24.70	25.44
10	10.750	10.192	0.279	31.20	32.20
12	12.750	12.090	0.330	43.77	45.40
14 OD	14.000	13.250	0.375	54.57	55.80
16 OD	16.000	15.250	0.375	62.58	64.08
18 OD	18.000	17.250	0.375	70.59	72.37
20 OD	20.000	19.250	0.375	78.60	80.70

¹These wall thicknesses in Standard Line Pipe may be threaded and coupled or welded.

TABLE II
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD PIPE AND LINE PIPE²

Nominal	Diameters		Wall	Weights In	
Size in	In Inches		Thicknesses	Pounds Per Foot	
Inches	External	Internal	In Inches	Plain Ends Only	
4	4.500	4.188	0.156	7.25	
5	5.563	5.187	0.188	10.76	
6	6.625	6.249	0.188	12.89	
8	8.625	8.249	0.188	16.90	
10	10.750	10.374	0.188	21.15	
12	12.750	12.250	0.250	33.38	
14 OD	14.000	13.438	0.281	41.21	
16 OD	16.000	15.438	0.281	47.22	
18 OD	18.000	17.438	0.281	53.22	
20 OD	20.000	19.438	0.281	59.23	

²This lighter weight pipe, meeting ASTM Standards A-53 or A-120 and API Standard API-5L, is suitable for welding only.

TABLE III
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD API CASING³

Nominal	Diameters		Wall	Weights In	
Size in	In Inches		Thicknesses	Pounds Per Foot	
Inches	External	Internal	In Inches	Plain Ends	T.&C.
4½	4.500	4.090	0.205	9.40	9.50
5	5.000	4.560	0.220	11.23	11.50
5½	5.500	5.044	0.228	12.84	13.00
6	6.000	5.524	0.238	14.65	15.00
6 5/8	6.625	6.135	0.245	16.69	17.00
7	7.000	6.538	0.231	16.70	17.00
7 5/8	7.625	7.125	0.250	19.69	20.00
8 5/8	8.625	8.097	0.264	23.57	24.00
9 5/8	9.625	9.063	0.281	28.04	29.30
10 3/4	10.750	10.192	0.279	31.20	32.75
11 3/4	11.750	11.150	0.300	36.69	38.00
13 3/8	13.375	12.715	0.330	45.98	48.00
16	16.000	15.375	0.312	52.36	55.00
20	20.000	19.124	0.438	91.41	94.00

³Because of the type of steel used in fabricating API casing, it should always be threaded and not welded.

- 4.7 TEMPORARY CAPPING. Temporary capping of a well until the pumping equipment is installed shall be such that no contamination can enter the well. A property fitted and firmly driven, solid, wooden plug or equally water-tight closure is the minimum acceptable.
- 4.8 WELL YIELD. Wells constructed as a source of water for a residence of not more than two dwelling units shall have a stabilized yield of at least 300 gallons per hour and all other wells shall have a stabilized yield adequate for their intended use unless the water bearing formation is such that after proper construction of the well a lesser amount is the maximum amount obtainable: Additional storage may be required when the well cannot produce the stated yield.
- 4.9 YIELD TEST. Before being put into use, every well shall be tested for yield and drawdown by pumping or bailing. The test pump shall be used when necessary to clean the well and shall have a capacity at least equal to the pumping rate which it is expected the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point the yeild and drawdown determined.
- 4.10 PLUMBNESS AND ALIGNMENT. Each well which is to be equipped with a turbine pump should be tested, before use, for plumbness and alignment. The well shall not vary from the vertical or from alignment sufficiently to interfere with the installation and operation of the pump.
- 4.11 UPPER TERMINAL WALL. In connection with a well, the casing pipe of any drilled well shall project not less than 12 inches above the pumphouse floor or above the established ground surface, and at least 24 inches above the highest flood level. Any vent opening, observation ports and air line equipment shall extend from the upper terminal of the well by watertight piping to a point not less than 12 inches above the pumphouse floor or above the established ground surface. The terminals of these facilities shall be shielded or sealed so as to prevent entrance of foreign matter.

4.12 PITLESS ADAPTER. There shall be no opening in the casing wall below its top except by the use of a properly installed pitless adapter designed to, and fabricated of such materials that will keep soil and water from entering the well during the life of the casing. The pitless adapter shall be of such design that the tubing or drop pipe cannot be dropped into the well by misalignment in assembling the internal parts. The covered top of the pitless adapter shall project not less than 12 inches above ground surface and at least 24 inches above the highest flood level. There shall be no openings through the walls of the well or adapter casing for vents, wire, air lines, etc.

4.13 SEALING.

- (a) The casings of wells developed in rock shall be firmly seated in sound rock. If broken or creviced rock is encountered in the aquifer, the hole shall be reamed through the broken or creviced rock and the casing seated in sound rock or an aquiclude. In areas where rock wells can be developed only in the upper fractured rock, casing may terminate in this formation if there are at least 20 feet of unconsolidated material above the rock.
- (b) In a rock well the annular space between the casing and the drill hole shall be sealed to a sufficient depth to prevent surface drainage water, or shallow subsurface drainage, from entering the hole. If rock is encountered within 25 feet of the surface, the hole shall be reamed at least 4 inches greater diameter than the casing so that a minimum 2 inch annular space can be filled with cement grout. The casing should be extended at least 10 feet into the rock or to a point at least 25 feet below the surface, and cement grout shall be used to seal the annular space.
- (c) Cement grout that is used to seal a hole diameter larger than the casing should be composed of a thorough mixture of Portland cement and clean water at a rate of one bag (94 lbs) of cement to 5 or 6 gallons of water so that it can be pumped or puddled into the annular space to seal it. If such a cement grout cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a watertight seal throughout the entire depth required to prevent objectionable waters from entering the hole.
- (d) Where pipe is driven through clay, silt, sand, or gravel into a hole of smaller diameter than the casing, and where such unconsolidated clays, silts, sand or gravel are present to a depth greater than 20 feet below the surface, puddled, bentonitic clay may be used to seal the annular space. Bentonitic clay should be kept puddled around the point when the casing enters the ground in order to maintain a seal around the drive pipe and couplings and to serve as a lubricating medium while driving the casing.
- (e) Whenever a casing is placed in a hole of larger diameter than the casing, the annular space between the casing and the wall of the hole shall be sealed from the rock or screen setting to the surface with either thick bentonitic clay mud or cement grout in the manner described in B and C above.
- (f) Dug or bored wells constructed with a screen threaded or welded to metallic casing, and with a concrete cut-off seal at least 30 inches thick poured and puddled to fill the excavation 20 or more feet below ground surface, may be backfilled above the seal with compacted drillings or clay in such a manner that the resulting fill will be as resistant to seepage as the undisturbed earth around it. The screen used in this construction should be bronze or stainless steel to permit acidizing since it cannot be removed.

- 4.14 AN ADEQUATE SCREEN shall be provided where necessary, and installed in a manner that will permit removal and replacement without adverse effect on the watertight construction of the well.

SECTION 5. PUMP INSTALLATION

- 5.1 HAND PUMPS. All hand pumps, stands, or similar devices shall be installed so that no unprotected opening connecting with the interior of the pump exists. The pump spout shall be of the closed downward-directed type. All hand pumps shall be bolted to a mounting flange securely fastened to the well casing. The top of the casing shall extend at least (1) inch above the face of the flange.
- 5.2 POWER DRIVEN PUMPS. All power-driven pumps located over wells shall be mounted on the well casing, a pump foundation, or a pump stand, so as to provide an effective well seal at the top of the well. Extension of the casing at least one (1) inch into the pump base will be considered an effective seal provided the pump is mounted on a base plate or foundation, in such manner to exclude dust and insects, and the top of the well casing is at an elevation at least two feet above any known flood water level. Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top thereof, a watertight expanding gasket or equivalent well seal shall be provided between the well casing and piping. A similar water-tight seal shall be provided at the terminal of a conduit containing a cable for a submersible pump. All submersible pumps should have one check valve located on the discharge line above the pump and inside the casing. If the discharge pipe is at least twelve (12) inches above the ground and slopes to drain into the well, the check valve may be located in the house.
- 5.3 PUMP BEARING LUBRICATION. Bearings of power pumps shall be lubricated with water or oil of a bacterial quality equal to that of the water being pumped.
- (a) WATER LUBRICATED PUMPS. If a pump delivering a potable water is provided with a water lubrication tank, the tank shall be so designed and installed as to prevent contamination of the water therein.
- (b) OIL LUBRICATED PUMPS. The oil reservoir shall be constructed to protect the oil from contamination. The lubrication system should be designed and installed to minimize leakage of oil into the water. The oil shall be free from substances imparting an undesirable taste to the water.
- 5.4 PUMPHOUSES. Unless the power-driven pump installation is of weatherproof and frost proof construction, a structure housing the pump shall be constructed permitting access to the pump for maintenance and repair work. The pumphouse floor shall be constructed of impervious material and shall slope away in all directions from the well or suction pipe.
- 5.5 PROTECTION AGAINST FREEZING. Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.
- 5.6 WELL VENTS. All well vent openings shall be piped watertight to a point not less than 24 inches above any known flood water level, and, in any event, to the top of the well casing. Such vent opening and piping shall be of sufficient size to prevent clogging by hoarfrost and in no case less than one-quarter inch in diameter. The terminals of vent pipes shall be shielded and screened to prevent the entrance of foreign matter and preferably turned

down. If toxic or inflammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not produce a hazard. Openings in pump bases shall be sealed, water-tight.

- 5.7 SAMPLING FAUCETS. In all pressure water systems provision shall be made for collection of water samples by installation of a faucet on the discharge side of and as close as possible to the pump. The sampling faucet shall have a smooth turned down nozzle. A hose bib shall not be used.
- 5.8 SUCTION OR NON-PRESSURE LINES. All buried suction pipe, or non-pressure lines shall be enclosed in a pipe conduit having a minimum wall thickness equivalent to a casing of same size, and shall be located from sources of pollution in accordance with the distances specified in Section 3.3. Suction pipes with annular space between pipe and encasement under pressure may be installed within the specified distances but in no case within 10 feet. Sewers of cast iron pipe with leaded joints, clear water drains, and cisterns, shall not be located within 10 feet of a suction line. No suction line shall be beneath a sewer. An exposed suction pipe, as in a basement room, shall be 18 inches, or greater practicable distance above the floor. Any pipe connecting a pump and well shall be protected against freezing.
- 5.9 MATERIALS PROHIBITED. No material will be used in the well or pump installation that will result in the delivered water being toxic or having an objectionable taste or odor. All metallic and non-metallic materials shall have sufficient structural strength and other properties to accomplish the purpose for which installed. Flexible or non-rigid plastic pipe shall not be used for suspending submersible pumps, unless having the physical properties to withstand the torque and load to which it is subjected. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties to withstand the torque and load to which it is subjected.
- 5.10 OFFSET PUMPS AND SAMPLING FAUCETS shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space either by gravity or by means of a sump pump, and a minimum of four (4) feet of clear working space is provided between the floor of the crawl space and the floor joist in the pump area. If located in a crawl space, the pump shall be located within five (5) feet of the point of entry. The access opening should be at least two (2) feet high and two (2) feet wide. Any part or accessory to the water system, which requires routine maintenance shall not be installed in a crawl space unless that crawl space meets the requirements of the provisions of this Ordinance.
- 5.11 PRESSURE TANKS or approved substitutes, used as part of the water system shall be of such size as to prevent excessive wear of the pump due to frequency of starting or stopping.

SECTION 6. USE OF WELLS FOR DRAINAGE PURPOSES

- 6.1 The use of a well for disposal of sewage or other material which may pollute the potable underground water is prohibited.

- 6.2 If a well is used for the purpose of returning uncontaminated water to the ground, the plans for the well that is to be used must be submitted to and be approved by the Health Officer.

SECTION 7. DISINFECTION, SAMPLES AND REPORTS

- 7.1 DISINFECTIONS. To prevent contamination of the well or aquifer, it is desirable to maintain a chlorine residual of 200 parts per million in the well hole all during the drilling process. Under these conditions the well need not be disinfected until the pump is set. Every new, modified, or reconditioned water source, including pumping equipment and gravel used in gravel wall wells, shall be disinfected before being placed in service for general use. Such treatment shall be performed both when the well work is finished and when pump is installed or reinstalled. If there is no significant lapse of time between the two operations, only the latter disinfection will be required. The casing pipe shall be thoroughly swabbed to remove oil, grease, and joint dope, using alkalis of necessary to obtain clean metal surfaces. The well or other ground water development equipment, including the pumping equipment and gravel used in gravel well construction shall be disinfected with a solution containing enough chlorine to leave a residual of 25 parts per million in the well after a period of at least 24 hours.
- 7.2 WATER SAMPLES. After pumping the well to remove all the disinfectant, water samples, when deemed necessary to the Health Officer, shall be collected from the installation and shall by laboratory analysis indicate the water to be satisfactory before such installation shall be placed in service and water samples shall be collected by the one making such pump installation.
- 7.3 WELL RECORD. The well driller shall supply the Health Officer, within thirty (30) days after drilling the well, with an accurate record of the construction details of the well including a log of the soil formations and deeper material in which the hole is drilled, results of pumping tests and such other information that may be requested. The driller shall furnish the owner a duplicate copy of this information.

SECTION 8. ABANDONING WELLS

- 8.1 A well, to be temporarily abandoned, but which the owner intends to equip and use at some future time shall be temporarily sealed at the surface by a welded or threaded cap or in the case of a dug well in a manner satisfactory to the Health Officer.
- 8.2 PERMANENT ABANDONMENT. A well that is to be abandoned permanently shall be filled with cement grout opposite each water bearing formation and in the top 40 feet of the hole. The remainder of the hole may be filled with puddled clay or other impermeable material that will permanently prevent migration of fluids in the hole. Sand, gravel, slag, and crushed limestone are not desirable materials to use in filling a hole because they are permeable, but they may be used opposite a formation or stratum that is impermeable to water to bridge between zones of cement grout. If salt water is entering or may enter the well, the entire hole should be filled with cement grout. When permanently abandoning a well, the person doing such work shall report to the Health Officer within forty-eight (48) hours after completion of such work.

SECTION 9. POWERS FOR INSPECTION -- ENFORCEMENT -- SERVICE OF NOTICES AND ORDERS -- HEARINGS

- 9.1 The Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties at proper times for the purpose of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this ordinance.

- 9.2 Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as herein-after provided. Such notice shall:
- (a) Be put in writing;
 - (b) Include a statement of reasons why it is being issued;
 - (c) Allow a reasonable time for the performance of any act it requires;
 - (d) Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state;
 - (e) Such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this ordinance.
- 9.3 Any person affected by any such notice may request and shall be granted a hearing on the matter before the Health Officer or his designated representative provided that such person shall file in the office of the Health Officer within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefor. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.
- 9.4 After such hearing, the Health Officer or his designated representative shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this ordinance have been complied with. If the Health Officer or his designated representative shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to sub-section 9.2 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within the ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the Health Officer, or his designated representative, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served.
- 9.5 Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in sub-section 9.3. After

such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.

SECTION 10. PENALTIES

- 10.1 Any person found to be violating any provision of this ordinance except subsections 2.1 or 2.2 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. Any person found to be violating subsection 2.1 or 2.2 immediately shall be subject to prosecution therefor and, upon conviction, shall be subject to the penalties set forth in sub-section 10.2
- 10.2 Any person who shall continue any violation of this ordinance beyond the time limit provided for in sub-section 10.1 of this ordinance shall be guilty of a misdemeanor. On conviction, the violator shall be punished for the first offense by a penalty of not more than Five Hundred Dollars (\$500.00); for the second offense by a penalty of not more than One Thousand Dollars (\$1,000.00); and for the third and each subsequent offense by a penalty of not more than One Thousand Dollars (\$1,000.00) to which may be added imprisonment for any determinate period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating the violation shall constitute a distinct and separate offense.
- 10.3 Any person violating any provisions of this Ordinance shall become liable to Hendricks County Department of Health for any expense, loss, or damage occasioned it by reason of such violation.

SECTION 11. ENFORCEMENT INTERPRETATION

- 11.1 The Health Officer may adopt such rules and regulations as he deems necessary for the proper enforcement and to carry out the purpose and intent of this ordinance.

SECTION 12. VALIDITY

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

SECTION 13. ORDINANCE IN FORCE

- 13.1 This ordinance shall be in full force and effect on and after its passage, approval by the Commissioners and publication as required by law.

Passed and adopted by the Commissioners of Hendricks County, State of Indiana, on this 7th day of February, 1972.

Arthur Himsel
Commissioners of Hendricks County

Mary Jane Heath
Auditor

GENERAL ORDINANCE NO. 2, 1972

Food Establishment Ordinance

WHEREAS, the Board of County Commissioners of Hendricks County, deems it advisable for the promotion of public health to establish health and sanitary regulations for (1) food service establishments, (2) retail food markets, and (3) vending of foods and beverages.

BE IT ORDAINED by the Board of County Commissioners of Hendricks County that the provisions of this ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this ordinance.

SECTION I. DEFINITIONS

The definitions as stated in the Indiana State Board of Health Regulations HFD 17 (Food Service Establishments) HFD 19 (Retail Food Markets) HFD 21 (Vending for Foods and Beverages) shall be used to enforce the Food Establishment Ordinance. At least two copies of the Indiana State Board of Health Regulations HFD 17, 19 and 21 shall be on file in the County Auditor's Office.

HENDRICKS COUNTY -- The term "Hendricks County" shall mean those rural and urban areas which are under the jurisdiction of the Hendricks County Health Officer.

HEALTH OFFICER -- The term "Health Officer" shall mean the Hendricks County Health Officer or his duly authorized representative.

SECTION II. PERMITS

A. Permits -- It shall be unlawful for any person to operate a food establishment in Hendricks County, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this ordinance shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually.

1. A separate permit shall be required for each food establishment operated or to be operated by any person.
2. A permit issued under this ordinance is not transferable.
3. A permit is required for an operator of vending machines.
4. No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

B. Temporary Permit for Temporary Food Service Establishments

A temporary permit shall be required for all temporary food service establishments operated by all religious, education, social, charitable, fair, carnival, circus, public exhibition, or similar transitory organizations. Such temporary permits shall be for a temporary period of time, not to exceed two (2) weeks.

C. No fee shall be collected when issuing said permits under this food establishment ordinance.

SECTION III. MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS

All food establishments, whether operating under a standard permit or a temporary permit shall comply with the minimum sanitation requirements specified by the Indiana State Board of Health as now provided in Regulations HFD 17, 19 and 21 or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated herein and made part hereof, two copies of which are on file in the office of the Auditor of Hendricks County, Indiana, for public inspection.

SECTION IV. INSPECTION OF FOOD ESTABLISHMENTS

Frequency of Inspection -- The Health Officer shall inspect each food establishment for which a permit is required under the provisions of this ordinance at least once each year.

SECTION V. APPROVAL OF PLANS

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in Section III of this ordinance. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work.

SECTION VI. DISEASE CONTROL

No person shall be permitted to work in a food establishment who does not meet the health requirements specified by the Indiana State Board of Health as provided in Regulations HFD 17, 19 and 21.

SECTION VII. UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason the remainder of said ordinance shall not be affected thereby.

SECTION VIII. REPEAL AND DATE OF EFFECT

A. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval by the Commissioners and publication as required by law.

B. Passed and adopted by the Commissioners of Hendricks County, State of Indiana, on this 7th day of February, 1972.

Howard G. Gable
Charles L. Tamm
Edmund H. H. H. H.
Commissioners of Hendricks
County

Mary Jane Weathers
Auditor

AN ORDINANCE, concerning the operation of the Market Cattle Testing Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA:

ARTICLE I

Section I. Title. This ordinance shall be known as the "Market Cattle Testing Program, Ordinance of 1970."

Section II. Purpose of this ordinance.

A. The purpose of this ordinance is to help facilitate the operation and cooperation needed in making the Market Cattle Testing Program (MCT) effective. The MCT Program is to replace the much more expensive and burdensome program of Brucellosis and Tuberculosis control that has been relied on in the past -- that has been paid for by tax funds. This consisted of testing all eligible cattle in the county every six years.

The MCT Program is a method of collecting blood for tests and the examination of the carcass of all slaughter animals for evidence of Brucellosis or Tuberculosis and by identification of the animals by a backtag, as infected animals can be traced to the herd of origin where the entire herd will be tested. Negative animals will also be credited to the county of origin, until such time as the entire State has qualified as a Certified Brucellosis Free Area and as an Accredited Tuberculosis-Free Area. (M. Bovis in cattle.)

Section III. Area of responsibility.

A. It shall be the responsibility of the herd owners and livestock dealers to allow an official backtag to be applied to all female bovine animals two years of age and over or any heifer showing udder development and all bulls over six months of age that are going to slaughter -- further that cattle owners insist this be done.

B. Any Public Livestock Marketing Facility within Hendricks County shall identify and apply official tags to all such bovine animals as described in A above. Identifying backtags will be supplied free of charge to the Auction Markets for the purpose of identifying all species of animals for their convenience.

C. Slaughtering establishments within Hendricks County who buys identified animals from a market or untagged animals direct will collect and identify all blood samples from eligible animals as described in A above and sent to the Purdue Diagnostic Laboratory for testing (all necessary equipment and postage will be supplied). Untagged animals that are direct from the farm will be identified by backtag at the time of arrival at the slaughtering plant and blood samples collected and submitted for testing in the same manner as described above.

D. Any livestock dealer purchasing untagged livestock within Hendricks County shall identify and apply official tags to all such bovine animals described in A above unless a Public Livestock Marketing Facility agrees to provide such service to the dealer. The dealer will identify the source of each animal presented at the market.

E. All persons required to identify animals in accordance with this ordinance shall file reports of such identification on forms supplied by the State Board of Animal Health.

F. When reactor animals are disclosed by the Market Cattle Test, the herd of origin shall be tested within 15 days under supervision of the State Board of Animal Health.

G. If the owner fails to comply, a quarantine will be issued with attending restrictions and penalties.

PRIVATE SEWAGE DISPOSAL ORDINANCE
AS AMENDED

January 1, 1958

May 4, 1964

September 16, 1968

AN ORDINANCE regulating the installation, construction, maintenance and operation of private sewage disposal systems in closely-built-up areas and providing penalties for violation thereof, declaring an emergency, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY AS FOLLOWS:

SECTION 1. DEFINITIONS

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

1.1 "Closely built-up areas" shall mean and include any areas situated outside the corporate limits of any city or town upon which areas are located either residential or business buildings; Provided, however, That it shall not include any tract of land, situated outside the corporate limits of any city or town, consisting of five acres or more and upon which tracts of land is located only one building which building is used for residential purposes: Providing further, That it shall not include any tract of land situated outside the corporate limits of any city or town which tract of land is used for farming or agricultural purposes.

1.2 "Sewage" shall mean any combination of human excreta and waste water from water closets, laundries, sinks, bathing facilities, and other objectionable waste waters.

1.3 "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 runoff and subsoil drainage shall not be considered a public sewer under this definition.

1.4 "Sewer" shall mean a pipe or conduit for carrying sewage.

1.5 "Combined sewer" shall mean a sewer receiving both surface water runoff and sewage.

1.6 "Watercourses" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

1.7 "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

1.8 "Sewage disposal system" shall mean any arrangement of devices and structures used for receiving, treating, and disposing of sewage.

1.9 "Private sewage disposal systems" shall mean any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality or a taxing district established for that purpose.

1.10 "Person" shall mean any individual, firm or corporation.

1.11 "Health Officer" shall mean the Health Officer of Hendricks County, or his authorized representative.

2.1 Where a public sanitary or combined sewer is not available all persons owning or leasing property in closely built-up areas shall comply with the following provisions of this ordinance for private sewage disposal systems.

2.2 It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property or any watercourse within the County of Hendricks, State of Indiana, or in any area under the jurisdiction of said County, any human excrement or sewage.

2.3 At any residential or business building situated within the County of Hendricks, State of Indiana, 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 disposal system.

2.4 All sewage disposal systems and private sewage disposal systems designed and installed after the passage of this ordinance shall be approved by the Hendricks County Board of Health. Provided, however, that these following minimum standards shall be met, and that all private sewage disposal systems shall contain a septic tank, a junction box and an absorption field and shall be constructed in the following manner:

- (1) The minimum size of any septic tank shall be 1000 gallons.
- (2) That the septic tank shall be placed at least:
 - 50 feet from any private water supply line or well,
 - 10 feet from any dwelling,
 - 10 feet from any property line,
 - 25 feet from any lake, watercourse or ditch.
- (3) That the sewer from any building to the septic tank and from the septic tank to the junction box shall be constructed from vitrified clay, sewer tile, concrete sewer tile, cement-asbestos, bituminous fiber, plastic, or copper (hard drawn, type K or L) sewer pipe all with tightly sealed joints.
- (4) Said sewer line shall not slope less than 2 inches nor more than $\frac{1}{4}$ inches per 100 feet.
- (5) Before any absorption field is installed a percolation test shall be made. 300+
- (6) The minimum size of any absorption field shall be ~~1000~~ square feet per dwelling bedroom.
- (7) The absorption field shall be located:
 - 50 feet from any private water supply line or well,
 - 10 feet from any dwelling,
 - 10 feet from any property line,
 - 25 feet from any lake, watercourse or ditch.
- (8) The absorption trench shall be not more than $\frac{1}{4}$ feet deep and not less than 2 feet deep (measured from finished grade).
- (9) The absorption trench shall be not more than $\frac{1}{4}$ feet wide and not less than 2 feet wide.
- (10) The absorption lines shall be constructed of tile laid with $\frac{1}{4}$ inch open joints.
- (11) The absorption lines shall be surrounded with clean coarse gravel—having a minimum size of $\frac{1}{2}$ inch up to $2\frac{1}{2}$ inches, to a depth of at least 6 inches below the lines and extending around and then above the lines at least 2 inches.

- (12) The gravel then shall be covered with untreated porous paper and then back filled with earth.
- (13) The center-to-center separation of absorption trenches shall be not less than seven feet.
- (14) Absorption lines shall not exceed 100 feet in length and shall be laid at a slope not to exceed 4 inches per 100 feet.

The above requirements are the minimum requirements as recommended by the latest revised edition of the Indiana State Board of Health Bulletin S.E. 13 and Bulletin No. S.E. 8.

2.5 Should any defect exist or occur in any private sewage disposal system or privy 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 5.2 of this ordinance.

2.6 Wherever a public combined or sanitary sewer becomes available and is within 100 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 Hendricks, State of Indiana, a direct connection shall be made to said sewer and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

2.7 Whenever a new business building or subdivision is developed in an area where a public combined or sanitary sewer is available within 300 feet, a direct connection shall be made to said sewer.

2.8 After receiving an order in writing from the 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 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.

SECTION 3. PERMITS AND INSPECTION.

3.1 Before commencement of construction or repair of a private sewage disposal system or privy, the owner or agent of the owner shall obtain a written permit signed by the Health Officer of Hendricks County, and the permit shall be posted in a conspicuous place on the premises prior to the commencement of work thereunder. No person shall perform any work on such project until such permit is so obtained and posted on the premises. The application for such permit shall be made on a form provided by the Hendricks County Board of Health, which applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Health Officer of Hendricks County.

3.2 A permit for a private sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer of Hendricks County. He, or his agent, shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Officer of Hendricks County when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Health Officer of Hendricks County.

SECTION 4. POWERS FOR INSPECTION - ENFORCEMENT - SERVICE OF NOTICES AND ORDERS - HEARINGS.

4.1 The 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.

4.2 Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person, as hereinafter provided. Such notice shall:

- (a) Be put in writing
- (b) Include a statement of the reasons why it is being issued
- (c) Allow a reasonable time for the performance of any act it requires
- (d) Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.
- (e) Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

4.3 Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before the Hendricks County Board of Health, provided that such person shall file in the office of the Health Officer, within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of request therefor. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should not be complied with.

4.4 After such hearing the respective Board shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of this ordinance have been complied with. If the Board shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to Sub-section 4.2 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer with ten (10) days after such notice is served.

4.5 The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Board. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction; as provided by the laws of this state.

4.6 Whenever the Health Officer, his authorized representative excluded, finds that an emergency exist which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible in the manner provided in Sub-section 4.3. After such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Board shall continue such order in effect, or modify it or revoke it.

SECTION 5. PENALTIES

5.1 Any person found to be violating any provision of this ordinance except Section 3.1, 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. Any person found to be violating Sub-section 3.1, immediately shall be subject to prosecution therefor and, upon conviction, shall be subject to the penalties set forth in Subsection 5.2.

5.2 Any person who shall continue any violation of this ordinance beyond the time limit provided for in Section 5.1 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 Dollars (\$500.00); for the second offense by a fine of not more than One Thousand Dollars (\$1000.00); and for the third and each subsequent offense by a fine of not more than One Thousand Dollars (\$1000.00) to which may be added imprisonment for any determinate period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the Health Officer shall constitute a distinct and separate offense.

5.3 Any person violating any of the provisions of this ordinance shall become liable to the Hendricks County Board of Health, Hendricks County, Indiana, for any expense, loss, or damage occasioned such Board by reason of such violation.

SECTION 6. VALIDITY.

6.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

6.2 The invalidity of any section, clause, sentence or provision of this ordinance shall not effect the validity of any other part of this ordinance.

SECTION 7. ORDINANCE IN FORCE.

7.1 This ordinance shall be in full force and effect from and after its passage, by the Board of Commissioners of Hendricks County and compliance with all laws pertaining thereto.

ENVIRONMENTAL HEALTH PRACTICE
IN HENDRICKS COUNTY

Sewage Disposal

Safe disposal of human and domestic wastes in Hendricks County is necessary for the preservation of the surface and ground waters and the restoration of such waters to the best possible condition consistent with the public health and welfare. Proper sewage disposal assists in the propagation and preservation of fish and wildlife, and is essential to protect the public, employees, and nearby communities from diseases transmitted through sewage.

The goal of Federal, State and County water pollution control authorities in conducting pollution abatement activities is to protect and enhance the capacity of the water resources to serve the widest possible range of human needs. Thus a positive policy of keeping waters as clean as possible, as opposed to a policy of attempting to use the full capacity of water for waste assimilation, is essential.

Sanitation Division
Hendricks County Department of Health