

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.

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SECTION 2. PRIVATE SEWAGE DISPOSAL SYSTEMS.

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 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        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 4 feet deep and not less than 2 feet deep (measured from finished grade).
- (9) The absorption trench shall be not more than 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 course 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.

2.4 (continued)

- (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

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Sewage Disposal

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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

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