

SEPTIC ORDINANCE FOR BROWN COUNTY, INDIANA

(New date)

RESOLUTION

It is the desire of the Brown County Board of Health to amend the Ordinance No. 97-875 in regard to the construction, maintenance, and operation of private sewage disposal systems to include all areas throughout Brown County and providing penalties for violation thereof; it is hereby resolved by the Brown County Commissioners that Ordinance No. 97-875 be amended to read as follows:

ARTICLE I

DEFINITIONS

Section 101: "Bedroom" means any room:

- (A) that the local health department and the owner agree would be occupied for the purpose of sleeping and contains:
1. An area of seventy (70) square feet or more;
 2. At least one (1) operable window or exterior door for emergency egress or rescue; and
 3. For new construction:
 - a. A closet
 - b. A loft
- (B) declared by the owner not to be used as a sleeping/bedroom and recorded by affidavit and attached to the warranty deed supplied to the local health department may be excluded as a bedroom. (Refer to 410 IAC 6-8.3-6).

Section 102: "Brown County Registered Septic Contractor" means a person who has passed the Brown County Health Department's septic test within the required time frame and has paid the annual contractor's fee for that given year. See Section 502 for more information on test requirements.

A Brown County Registered Septic Contractor must be insured and provide appropriate paperwork identifying such at time of license renewal.

Section 103: "Guest Rental" means a dwelling, attached or unattached to the owner's dwelling, in which individuals can sleep on a temporary basis (no more than 30 consecutive days or less to a particular guest) for compensation. (*Refer to Brown County Zoning Ordinance*)

Section 104: "Holding Tank" means a septic tank or equivalent that allows sewage to be held and NOT discharged into the soil, surface water, or ground water.

Section 105: "Privy" means a sewage disposal facility without running water that is constructed to ensure that it is fly-tight, rodent free and sanitary for the disposal of body wastes. Privy includes, but not limited to, an outhouse.

Section 106: "Subdivision" means any land, vacant or improved, shown as a unit, part of a unit or as

two contiguous units on the last preceding transfer of ownership, which is divided:

- 1) Into two or more lots, parcels, sites, units, or interests, any one of which is less than five (5) acres, for the purpose of offer, conveyance, sale, lease or development.
- 2) Into two or more lots, parcels, sites, units or interests all of which are each five (5) or more acres but which require an easement for access to two or more lots.

Subdivision also includes the improvement of land with two (2) or more residences, commercial or industrial uses or structures or combination hereof, which are planned and developed under single or joint ownership for the purpose of selling, leasing, or conveying individual lots or structures or parts of structures in the future. *(See Planning Commission's Subdivision Definition for more clarification.)*

ARTICLE II

RESIDENTIAL SEWAGE DISPOSAL SYSTEMS

Section 201: Where a public sewer is not available, all persons owning or leasing property shall comply with the following provisions of this ordinance for residential sewage disposal systems.

Section 202: It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner any human sewage upon public or private property within Brown County, Indiana, or in any area under the jurisdiction of said county. *(Refer to 410 IAC 6-8.3-52a)*

Section 203: All residential sewage disposal systems shall be installed, constructed and maintained in an approved manner as described in Rule 410 IAC 6-8.3 of the Indiana State Department of Health or in such other manner as approved by the State Department of Health.

Section 204: No privy, portable toilets, incinerating toilets or composting toilets may be used as a primary or permanent septic disposal for a dwelling. *(Refer to 410 IAC 6-8.3-52d, e & j)*

Section 205: The installation of any other residential sewage disposal systems not described in Indiana State Department of Health Bulletin S.E. 11 and Rule 410 IAC 6-8.3 may be approved by the Brown County Health Officer after plans and specifications bearing the written approval of the Indiana State Department of Health have been received. *(Refer to 410 IAC 6-8.3-52g)*

Section 206: Defects that exist or occur in any sewage disposal system which would fail to meet the requirements in Rule 410 IAC 6-8.3 that cause unsanitary conditions and shall be corrected by the owner or agent of the owner, occupant or agent of the occupant within the time limit set by the health officer. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Article X of this ordinance.

Section 207: If a subdivision of more than five (5) residences, or equivalent, is proposed, the subdivision must adhere to Indiana State Department of Health's state regulations. (Does not apply to Cordry Sweetwater Conservancy District.) *(Refer to 410 IAC 6-8.3-53 n & o)*

Section 208A: Before residential remodeling, expansion, construction or alteration, the floor plans of the proposed residence must be reviewed by the Brown County Health Department. If the alterations include the addition of a bedroom or a jetted tub of 125 gallon capacity or more, the septic system must be updated to existing state and county codes. *(Refer to 410 IAC 6-8.3-53a & d)*

Section 208B: Prior to any modification to the landscape, room addition, driveway, barn, shed,

swimming pool, etc., the homeowner is required to obtain a septic record or septic locate approved by the Brown County Health Department to ensure there are no encroachments into the septic field and any changes must comply with Section 221.

Section 209: For a list of septic systems approved by the Brown County Health Board, please refer to the Septic System Approval List located at the office.

Section 210: Five (5) feet of solid Schedule 3034 pipe is required at the discharge end of the subsurface drain. *(Refer to 410 IAC 6-8.3-59n)*

Section 211: For any current dwelling located in a flood plain in which there is a failed septic system or no septic system, or where the septic system must be upgraded or increased in size, the homeowner must install an elevated sand-lined system or elevated sand mound.

Section 212: The elevation readings must be identified on the proposed septic drawings provided by the Brown County Registered Septic Contractor. Drawings without elevation readings will not be approved. *(Refer to 410 IAC 6-8.3-53d)*

Section 213: For each dwelling, 500 square feet of subsurface absorption field for each bedroom and bedroom equivalents, with a minimum of 1000 square feet, is required for soils with a soil loading rate of .3 or greater. Six hundred square feet of subsurface absorption field per bedroom is required for .25 soil loading rate. Sand-lined systems shall be configured on state-approved guidelines. Additional square footage may be required as a result of the Soil Evaluation Report. *(Refer to 410 IAC 6-8.3-74a)*

Section 214: A sewage disposal system must be installed prior to construction above ground level or prior to a mobile home being placed on the property. This requirement may be waived by the Health Officer or his agent on a site-by-site basis. The soil absorption area must be protected from vehicle traffic or anything that could cause compaction. Approval for a waiver must go through the health department and it must be signed by the environmental health specialist. A newly-constructed dwelling cannot be occupied until the septic permit is signed and an occupancy permit issued. *(Refer to 410 IAC 6-8.3-52d & 74d)*

Section 215: Holding tanks will be approved in writing by the Brown County Health Officer on a case-by-case basis for a temporary period only, to allow septic usage until the weather permits for a permanent septic system, and must be equipped with a functioning alarm. *(Refer to 410 IAC 6-8.3-52.f)*

Section 216: Each property owner must obtain a Soil Evaluation Report showing three soil borings, or one pit and two soil borings, per septic site. All of the soil borings or pits must be located within the soil absorption field or bed. *(Refer to 410 IAC 6-8.3-56b and the Indiana State Department of Health Construction Guidelines for Gravity and Flood-Dose Trench Onsite Systems, page 2, step 1)*

Section 217: All trench systems shall have five (5) feet of non-perforated pipe measured from the header trench to each absorption trench. The five (5) feet does not count for the calculation of a system's absorption area. *(Refer to 410 IAC 6-8.3-75i)*

Section 218: Septic pits and/or dry wells are not permitted as sewage treatment systems. *(Refer to 410 IAC 6-8.3-52d, 43, & 74, Indiana State Department of Health List of Approved Septic Systems)*

Section 219: The distribution box must be coated with an asphaltic coating, with the exception of plastic distribution boxes, and contain speed levelers on each outlet pipe unless specified in Section 220. *(Refer to 410 IAC 6-8.3-66a & g)*

Section 220: Speed levelers are not required on sand-lined systems if the distribution box is used only as a velocity reducer. *(Refer to Presby Environmental Indiana Design & Installation Manual May 2015 Edition, 5.15)*

Section 221: Buildings, foundations, slabs, garages, patios, barns, outbuildings, aboveground and belowground swimming pools, retaining walls, roads, driveways, parking areas, decks, fences and paved sidewalks must be a minimum of 25 feet from absorption fields if they are located down slope from such absorption field without a perimeter drain. *(Refer to 410 IAC 6-8.3-57a and 58 c, d & e)*

Section 222: The following situations will require a septic system that meets current standards and codes:

- A change in use of a commercial structure to a residential dwelling, or vice versa. *(Refer to 410 IAC 6-10.1-8-49d & 50a, and 410 IAC 6-8.3-52d and 53a)*
- A change to a residential dwelling in which the number of bedrooms, or rooms that can be perceived as a bedroom as defined in Section 101, are more than what is listed on the property card. *(Refer to 410 IAC 6-8.3-53a)*
- In which the septic system is not the appropriate size for the year which the house was built. *(Refer to 410 IAC 6-8.3-53a)*
- An outbuilding (garage, shed, barn, etc.) where a shower, sink and toilet are added will be considered a "bedroom" and the septic system must be sized to accommodate the addition. *(Refer to 410 IAC 6-8.3-53a)*
- A dwelling in which a septic system was illegally installed or not approved by the Brown County Health Department. *(Refer to 410 IAC 6-8.3-53a)*

Section 223: Septic systems with permits issued must be installed and/or upgraded and receive final approval by the Brown County Health Department prior to any construction above the floor level or prior to a mobile home being moved onto the property.

Section 224: When soil absorption field replacement is required and no other site is available, a sand-lined system can be installed at the same location as the old septic system. In such cases, the old septic system must be removed and Spec 23 sand added to fill the void. The Brown County Registered Septic Contractor must do all of the following:

- A licensed septic tank cleaner must pump all contents from the septic tank and all distribution boxes in the onsite sewage system. *(Refer to 410 IAC 6-8.3-90d1)*
- Allow sufficient time after the on-site sewage system is taken out of service to make sure the entire soil absorption system is completely dry. *(Refer to 410 IAC 6-8.3-90d2)*
- Remove the distribution network, aggregate, and sand (if any) from the site. *(Refer to 410 IAC 6-8.3-90d3)*
- Dispose of the materials at a licensed landfill and provide proper receipts of such disposal to the Brown County Health Department. *(Refer to 410 IAC 6-8.3-90d4)* and;
- Loosen the soil in smeared areas, such as trench walls and bottoms. *(Refer to 410 IAC 6-8.3-74e & h)* and;
- Add Spec 23 sand up to original contour of the land.

- Begin sand-lined beds as stated in the manual.

Section 225: If the distribution box does not have a riser, a piece of rebar the length of the distribution box must be placed on the lid for future metal detection locating. (*Refer to 410 IAC 6-8.3-66c*)

Section 226A: The low vent and high vent (if a high vent must be added) must include rodent guards at the exposed end on sand lined systems requiring such vents. (*Refer to Presby Environmental Indiana Design & Installation Manual May 2015 Edition, 21.1c*)

Section 226B: A perimeter drain is required on all four (4) sides on all sand lined systems and sand mounds unless a change is approved by the Brown County Health Department prior to installation.

Section 227: The high vent on sand-lined systems requiring such vent requires a 4' anchor pipe attached to a "TEE" coming off of the distribution box for stability. Trees and other unstable structures are not acceptable. (*Refer to Presby Environmental Indiana Design & Installation Manual May 2015 Edition, 21.3e*)

Section 228: The septic pipe from the house to the septic tank shall not contain bends of 90 degrees or more.

Section 229: The Brown County Registered Septic Contractor must perform a proper plasticity test in the area of the bed most likely to hold water (e.g.: the shadiest area, a dip in the area, etc). If the plasticity test shows the following, the Brown County Registered Septic Contractor must comply with the actions shown:

- **Definitely dry** - the Brown County Registered Septic Contractor can continue with installation of the septic system
- **Debatable, borderline or "just dry enough to install"** - the Brown County Registered Septic Contractor must contact the health department to make the determination
- **Too wet to install** - the Brown County Registered Septic Contractor must wait until the soils are dry enough as determined by a plasticity test

If a septic system is being installed in wet conditions, the septic system installation will be put on hold until the soils are dry enough to determine the amount of damage. (*Refer to 410 IAC 6-8.3-74-d, e & h*)

Section 230: The distance of a subsurface drain must be a minimum of 10 feet from absorption field, and no greater than 15 feet.

Section 231: If subsurface drains are filled with aggregate to the new surface, the state-mandated geotextile fabric must be placed in the drain trench at 6 inches below the new surface. (*Refer to 410 IAC 6-8.3-59m*)

ARTICLE III

PUMP-AND-HAUL

Section 301: A holding tank must be pumped and checked for integrity by a licensed septic pumper. If the integrity of the tank is not sufficient to function properly, a new tank is required. (*Refer to 410 IAC 6-8.3-60a*)

Section 302: An alarm must be installed and properly functioning. The alarm may be tested by the Brown County Health Department to ensure that it is continually functioning. The alarm must be visible, audible and located outside so it can be tested. (*Refer to 410 IAC 6-8.3-62h*)

Section 303: Water usage reports are required to be sent to the Brown County Health Department for the two months prior and concurrently during pump-and-haul. A report from the water utility can be obtained for those on county water. Receipts stating the amount of water delivered to the residence can be obtained from water haulers. Dwellings that receive their water from a lake or pond will have a flow meter properly installed to determine the water usage. An environmental health specialist will check the flow meter each month.

Section 304: Sewage pump-and-haul receipts are required to be sent to the Brown County Health Department concurrently with pump-and-haul.

ARTICLE IV

PERMITS AND INSPECTIONS

Section 401: The owner or agent of the owner shall first obtain a written permit signed by the County Health Officer prior to construction of any building or private residence in which a septic system is required or altered. After submittal of plans, specifications, and other information, the said plans shall be reviewed prior to issuance of a permit. A permit shall be paid for at the time the application is filed. The list of septic repairs that would be excluded from requiring a permit is located in the Brown County Health Department. (*Refer to 410 IAC 6-8.3-53a & d*)

Section 402: The Brown County Registered Septic Contractor will be required to uncover any improperly covered up work to allow inspection. (*Refer to 410 IAC 6-8.3-53 & m*)

Section 403: The permit shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

Section 404: Before commencement of construction of any public or semi-public building or establishing a recorded subdivision, all plans and specifications must be submitted to the Indiana State Board of Health for review and letter or approval. Upon receipt of letter of approval, a local construction permit must be obtained from Area Plan Commission. (*Refer to 410 IAC 6- 10.1-48*)

Section 405: When laws change within the timeframe the permit is active, the permit is grandfathered as issued.

Section 406: Additional soil cover (if required) and seeding and strawing over the absorption field is the responsibility of the Brown County Registered Septic Contractor and will be required prior to final approval by the Brown County Health Department. (*Refer to 410 IAC 6-8.3-74y*)

Section 407: All permits issued for construction of a private sewage disposal system are valid for a period of one (1) year from date of issue. All construction must be completed within one year from date of issuance of the septic permit; otherwise, applicants must reapply for a new permit and pay another permit fee.

Section 408: The permit must be available on site for final inspection approval signature. Failure to have the permit on site will cause a postponement of the final inspection and a re-inspection fee will be incurred.

Section 409: The Brown County Health Department has the authority to administer a stop-work order and the Brown County Registered Septic Contractor shall not continue any work until the stop-work order has been lifted. *(Refer to 410IAC 6-8.3-55e)*

Section 410: The site evaluation may be postponed until the area is cleared based on 410 IAC 6-8.3-74f, and a re-inspection fee will be incurred. If the ground is disturbed, a new septic site may be required. *(Refer to 410 IAC 6-8.3-74.f)*

Section 411: For site evaluations, the septic system must be flagged with a flag at the beginning and a flag at the end of each trench or bed, and a flag approximately every 20' along each finger or 30 feet along the upper and lower edge of each bed. The Brown County Registered Septic Contractor must be able to identify the contour of the septic beds or each trench finger sufficiently with flags for the site evaluation. *(Refer to 410 IAC 6-8.3-74n & 80g)*

Section 412: If a site evaluation results in the denial of approval by an environmental health specialist (EHS), the decision must be reviewed by another EHS and/or the Health Officer. The reviewing EHS and Health Officer may affirm, overturn or modify the decision of the first EHS, and they may attach such additional conditions as they deem necessary for approval. *(Refer to 410 IAC 6-8.3-53e)*

Section 413: If a property has a gate or other device restricting access, the gate or device must be unlocked for a site evaluation. If it is locked, a re-inspection fee will be incurred for any subsequent inspection caused by the locked gate or device.

Section 414: At least one inspection port is required in the subsurface drain for inspection purposes. The inspection port must be no higher than 4 (four) feet tall. *(Refer to 410 IAC 6-8.3- 53m & -59)*

ARTICLE V

REGISTRATION FOR INSTALLERS

Section 501: Any person engaged in or intending to engage in the installation, or repair of sewage disposal systems within Brown County, shall submit an application to the Health Officer to have their name placed on the County Register and pay the annual Brown County Registered Septic Contractor fee prior to any septic system services being provided by the Brown County Health Department.

Section 502: The applicant will complete a written test of requirements which will be administered by the Brown County Health Department, and must score a minimum of 80% correct answers. If the applicant scores less than 80% on the first test, they can re-take the test after a minimum of 30 days of the date of the first test. If the applicant scores less than 80% on two (2) consecutive tests the applicant must wait one year after the date of the second failed test before being allowed to take the test again. Upon satisfactory completion of this test, the County Health Officer will place the applicant's name on the register of persons engaged in the installation, construction, or repair of sewage disposal systems within Brown County.

Section 503: The Brown County Health Officer may remove the name of any person or firm from the register of persons engaged in the installation, construction, and repair of sewage disposal

systems who has demonstrated inability or unwillingness to comply with all rules and requirements of this ordinance. The individual or firm so removed may reapply after a one year period by demonstration of ability or willingness to comply with state and county requirements. If after reapplying, the individual or firm continues to demonstrate unwillingness or the inability to comply with the state and county rules and requirements, the individual or firm may be removed from installing, constructing and repairing of sewage disposal systems in Brown County for 10 years. (Refer to 410 IAC 6-8.3-55)

Section 504: A Brown County Registered Septic Contractor or a certified individual working under the Registered Septic Contractor must be on site throughout the installation process.

Section 505: If a Brown County Registered Septic Contractor does not install a septic system in Brown County for the period of one (1) year, his name shall be removed from the register. If a septic installer wishes to have their name reinstated for septic system installation, he must either:

- a) Contact the County Health Officer and make a written request for said reinstatement and take and pass the written Brown County Registered Septic Contractor's test with a minimum score of 80%
- b) Or, if the contractor has installed a septic system within 2 years, they may be reinstated by attending the Brown County annual installer meeting taking place in the year of reinstatement.
- c) All Brown County Registered Septic Contractors will be required to be tested any time a new State Code or County Ordinance is adopted.

Section 506: A Brown County Registered Septic Contractor must be certified by the septic system manufacturer to install those systems requiring certification by the Indiana State Department of Health.

Contact the Brown County Health Department to receive a list of approved septic systems.

ARTICLE VI

POWERS FOR INSPECTION

Section 601: The Brown County Health Officer or the Health Officer's agent bearing proper credentials (Brown County Health Department issued identification badge) shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurements, sampling, and testing necessary to carry out the provisions of this ordinance. (Refer to 410 IAC 6-8.3)

ARTICLE VII

INSPECTIONS

Section 701: If the property owner or agent of the owner requests an inspection, the Brown County Health Department may require additional information on the septic system in order to provide an accurate and adequate inspection. If the Brown County Health Department does not have sufficient information on the current septic system on file, the requestor must hire a Brown County Registered Septic Contractor to locate the septic system, prepare a drawing of the system and fill out a septic system information form.

Section 702: A visual inspection can only take place when a septic system is used with a minimum of 2,000 gallons of water within the past 30 days. (Refer to *usgs.gov* and *epa.gov* websites)

Section 703: Prior to the sale of any property with an onsite septic system, a complete inspection must be conducted. If the inspected septic system does not comply with the requirements of the septic ordinance at the time of the dwelling's construction, or if it is in failure as determined by the septic inspection, the septic system must be upgraded to meet current onsite septic system standards.

Section 704: Section 703 of this ordinance does not apply to the following: (1) property transfers between current spouses, (2) property transfers as a settlement or court order as part of a divorce, (3) property transfers between parents and children, (4) property transfers between siblings, (5) where the grantor transfers the real property to be held in a revocable or irrevocable trust where at least one of the designated beneficiaries is of the first degree of relationship to the grantor, (6) refinancing a mortgage, (7) a release of mortgage, or (8) where property is connected to a central sewer within 180 days from the date of the property transfer.

Other property transfers may be exempt from Section 703 on a case-by-case basis within the discretion of the Brown County Health Officer.

ARTICLE VIII

TOURIST HOMES, GUEST RENTALS, AND BED & BREAKFASTS

Section 801: If the septic system at a guest rental, including but not limited to tourist homes and bed & breakfasts, does not meet current standards, the septic system must be upgraded to meet or exceed current standards. If the septic system meets current standards, a visual inspection of the guest rental is required. (*Refer to 410 IAC 6-10.1.*)

Section 802: The size of the absorption field on a proposed tourist home, guest rental, or bed & breakfast will be determined by the maximum number of guests times the daily design flow of 75 gallons per person per day on any given day.

Section 803: For guest rentals, the number of guests will be determined by the sleeping features:

- Twin/cot = 1 person
- Double/queen/king = 2 people
- Sleeper sofa/sleeper loveseat = 2 people

ARTICLE IX

NOTICES

Section 901: Any person found to be violating any provisions of this ordinance may be served by the County Board of Health or the duly appointed Health Officer or the Health Officer's Agent with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof (*Refer to 410 IAC 6-8.3-55c*)

ARTICLE X

PENALTIES

Section 1001: Any person convicted of violating any portion of this ordinance shall be punished for the first offense by a fine of not more than one thousand dollars (\$1,000); for the second offense by a fine of not more than two thousand, five hundred dollars (\$2,500); and for the third and each subsequent offense by a fine of not more than five thousand dollars (\$5,000).

Section 1002: Each day after the expiration of the time limit, provided by the County Board of Health, the duly appointed County Health Officer or agent of the County Health Officer, for correcting a health hazard relating to a septic system shall constitute a distinct and separate offense.

ARTICLE XI

VALIDITY

Section 1101: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1102: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

ARTICLE XII

AMENDED ORDINANCE IN FORCE

Section 1201: This amended ordinance shall be in full force and effect from and after its passage, approval, recording of this resolution as provided by law.

Section 1202: This ordinance supersedes the Brown County Indiana ordinance #97-875. Ordinance # 97-875 is now void and no longer in effect.

Section 1203: Passed and adopted by the Commissioners of Brown County, State of Indiana, on this (New date).