

**TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE**

**51. PRIVATE SEWAGE DISPOSAL**



**CHAPTER 50: GARBAGE**

Section

*General Provisions*

50.01 Solid Waste Management District

(2) One member of the County Council, appointed by the County Council;

*Landfill Control*

(3) The serving Mayor of the City of Salem;

50.15 Material which may not be accepted

(4) One member of the Salem City Council to be appointed by the Salem City Council; and

50.16 Fee schedule

50.17 Additional landfills prohibited

(5) A serving member of the Town Board of Pekin, Indiana, which member is to be appointed by the Washington County Commissioners.

*Refuse Hauling*

50.30 Definitions

50.31 Vehicle requirements

50.32 Inspection of loads

50.33 Liability for violations

50.34 Transportation of hazardous waste

(C) The Board of Directors consisting of seven members shall operate pursuant to the provisions of I.C. 13-21-3 and further the Manager of the Solid Waste Management District and the District’s Attorney shall attend all meetings and have the opportunity to participate in all discussion. (BCC Ord. 90-06, passed 8-20-1990)

50.99 Penalty

**GENERAL PROVISIONS**

**LANDFILL CONTROL**

**§ 50.01 SOLID WASTE MANAGEMENT DISTRICT.**

(A) Pursuant to the provisions of I.C. 13-21-3-1 the county does now designate itself as a county solid waste management district and the official title of the district shall be “Washington County Solid Waste Management District”.

(B) The Solid Waste Management District shall be governed by a Board of Directors, pursuant to I.C. 13-21-3-5, as follows:

- (1) Three serving County Commissioners;

**§ 50.15 MATERIAL WHICH MAY NOT BE ACCEPTED.**

(A) Full drums are hereby prohibited from being placed in the county landfill.

(B) The duly appointed landfill operators may exercise their discretion in refusing to accept any material or other quantities of material that they deem unsuitable.

(C) Trash, garbage, refuse, and all other materials which come from or generate or originate in

any county, state, or country other than Washington County, Indiana, U.S.A., shall be prohibited in the county landfill and shall not be transported thereto or accepted therein.

(BCC Ord. 2-1987, passed 5-4-1987; BCC Ord. 91-06, passed 11-4-1991) Penalty, see § 50.99

#### § 50.16 FEE SCHEDULE.

(A) All commercial haulers shall pay \$7.50 per ton for materials furnished in the landfill.

(B) All noncommercial haulers having excess of two cubic yards per trip, per vehicle shall be charged \$7.50 per ton.

(C) There shall be exempt from these charges all trucks which are rated three-quarter ton or less, and which are hauling individual trash on a noncommercial basis from within the county to the landfill.

(D) There shall be a flat monthly charge to the City of Salem for the use of the landfill of \$2,300.

(E) On all loads, in which a charge is appropriate, there shall be a minimum charge of \$7.50.

(F) The charge for all demolition material shall be \$7.50 per ton.  
(BCC Ord. 04-1994, passed 3-10-1994)

#### § 50.17 ADDITIONAL LANDFILLS PROHIBITED.

The county hereby prohibits the creation of any additional landfills within the parameters of the county.

(BCC Ord. 97-08, passed 6-16-1997)

### ***REFUSE HAULING***

#### § 50.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***GARBAGE.*** Rejected food wastes including every waste, accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

***REFUSE.*** Any combination of garbage and rubbish, and also includes any putrid, foul, toxic, or unwholesome liquid, semisolid, or solid waste products, except manure/fertilizers used for agriculture.

***RUBBISH.*** Such matter as ashes, cans, metal ware, broken glass or crockery, dirt, sweepings, boxes, papers, scrap wood, grass, weeds, brush, or litter of any kind.

***VEHICLE.*** Any motor vehicle, automobile, motorcycle, pick-up truck, truck-trailer, farm tractor, or any other self-propelled vehicle or machine, or trailer connected to the above.

(1985 Code, § 4-2-1) (BCC Ord. 1985-C2, passed - -1985)

***Statutory reference:***

*Regulations for public health authorized,  
see I.C. 36-8-2-4*

#### § 50.31 VEHICLE REQUIREMENTS.

(A) It shall be unlawful for any commercial hauler to transport, carry or haul any garbage, rubbish, or refuse in or through the jurisdiction of the county, unless all vehicles used to transport the garbage, rubbish or refuse shall be covered and water-tight as may be necessary to prevent nuisances and health hazards.

(B) A commercial or non-commercial hauler shall take the necessary steps to prevent any load from scattering, spilling, dribbling, falling, or blowing any part of the load out of or off of the vehicle. (1985 Code, § 4-2-2) (BCC Ord. 1985-C2, passed - -1985) Penalty, see § 50.99

### § 50.32 INSPECTION OF LOADS.

The County Health Officer or his or her authorized agent, or any law enforcement officer, shall have the right to stop and inspect the load of any vehicle hauling, or reasonably believed to be hauling, garbage, rubbish or refuse in or through the county. The powers granted under this section to stop and inspect vehicles is intended to be preventative, and may be exercised whenever it appears that a vehicle may not be adequately covered as required under § 50.31, whether or not the vehicle is observed to be actually spilling any refuse at the time. (1985 Code, § 4-2-3) (BCC Ord. 1985-C2, passed - -1985)

### § 50.33 LIABILITY FOR VIOLATIONS.

In general, the driver of any vehicle found to be in violation of § 50.31 shall be held liable for the violation; however, if the vehicle is operated by a commercial refuse hauling company, and it is shown that the owner, operator, or management of the company directed or permitted the vehicle to be used for hauling refuse in knowing violation of § 50.31, then the owner, operator, or corporation (if incorporated) may be held equally liable with the driver and severally subject to citation, prosecution, and liability for penalties and costs as provided by § 50.99. (1985 Code, § 4-2-5) (BCC Ord. 1985-C2, passed - -1985)

### § 50.34 TRANSPORTATION OF HAZARDOUS WASTE.

(A) *Title.* This section shall be known and may be cited as the ordinance prohibiting the transportation, delivery or movement of hazardous

waste, toxic waste, and sewage into the county landfill.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

**HAZARDOUS WASTE.** A solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (a) Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**PERSON.** An individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.

**SEWAGE.** All refuse, human excreta, garbage, waste or waste products, or any combination of these substances that:

- (a) Is potentially capable of contaminating the environment; and
- (b) May be collected and carried off in a pipe, ditch or channel.

**TOXIC WASTE.** Any substance which acts as a poison, thus causing illness or death when ingested, inhaled, absorbed through or injected into the skin, even in relatively small quantities.

(C) *Violation.* It shall be illegal for any person to transport, deliver or move any hazardous waste, toxic waste or sewage into the county landfill from any county in the state or from any other state, and it shall further be illegal for any person to participate in, conspire to, or agree to any such transportation, delivery or movement.

(D) *Variance.* There shall be no variance of this section without the specific approval of the Board of Commissioners, which variance may only be granted upon hearing at public meeting, advertised as required for publication of other meetings and only upon the expressed approval by all three County Commissioners.

(BCC Ord. 88-2, passed 7-18-1988)

#### **§ 50.99 PENALTY.**

(A) Any person violating any provisions of this chapter shall, upon conviction, be fined not more than \$2,500 for each offense. The violator shall additionally be liable to the county for any costs that are incurred to clean up spillage on highways or other public property as may incidentally result in consequence of a violation.

(B) Nothing in this chapter is intended to stand in lieu of enforcement of I.C. 35-45-3-2 when applicable to a violation. A person who has violated I.C. 35-45-3-2 but has also failed to comply with the requirements of § 50.31 may be severally cited, prosecuted, and penalized for both offenses.

(1985 Code, § 4-2-4) (BCC Ord. 1985-C2, passed - -1985)

## CHAPTER 51: PRIVATE SEWAGE DISPOSAL

Section

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51.06	Exemptions		<b>§ 51.01 DEFINITIONS.</b>
	<i>Construction Requirements</i>		
51.20	Permit required for private sewage disposal system; registration of installers		For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
51.21	Commencement of construction; time limits; expiration of permit		<b>BOARD OF HEALTH.</b> The Board of Health having jurisdiction in Washington County.
51.22	Site requirements; Indiana Board of Health Regulations		<b>BUILDING DRAIN.</b> The 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 feet outside the building.
51.23	Building sewer design and construction standards		<b>BUILDING SEWER.</b> The part of the horizontal piping from the end of the building drain to its connection with the main sewer or private sewage disposal system and conveying the drainage of but one building site.
51.24	Septic tank design and construction; location requirements		<b>BUILDING SITE.</b> All areas, regardless of size or acreage, that are proposed for a building that will utilize private on-site sewage disposal.
51.25	Distribution boxes required between septic tank and absorption field		<b>COMMUNITY WATER SYSTEM SOURCE.</b>
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public water system which serves at least 15 service connections used by year-round residents, or which regularly serves at least 25 year-round individuals.

**DISTRIBUTION BOX.** A structure designed to distribute the effluent from a septic tank equally into the various sections of pipe of an absorption system.

**DWELLING.** Any house or place used or intended to be used by human occupants as a place of residence.

**FOUNDATION DRAIN.** That portion of a building drainage system provided to drain ground water from the outside of the foundation or under the basement floor, not including any sewage.

**HEALTH OFFICER.** The Health Officer having jurisdiction in the county, or his or her authorized representative.

**LIMITING LAYER.** Any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch.

**NON-COMMUNITY WATER SYSTEM SOURCE.** The starting point of the distribution system of a public water system that is not a community water system.

**PRIVATE SEWAGE DISPOSAL SYSTEM.** Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.

**PRIVATE WATER SYSTEM SOURCE.** The starting point of the distribution system that is not a public water supply system.

**PUBLIC SEWER.** Any sewage system constructed, installed, maintained, operated and owned by a municipality or taxing district established for the purpose of receiving, treating and disposing of sewage.

**PUBLIC WATER SYSTEM.** A system for the provision to the public of piped water for human

consumption, if the system has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days out of the year.

(1) The term includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the operator of the system; and

(b) Any collection of pretreatment storage facilities not under such control which are used primarily in connection with the system.

(2) A **PUBLIC WATER SYSTEM** is either a "community water system" or a "non-community water system".

**RESIDENTIAL SEWAGE DISPOSAL SYSTEM.** All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a one or two family dwelling. Included within but not limited to the scope of this definition are building sewers, septic tanks, subsurface absorption fields, and privy vaults.

**SANITARY PRIVY.** A fly-tight, rodent-proof structure erected on or over a properly constructed vault or pit and shall conform to the standards as set forth in State Board of Health Bulletin No. S.E.-11.

**SANITARY SEWAGE SYSTEM.** For the purpose of this chapter, a system of sewers which conveys sewage away from the lot on which it originates for treatment.

**SEPTIC TANK.** A water-tight structure into which sewage is discharged for settling and solids digestion.

**SEWAGE.** The water-carried waste derived from ordinary living processes.

**SLUDGE.** The digested or partially digested solid material accumulated in a sewage treatment facility.



**SOIL PROFILE OBSERVATION.** Observation of the physical characteristics of the soil horizons or layers to a depth of at least five feet.

**SUBSURFACE ABSORPTION FIELD.** Open-jointed or perforated pipes laid in a system of trenches into which the effluent from the distribution box is discharged for direct absorption into the soil. (1985 Code, § 4-1-1) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.02 POLLUTION OF WATERS PROHIBITED.**

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 dispose into the waters, any organic or inorganic matter that shall cause or contribute to a polluted condition of the waters unless a permit for the disposal has been obtained as authorized by I.C. 13-13 or I.C. 13-18. (1985 Code, § 4-1-2) (BCC Ord. passed 7-5-83; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

#### **§ 51.03 CONNECTION TO PUBLIC SEWERS REQUIRED FOR CERTAIN BUILDINGS; PRIVATE SEWAGE DISPOSAL.**

At such a time when a new house, building, or structure is constructed for use for human occupancy, employment, recreation or other purpose, and the structure comes within 150 feet of a public sewer, a direct connection shall be made to the sewer and, a septic field or private disposal system shall not be permitted. Any building producing sewage not connected to a sanitary sewage system shall be provided with a private sewage disposal system. The design, construction, installation, location, maintenance and operation of private sewage disposal systems shall comply with the provisions of this chapter. (1985 Code, § 4-1-3) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

#### **§ 51.04 PROHIBITED USE OF PRIVATE SEWAGE DISPOSAL SYSTEMS.**

Private sewage disposal systems shall not be used for the disposal of:

(A) Chemical wastes in quantities which will be detrimental to the bacterial action in the tank;

(B) Waters from roof, foundation, or area drains; or

(C) Other wastes which may be determined by the Health Officer as possibly detrimental to the operation of the system. (1985 Code, § 4-1-23) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

#### **§ 51.05 MINIMUM STANDARDS.**

(A) The standards and requirements for private sewage disposal systems as set forth in this chapter are deemed to be only the minimum standards necessary to protect the public health, safety, and welfare.

(B) Nothing in this chapter is intended to supersede nor subrogate any further or stricter standards as may be applicable through the incidental operation of other county or municipal ordinances, state or federal laws, nor through the applicability of duly adopted administrative rules and regulations of any other governmental agencies having jurisdiction, including (without limitation) those adopted by the State Board of Health, Environmental Management Board, Stream Pollution Control Board, U.S. Environmental Protection Agency, or the Fire Prevention and Building Safety Commission of the state.

(C) When any other such regulations apply governing the same matters as this chapter, the strictest standard shall prevail and be enforced. (1985 Code, § 4-1-29) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

**§ 51.06 EXEMPTIONS.**

An on-site residential sewage disposal system the plans for which were approved in writing, by the Health Officer prior to July 5, 1983, is exempt from the provisions of this chapter relating to design and installation of residential sewage disposal systems. (1985 Code, § 4-1-28) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

***CONSTRUCTION REQUIREMENTS*****§ 51.20 PERMIT REQUIRED FOR PRIVATE SEWAGE DISPOSAL SYSTEM; REGISTRATION OF INSTALLERS.**

(A) No person shall construct, install, alter, or repair a private sewage disposal system within the county without first having filed a written application and having obtained a written permit from the Health Officer.

(1) Before commencement of construction of any building where a private sewage disposal system or privy is to be installed or where any alteration, repair, or addition of an existing private sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the Health Officer.

(2) The application for such a permit shall be made on a form approved by the State Board of Health, which application shall be supplemented by any plans, specifications and other information as deemed necessary by the Health Officer.

(3) The Health Officer shall deny a permit if the information on the application is incomplete, inaccurate, or indicates that the provisions of this chapter cannot be met.

(4) The Health Officer may require that plans and specifications for private sewage disposal systems be submitted to the State Board of Health for approval.

(5) A fee shall be paid for each permit application in the amount stipulated for septic system permits under the provisions of § 32.010 of this code. All fees collected under this section shall be received monthly into the County Health Fund for services rendered in enforcing this chapter. (1985 Code, § 4-1-4)

(B) Any person engaged in or intending to engage in the installation or repair of sewage disposal systems within the county shall make application to the Health Officer to have his or her name placed on the County Register.

(1) Upon receipt of the applicant's application, the County Health Officer or his or her representative will insure that the applicant is knowledgeable of state and county rules and requirements. The applicant will complete a written test of these requirements. Upon satisfactory completion of this requirement, 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 the county. The Health Officer may require those applicants who have never installed a septic system, who wish to install for anyone other than themselves, must work with a certified installer for at least five installations to become certified.

(2) The 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 system, who have demonstrated inability or unwillingness to comply with these rules and requirements. The individual or firm so removed may reapply after a 60-day period by demonstration of ability or willingness to comply with state and county requirements.

(3) Once registered, an installer must maintain his or her registration by the completion of an annual address correction and file update card. These cards will be mailed and must be returned during January of each year following registration.

(4) A fee shall be paid for all F.H.A., real estate, or privately requested dye testing and/or site

evaluations. This fee shall be collected at the time of request for service.

(BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985; BCC Ord. 92-07, passed - -1992) Penalty, see § 51.99

**§ 51.21 COMMENCEMENT OF CONSTRUCTION; TIME LIMITS; EXPIRATION OF PERMIT.**

(A) Installation of private sewage disposal systems which may be subjected to traffic of heavy construction vehicles shall not be started until the traffic has completed its final purpose, or until a definite route has been established, whereby the traffic will not travel over the system.

(B) Once the initial underground portions of a private sewage disposal system have been started, the entire system shall be completed as soon as possible.

(C) The Health Officer may require that a system be covered and graded within a specified period of time.

(D) If the private sewage disposal system has not been constructed, installed, altered, or repaired within one year from the date of the application, the application and any permit that may have been issued shall automatically be terminated.

(1985 Code, § 4-1-5) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

**§ 51.22 SITE REQUIREMENTS; INDIANA BOARD OF HEALTH REGULATIONS.**

(A) Properties of the soil profile of each site shall be evaluated using guidelines as set forth in the soil manuals and handbooks of the Soil Conservation Service, U.S. Department of Agriculture.

(1) No portion of a private sewage disposal system shall be located upon another property or lot other than that property or lot upon which the sewage originates unless easements to that affect are legally

recorded and approved by the proper authority or commission.

(2) Sites to be considered for a private sewage disposal system, if served with community water distribution systems, shall be a minimum size of 38,670 square feet (three-quarter-acre). If the sites are served with individual water supply systems, a minimum of 43,560 square feet (one acre) shall be required.

(1985 Code, § 4-1-6)

(B) Any private sewage disposal systems utilizing sanitary privies shall conform to the standards of the State Board of Health.

(1985 Code, § 4-1-7)

(BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

**§ 51.23 BUILDING SEWER DESIGN AND CONSTRUCTION STANDARDS.**

The building sewer shall be located at least 50 feet from any water supply well or pump suction line serving a residence; however, sewers constructed of waterworks grade cast iron having mechanical or push type joints or of waterworks grade pressure-type plastic with an SDR rating of 26 having gasket or push-type joints may be located within the 50-foot distance, but not closer than 20 feet to dug and bored wells, and not closer than ten 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 two feet per second, based on Kutter's formula using an N value of 0.013.

(1985 Code, § 4-1-8) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

**§ 51.24 SEPTIC TANK DESIGN AND CONSTRUCTION; LOCATION REQUIREMENTS.**

(A) *Location requirements.* All septic tanks shall be located in accordance with the distances in the following table:

<i>Adjacent Property/Facility</i>	<i>Minimum Distance From Tank (ft.)</i>
Private water systems source	50
Non-community water system source	100
Community water system source (Lake Salinda and Lake John Hay)	400
Lake or reservoir	50
Stream, ditch, or drainage tile	25
Dwelling or other structure	10
Side or rear lot lines	10
Front lot lines	10
Water lines continually under pressure	10
Suction water lines	50

(1985 Code, § 4-1-9)

(B) *Minimum capacity.*

(1) The minimum size tank shall be 1,000 gallons liquid capacity. Minimum water depth in any compartment shall be 32 inches. Maximum depth of water for calculating capacity of the tank shall not exceed six feet. Every septic tank shall have a minimum capacity below the waterline as specified in the following table:

<i>Required Minimum Capacities for Septic Tanks</i>	
<i>No. of Bedrooms in Dwelling</i>	<i>Normal Liquid Capacity of Tank in Gallons</i>
3 or less	1,000
4 or 5	1,250
6	1,500

(2) In the case of a septic tank intended to serve a building to be used other than as a dwelling, the Health Officer, at the time a permit is applied for, shall specify a suitable minimum tank capacity based

on number of anticipated employees or other occupants, volume of customers, proposed use of the building, or other reasonable criteria indicative of the probable volume and character of sewage to be received by the septic tank.  
(1985 Code, § 4-1-10)

(C) *Materials and construction standards.*

(1) Material for construction shall be water-tight concrete, metal or other impervious material. Minimum wall and bottom thickness of tanks shall conform to the following specifications:

<i>Material</i>	<i>Minimum Thickness</i>
Steel	1/4 inch
Fiberglass	1/4 inch
Segmented blocks, bricks, and the like	8 inches
Poured concrete	6 inches
Reinforced poured concrete (4,000 PSI or less)	4 inches
Reinforced pre-cast concrete (greater than 4,000 PSI)	2-1/2 inches

(2) Concrete septic tank tops shall be a minimum of four inches in thickness and reinforced with one-half inch reinforcing rods in a six-inch grid or equivalent. All concrete surfaces above the water line inside septic tanks shall be given a protective coating of bituminous or similar material.  
(1985 Code, § 4-1-11)

(D) *Access requirements.* Access must be provided to all parts of septic tanks where necessary to enable adequate inspection, operation, and maintenance. 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 inches in its least dimension, and shall be located close to the ground surface. In the event the tank is covered by 24 inches or more of earth backfill, a riser with a suitable

manhole cover shall be extended to within a minimum of six inches of the ground surface. The riser shall be at least 30 inches in diameter and placed over the access opening in the top of the tank. The Health Officer may require that the riser manhole cover be extended to the ground surface or above.  
(1985 Code, § 4-1-12)

(E) *Standards for inlets, outlets and interconnecting pipes.* Either tees or baffles shall be used as inlet and outlet fixtures. Inlet baffles shall extend above the water level a distance of at least eight inches and below the water level a distance of 40% of the liquid depth. A minimum clearance of one 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 inches higher than the invert of the outlet pipe. All inlet and outlet connection at the septic tanks shall be sealed with an appropriate material. The pipes connecting septic tanks installed in series shall be four inches minimum diameter. 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 must be water-tight 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. These shall be materials approved by the State Board of Health.  
(1985 Code, § 4-1-13)  
(BCC Ord. passed 7-5-83; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985; BCC Ord. 2001-03, passed 5-21-2001)

#### **§ 51.25 DISTRIBUTION BOXES REQUIRED BETWEEN SEPTIC TANK AND ABSORPTION FIELD.**

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 a manner so 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 water-tight 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.  
(1985 Code, § 4-1-14) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.26 SUBSURFACE ABSORPTION FIELDS; LOCATION, GROUND, AND SOIL REQUIREMENTS.**

(A) *Exceptions permitted with approval of State Board of Health.* All septic tank effluent shall discharge into a subsurface absorption field or other treatment system as approved in accordance with this chapter; however, where soil conditions preclude the installation of a subsurface absorption field sewage disposal system, the State Board of Health, after consultations with the local health agency, may approve alternative uses of the equipment, facilities or pollution control devices as is deemed necessary.  
(1985 Code, § 4-1-15)

(B) *Location, ground, and soil requirements.*

(1) Subsurface absorption fields shall not be constructed in soils rated as having severe or very severe limitations for subsurface sewage disposal by the Soil Conservation Service, U.S. Department of Agriculture, unless that limitation is not present as shown by field investigation or can be overcome.

(a) Examples of severe or very severe limitations are soils with a seasonal high ground water level, bed rock, slope greater than 15%, or where a limiting layer exists within three feet of the proposed trench bottom.

(b) A greater vertical distance is desirable and may be required where aquifers are in danger of contamination.

(c) Subsurface absorption fields shall not be constructed in areas where the land surface gradient is greater than 15%.

(d) All subsurface absorption fields shall be located in accordance with the distances shown in the following table:

<i>Adjacent Property/Facility</i>	<i>Minimum Distance from Field (ft.)</i>
Private water systems source	50
Non-community water system source	100
Community water system source (Lake Salinda and Lake John Hay)	400
Lake or reservoir	50
Stream, ditch, or drainage title	25
Dwelling or other structure	10
Side or rear lot lines	10
Front lot lines	10
Water lines continually under pressure	10
Suction water lines	50

(2) In 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. No absorption field lateral shall be installed in unstable ground such as unconsolidated fills.  
(1985 Code, § 4-1-16)

(C) *Design and construction of trenches.*

(1) There shall be a minimum separation of seven and one-half feet, on center, between the absorption field trenches.

(2) The trench width shall be a minimum of 18 inches, with a maximum width of 36 inches.

(3) The trench depth shall be a maximum of 48 inches. Depths of 18 inches to the top of the tile are satisfactory.

(4) Three hundred and thirty square feet of trench bottom area per bedroom shall be required for dwellings. For buildings other than dwellings, the Health Officer, at the time a permit is applied for, shall specify a minimum trench bottom area based on anticipated volume and character of effluent to be filtered through the absorption field.  
(1985 Code, § 4-1-17)

(D) *Design and construction of distribution lines.*  
Absorption lines shall be individually connected to a distribution box to ensure equal distribution to the entire field.

(1) No single lateral shall exceed 100 feet in length. A maximum grade of four inches per 100 feet of run shall be given the distribution tile. Field tile shall be laid with one-quarter inch separation between the ends of joints.

(2) 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.

(3) The absorption tile or perforated pipe shall be completely surrounded by coarse gravel stone or other approved materials with at least six inches below the tile or pipe and, extending upward to at least two inches above the tile or pipe; however, absorption lines located near trees or shrubs should have at least 12 inches of coarse gravel, stone, or other approved materials below the pipe or tile.

(4) The gravel, stone or other approved materials shall be a mixture ranging in size from one-half to two and one-half inches.

(5) Fines, dust, sand and clay must be removed from the material before placing in the trench.

(6) The top of the stone shall be covered with untreated building paper, two-inch layer of straw, or other like material in a manner so as to prevent the stone becoming clogged with the earth fill.  
(1985 Code, § 4-1-18)

(E) *Discharge of unpolluted waters.* Roof, foundation and storm water drains shall not discharge into nor upon subsurface absorption systems.

(1985 Code, § 4-1-19)

(BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985; Ord. 2001-03, passed 5-21-2001) Penalty, see § 51.99

#### **§ 51.27 CONSTRUCTION OVER SYSTEM.**

There shall be no construction of any kind, including driveways, covering any portion of a private sewage disposal system; however, the connecting sewers between the building and the septic tank (building sewer), between the septic tank and the distribution box, and between the distribution box and the absorption lines may be installed under driveways if the sewer is constructed of cast iron.

(1985 Code, § 4-1-20) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

#### **§ 51.28 FINAL INSPECTION OR CONTRACTOR'S CERTIFICATE IN LIEU OF INSPECTION.**

(A) The provisions of the permit for the construction, installation, alteration, or repair of a private sewage disposal system or privy shall not be considered to be fulfilled until the work is completed, and has been inspected and approved by the Health Officer.

(B) The contractor who constructs, installs, alters, or repairs a private sewage disposal system shall notify the Health Officer at least 24 hours in advance as to when the work is ready for final inspection, and before any underground portions are covered. However, in lieu of an on-site inspection, the contractor may, at the option of the Health Officer, file a certificate that the work has been designed and constructed to comply with each and all of the applicable provisions and limitations of this chapter, and also that the work has been completed in

accordance with the approved plans and specifications as submitted with the application.

(1985 Code, § 4-1-21) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.29 MAINTENANCE; REPAIR OF DEFECTS.**

Should any defect exist or occur in any private sewage disposal system or privy which would cause the sewage disposal system or privy to fail and cause an unsanitary condition, the defect 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.

(1985 Code, § 4-1-22) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 51.99

### ***ENFORCEMENT***

#### **§ 51.40 RIGHT OF ENTRY OF HEALTH OFFICER.**

The Health Officer shall be permitted to enter upon all properties at the proper time for purposes of inspection, measurement, observation, sampling and testing necessary to carry out the provisions of this chapter.

(1985 Code, § 4-1-24) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.41 ORDER TO ABATE VIOLATION.**

(A) Any person found to be violating any provision of this chapter may 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.

(B) The order shall be served on the owner or the agent of the owner, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order. 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 chapter as set forth in the order and within the time limit included therein.

(1985 Code, § 4-1-25) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.42 ENFORCEMENT PROCEEDINGS ON FAILURE TO COMPLY.**

If an owner, occupant, or agent subject to an order of the Health Officer to correct a violation fails to do so within the allowed period of time, the order may be enforced by any or a combination of the following means as the appropriate county authorities deem most suitable in the circumstances:

(A) The County Board of Health or Health Officer may, through the Prosecuting Attorney for the county, seek a prohibitory or mandatory injunction in the manner provided by I.C. 16-20-1-6;

(B) The Board of Health or Health Officer may bring the complaint to the Commissioners, whereupon the Commissioners may:

(1) Subject to the provisions of I.C. 36-1-6-2, direct appropriate officers and employees or agents of the county to enter upon the property and correct the noncomplying condition, the expense thereof to be made a lien against the property until paid by the owner; or

(2) Direct the County Attorney to bring a civil action for injunction to require compliance, as provided by I.C. 36-1-6-4.

(C) The Health Officer or a county police officer may cite the violator for a penal county ordinance violation and cause the violator to be prosecuted

therefor in accordance with I.C. 13-30 and to be subject to a fine as fixed under § 51.99 of this chapter and as provided by I.C. 34-4-32-4(d).

(1985 Code, § 4-1-26) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)

#### **§ 51.99 PENALTY.**

Any person who is convicted of violating a provision of this chapter shall be fined not less than \$100 nor more than \$2,500, and each day after the expiration of the time limit for abating noncomplying conditions as ordered by the County Board of Health or the Health Officer shall constitute a distinct and separate offense.

(1985 Code, § 4-1-27) (BCC Ord. passed 7-5-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C6, passed - -1985)