

AN ORDINANCE TO AMEND CHAPTER 41 OF THE TIPPECANOE COUNTY CODE
(ORDINANCES 79-10, 81-2, 83-4 AND 86-5)

THE AFOREMENTIONED CODE (ORDINANCES) ARE HEREBY AMENDED AS INDICATED BY THE UNDERLINED SECTIONS:

3 - 41 - 1 TIPPECANOE COUNTY CODE 3 - 41 - 2

Chapter 41

Private Sewage Disposal and Drainage Ordinance

3 - 41 - 1. Purpose. This ordinance regulates sewage disposal and drainage and provides for penalties for violations.

3 - 41 - 2. Definitions.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

HEALTH OFFICER. Means the health officer of Tippecanoe County.

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

DUPLEX. Means a dwelling with two separate living quarters for two separate families.

PERSON. Means any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM. Means 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.

PRIVATE SEWAGE DISPOSAL SYSTEM. Means any sewage disposal facility not owned by a municipality or sanitary district or controlled by the State Board of Health and shall include septic tanks, aeration treatment tanks, finger systems, or other subsurface absorption fields.

INNOVATIVE/ALTERNATIVE ON-SITE SEWAGE DISPOSAL SYSTEM. Means any design of a private onsite sewage disposal system other than a subsurface, gravity, trickle-fed, single absorption trench field having approval of the Indiana State Board of Health.

PERCOLATION TESTS. Means a procedure used to determine the ability of soils to absorb sewage effluents.

SEPTIC TANK. Means a watertight structure into which sewage is discharged for settling and solids digestion.

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.

SEWAGE. Means the water-carried waste derived from ordinary living processes.

SANITARY SEWERAGE SYSTEM. Means, for the purposes of this ordinance, a system of sewers which conveys sewage away from the lot on which it originates for treatment.

PRIVY. Means a structure, either permanent or portable housing a toilet, using either a vault or earthen pit of chemical treatment for excreta disposal without water

carriage.

SUBSURFACE ABSORPTION FIELD. Means 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.

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

SLIGHT SOIL LIMITATIONS. Means those soils defined by the National Cooperative Soil Survey of Tippecanoe County that are relatively free of limitations of limitations that are easily overcome.

MODERATE SOIL LIMITATIONS. Means those soils defined by the National Cooperative Soil Survey of Tippecanoe County whose limitations need to be recognized but can be overcome with careful design.

SEVERE SOIL LIMITATIONS. Means those soils defined by the National Cooperative Soil Survey of Tippecanoe County, that are unsuitable for conventional septic tank and subsurface absorption field installation.

REFERENCE TO 'BULLETINS'. Shall mean those bulletins issued by the Indiana State Board of Health which were current on the date of enactment of this Ordinance. For purposes of this Ordinance, revised, up-dated versions of these bulletins will be considered as revised or replaced.

LOT SIZE. Shall be determined by soil suitability adaptable to the installation of a residential sewage disposal system. Any building site must have included within its minimum lot size, as prescribed in Section 3-41-4, subsection D, E, and F, at least 7,000 square feet in soils of "slight limitation" and at least 10,000 square feet in soils of "moderate limitation" that have no more than twelve percent grade in one general part of lot, to be available and reserved for the installation of a septic tank, distribution box and subsurface absorption field.

PUBLIC WATER SUPPLY. Means any public, area or community water supply provided by a approved municipally or privately owned source. Not to include private individual wells.

PLANNED DEVELOPMENT. Means any land development which required the specific zoning entitled "Planned Development."

3 - 41 - 3. Private Sewage Disposal System.

A. Where a sanitary sewerage system is not available, all persons owning or leasing property shall comply with the following provisions of this ordinance for a private sewage disposal system.

B. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the County of Tippecanoe, State of Indiana, or in an area under the jurisdiction of said County, any sewage.

C. At any business building situated within the County of Tippecanoe, State of Indiana, where there is installed a private sewage disposal system which is not connected to a sanitary sewerage system and no sanitary sewerage system is available, there shall be established, installed or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health or in such other manner approved by the Indiana State Board of Health. Copies of such Bulletin S.E. 13 are herewith incorporated by reference as part of this section and two copies are filed in the office of the County Auditor and County Health Office for public inspection.

D. No privies shall be permitted except on a temporary basis and then only be special permit. All such privies shall comply with Bulletin S.E. 11, a copy of which is attached hereto and made a part thereof, except in the case of chemical toilets, no pit will be required.

E. Should any defect exist or occur in any private sewage disposal system or privy fail to meet the requirements in Subsections B, C, & D and cause an unsanitary condition, the defect shall be corrected by the owner or agent of the owner, occupant or agent of the occupant. Failure to do so shall be subject to the penalties prescribed in Section 3-41-9, subsection A of the Ordinance.

F. Wherever a public sanitary sewerage system becomes available and is within 100 feet of the property line of a building or residence or business that is served by a private sewage disposal system or privy, situated within the County of Tippecanoe, State of Indiana, a direct connection of the building sewer 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. The direct connection to sanitary sewerage system shall be made within 180 days of issuance of orders of connection.

EXCEPTION: When the building served by an individual private sewage disposal system is more than 200 feet from the property line, said building shall be exempt from requirement of connection to sanitary sewer, so long as an adequate private individual sewage disposal system is in use and can be maintained.

G. Whenever a new business building or subdivision is developed in an area where a sanitary sewerage system is available, a connection shall be made to said sewer according to plans submitted for approval prior to construction of project.

H. After receiving an order in writing from the County Board of Health or the duly appointed 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 contract with the owner, has assumed the duty of complying with the provisions of any order.

3 - 41 - 4. Requirement for Permits.

A. Before the commencement of construction or repair of a private sewage disposal system, the owner or his agent shall apply in writing to the Tippecanoe County Health Office for a permit to construct or repair a private sewage disposal system, which application shall set out the date of the intended construction, repair, enlargement, exact location, any plans, specifications and other information available, location, any plans, specifications and other information available, and expressly stating that the owner has complied, and will at all times comply with the standards set out in this Ordinance. An inspection fee of \$10.00 for each permit will be paid at the time of application. Such building permits as would be applicable must also be obtained.

B. The County Health Officer, or his agent, may inspect the work at any stage of construction. The owner or his agent shall notify the County Health Officer when the work is ready for inspection. If the County Health Officer or his agent find that the sewage disposal system has not been constructed in accordance with the standards established by this Ordinance, he

shall order such corrections as are necessary to bring the system into compliance and that occupancy approval shall be withheld until the system is brought into compliance.

C. The Health Officer shall issue permits for the installation of residential sewage disposal systems in those areas designated "slight soil limitations" if the septic tank size is at least 1000 gallons with a subsurface adsorption field of 700 square feet for any dwelling up to and including three bedrooms. Each additional bedroom over three will require an additional 150 square feet of subsurface adsorption field. All parts of the sewage disposal system must be kept at least 50 feet from any water well. Wherever possible, the water well should be placed on higher ground than that of the sewage disposal system. The minimum lot size is 20,000 square feet with 100 feet frontage (in the case of a cul-de-sac lot, the lot must average approximately 100 feet in width). The other provisions for lot size will also apply here. For lot size requirements for duplex (two-family dwelling) see Section 3-41-7.

D. Because of the hazard regarding potential contamination of wells through the more permeable "slight rated soils," development shall be limited to 20 contiguous lots per approval unless a public water supply is provided. If any difficulty or health hazard occurs, then a public water supply or public sanitary sewerage system shall be provided by the development corporation. No further development will be permitted if a health hazard exists.

E. The Health Officer shall issue permits for the installation of residential sewage disposal systems in those areas designated "moderate soil limitations" if the septic tank size is at least 1000 gallons with a minimum sub-surface absorption field of at least 900 square feet for any dwelling of up to and including three bedrooms. Each additional bedroom over three will require an additional 300 square feet of sub-surface absorption field. All parts of the sewage disposal system must be kept at least 50 feet from any water well. Wherever possible, the water well should be placed on higher ground than that of the sewage disposal system. The minimum lot size is 25,000 square feet with 125 feet frontage. (In the case of a cul-de-sac lot, the lot must average approximately 125 feet in width). The other provisions for lot size will also apply here. For lot size requirement for duplex (two-family dwelling) see Section 3-41-7.

F. 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 in accordance with criteria that the Indiana State Board of Health has set forth for construction of alternative systems on severe rated soils.

Where soil conditions preclude the installation of a subsurface absorption field sewage disposal system, the Indiana State Board of Health, after consultation with the local health agency, may approve uses of such alternative equipment, facility or pollution control device as is deemed necessary. Furthermore, the Indiana State Board of Health may, through Regulations, have prior approved alternative systems by which the local Board would not have to obtain a second approval if the plans submitted by the applicant comply with the prior approved systems filed with the County Board of Health.

G. The soil type shall be determined by the National Cooperative Soil Survey of Tippecanoe County as prepared by the United States Department of Agriculture Soil Conservation Service in cooperation

with Purdue University.

H. If in the judgment of the Health Officer, the owner of his agent further investigation is warranted, an on-site Soils Investigation and Evaluation may be requested, in writing, from the Tippecanoe County Soil and Water Conservation District. The owner or his agent may also submit additional information to the Health Officer. This additional information will include the results of at least two soil profile observations to a depth of at least five (5) feet in the areas of the proposed sub-surface absorption field.

I. All sub-surface absorption systems located on sloped ground (up to 12%) shall be constructed according to the requirements set out in Part VI of Indiana State Board of Health Bulletin S.E. 8, a copy of which is attached hereto and made a part hereof.

J. No private sewage disposal system shall serve more than one (1) single structure.

K. All components of a private and/or residential sewage disposal system shall be maintained in good working order at all times.

L. No part of a residential sewage disposal system shall be located closer than twenty-five (25) feet to a surface-water drain tile, running stream or surface water drainageway. The rules and regulations of the Drainage Board will apply for any legal ditch or drain. All parts of the system must be kept at least 50 feet from any water well.

M. The Tippecanoe County Board of Health shall hear appeals of any order, requirement, decision or determination made under Article II, Par. 206 and 207, Article III, Par. 304, and Article IV, Par. 402 of this Ordinance.

A majority of the members of the Tippecanoe County Board of Health will hear appeals of requirements, decisions or determinations made under Article II, Par. 206, 207, Article III, Par. 304, and Article IV, Par. 402 of this Ordinance.

1. Appeals must be written and fully describe circumstance of appeal.

2. The appeal must be received no later than 60 days after the requirement, decision or determination is made by the Health Officer or his duly authorized representative.

3. The Board of Health will conduct a hearing on the matter within 30 days after appeal is received.

The Tippecanoe County Board of Health may, upon a finding that it will not constitute a health hazard, reduce the square footage requirements for both lot and sub-surface absorption field size for a subdivision lot that was platted before the adoption of this Ordinance."

N. All plastic sewer pipe used in sub-surface absorption fields shall meet the following standards:

1. Only plastics with a minimum crush 1000lbs./foot will be acceptable in any new installation of a private and/or residential sewage disposal system in this county.

2. Only plastics of a "rigid" type (usually 10 feet lengths) with proper joints and connections, will be accepted in the system.

3. Only plastics with 3 rows of perforated holes (3 rows of holes, + inch or more in diameter, equally spaced) will be accepted for usage in the

absorption trenches.

4. Brittle (easily crushed) plastics, made in whole or in part from reclaimed material will not be accepted.

O. A permit for the installation of a private and/or residential sewage disposal system, whether issued prior to or after the adoption of this Ordinance, shall lapse and be void if work has not been started within 180 days and completed within one year after its issuance.

3 - 41 - 5. Commercial and Industrial Construction.

A. Permits for the installation of conventional septic tank and subsurface absorption field sewage disposal systems for commercial or industrial construction shall not be issued by the health officer in those areas with soils classified as having severe properties because of slow permeability and poor drainage characteristics.

B. Building sites for commercial or industrial construction that need private sewage disposal and water supply must contain a minimum of five (5) acres or more on soils that have a degree of limitation of "slight" or "moderate." Size of sewage disposal system will be based on information in Indiana State Board of Health Bulletin S.E. 13.

3 - 41 - 6. Subdivisions, Tracts, Parcelizations, and Planned Developments.

A. Subdivisions designed to utilize on-site conventional residential sewage disposal systems, the plans for which were duly approved, in writing, by the administrative authority (local Health Board) prior to December 18, 1977, are exempt from the provisions of this Ordinance relating to the design and installation of residential sewage disposal systems."

B. Proposals submitted to the Health Officer for approval for new subdivisions where conventional residential sewage disposal systems will be used, shall not be acceptable in those areas where soil conditions are classified as "severe", unless hereinafter provided.

C. Proposed subdivisions where conventional residential sewage disposal systems will be used must be in areas where soils are classified as having "slight" or "moderate" limitation. In the area of "slight limitations" lot size must be a minimum of 20,000 square feet with 100 feet frontage. In the area of "moderate limitations" lot size must be 25,000 square feet with 125 feet frontage.

D. Advisory opinions prior to permit application may be rendered by the Health Officer as to the use of innovative/alternative on-site disposal systems that will overcome the soil limitations as found on "severe" rated soil. Said advisory opinions may be given by the Health Officer as to new subdivisions (major & minor) as to the preliminary and final plat stages, as well as, tracts, parcels, planned developments and other pieces of land. Such advisory opinions will state limitations of said opinions as the standards used for review and the potential as to changes of health standards in the future as to sewage disposal systems. Said advisory opinions shall be based on criteria provided by the Indiana State Board of Health and are limited to the State guide lines with regards to alternative/innovative sewage disposal systems.

E. The Health Officer is permitted to approve innovative/alternative systems on "severe" rated soil for lots, tracts, parcels or other pieces of land if said innovative/alternative systems demonstrate that they will overcome the limitations of "severe" rated soil and are consistent as to the criteria set forth by the Indiana State Board of Health with regards to innovative/alternative sewage disposal systems and are pursuant to Section 3-41-4, Subsection F of this ordinance.

3 - 41 - 7. Duplex Dwellings.

A. Proposed duplex dwellings that will use residential sewage disposal systems must be located in soils with "slight" or "moderate" limitations. Each duplex must be located on at least one and one-half (1+) acres with 200 feet frontage.

B. Each duplex dwelling with two bedrooms per unit (total of four bedrooms per structure) will required a 1500 gallon septic tank and 800 square feet of sub-surface absorption field in soils with "moderate" limitations. Each bedroom over four per structure will require an additional 300 square feet of sub-surface absorption field.

C. No duplex requiring conventional private individual sewage disposal systems shall be constructed on "severe" rated soil unless that limitation is not present as shown by field investigation or can be overcome as provided in this amendment (Section 2) in accordance with criteria that the Indiana State Board of Health has set forth from construction of alternative systems on severe rated soils.

D. No multiple-family units will be on private and/or residential sewage disposal systems.

E. In consideration of Planned Developments, on private individual sewage disposal systems, prior to the time of rezoning, the Health Department must review preliminary drawings and/or plans and the provisions of this Ordinance will apply. In the case of Planned Developments, variances within the requirements of this Ordinance (example - lot frontage) will be considered so long as adequate sewage disposal and satisfactory water supply is not jeopardized. Planned Developments must comply with minimum areas listed in the LOT SIZE definition.

F. No Planned Developments requiring conventional private individual sewage disposal systems can be placed on severely rated soils unless that limitation is not present as shown by field investigation or can be overcome as provided in this amendment (Section 2) in accordance with criteria that the Indiana State Board of Health has set forth from construction of alternative systems on severe rated soils.

3 - 41 - 8. Power of Inspection.

A. The County 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.

3 - 41 - 9. Enforcement.

A. Any person found to be violating any provision of this Ordinance shall be served by the County Board of Health or the duly appointed Health Officer, with a written order stating the nature of the violation and providing a reasonable time limit, but not exceeding 90 days for violations of Section 3-41-3, Subsection E; and no less than 30 days and no more than 180 days

for violations of Section 3-41-3, Subsection F. The written order shall be duly served either by certified mail or personal Service by the Health Officer of Tippecanoe County.

B. Any person who shall continue any violation of this Ordinance beyond the time limit provided for in Section 801 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 (\$500) dollars; for the second offense by a fine of not more than one thousand (\$1000) dollars to which may be added imprisonment for a determinate period not exceeding ninety days 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 County Board of Health, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to Tippecanoe County for any expense, loss or damage occasioned by the County by reason of such violation.

3 - 41 - 10. Registration of Engineers, Land Surveyors.

A. The Tippecanoe County Health Officer shall maintain a list of Registered Engineers and Land Surveyors who are qualified by experience and/or educational background to provide soil testing analysis for the purpose of determining the soil limitations. Any Registered Engineer or Land Surveyor may be placed upon this list maintained in the office of the Board of Health of Tippecanoe County by filing with the Board his name, address, telephone number and a listing of his educational and/or experience qualifications.

3 - 41 - 11. Repealer.

A. The Ordinance entitled "An Ordinance Regulating the Installation, Construction, Maintenance and Operation of Private Sewage Disposal Systems in Closely Built-Up Areas and Providing Penalties for Violations Thereon" enacted by the Board of Commissioners on the seventh day of February 1955, is hereby repealed.

B. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3 - 41 - 12. Severability.

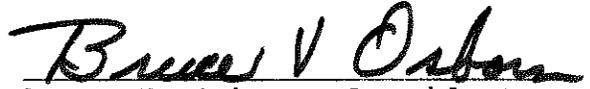
A. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

3 - 41 - 13. Effective Date.

A. This Ordinance shall apply to all of Tippecanoe County, Indiana except within the corporate limits of those cities and towns within Tippecanoe County.

B. This Ordinance shall be in full force and effect from and after May 1, 1979. This Ordinance passed and adopted by Tippecanoe County Board of Commissioners, April 2, 1979.

Adopted and passed by the Board of Commissioners of Tippecanoe County, Indiana, this 5th day of June, 1989.


Bruce V. Osborn, President


Eugene R. Moore

Sue W. Scholer

ATTEST:


Sarah S. Brown, Auditor