

# RIPLEY COUNTY CODE

## SEWAGE DISPOSAL ORDINANCE

2022-3

### PURPOSE:

This ordinance regulates the construction, maintenance and operation of sewage disposal systems in Ripley County and provides penalties for violation of these regulations. In addition, adopted by reference will be Indiana Department of Health Rule 410 IAC 6-8.3

### DEFINITIONS:

(Unless the context specifically indicates otherwise, the meaning of the terms used in the ordinance shall be as follows):

ADMINISTRATIVE AUTHORITY: This ordinance shall be administered by the Ripley County Board of Health through it Health Officer and his (her) authorized representatives.

DISTRIBUTION BOX: A structure designed to distribute the effluent from a septic tank by gravity equally into the pipes of an absorption field.

- DWELLING: Any house or place used or intended to be used as a place of seasonal or human habitation or for sleeping for one (1) or two (2) families.

- FRAGIPAN: A loamy, brittle, subsurface horizon that is seemingly cemented. Fragipans are a few inches to several feet thick and are very slowly permeable to water.

- HEALTH OFFICER: That person elected by the Ripley County Board of Health as their Health Officer.

- IDO: Indiana Department of Health

- LIMITING LAYER: Any soil horizons which exhibit one or more of the following:

- - A. A loading rate greater than seventy-five-hundredths (0.75) gallons per day per square foot.
  - B. A gravel content of 35% or greater.
  - C. A loading rate less than twenty-five-hundredths (0.25) gallons per day per square foot.
  - D. Seasonal high water table indicated by soil wetness characteristics.

E. Bedrock.

F. Fragipan.

LOADING RATE: The allowable rate of application of septic tank effluent to the soil. It is expressed in gallons per day per square foot.

OWNER: That person or his agent reported as the legal possessor of a dwelling or property.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate or any other legal entity, its or their successors or assigns or agents of the aforesaid.

PRIVATE SEWAGE DISPOSAL SYSTEM: All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage from any building.

PRIVATE SEWAGE DISPOSAL SYSTEM FAILURE: One which exhibits one or more of the following:

1. The system refuses to accept sewage at the rate of design application thereby interfering with the normal use of residential plumbing fixtures.
2. The effluent discharge exceeds the absorptive capacity of the soil, resulting in ponding, seepage or other discharge of the effluent to the ground surface or to surface water.
3. The effluent is discharged from the system causing contamination of a potable water supply, ground water or surface waters.

RISER: A vertical port of cylindrical concrete 20 to 24 inches in diameter extending to the ground surface with a gas tight seal.

SANITARY SEWAGE SYSTEM: A sewer or a system of sewers which convey sewage away from the lot on which it originates to a wastewater treatment facility owned and operated by an incorporated city or town, conservancy district, regional sewer district or private utility.

SEPTIC TANK: A watertight structure into which sewage is discharged for settling and solids digestion.

SEWAGE: All water-carried waste derived from ordinary living processes.

SLUDGE: The digested or partly digested solid material accumulated in a septic tank.

SOIL ABSORPTION: A process which utilizes the soil to treat and dispose of effluent from a septic tank.

SOIL ABSORPTION SYSTEM: Pipes laid in a system of trenches or elevated beds into which the effluent from the septic tank is discharged for soil absorption.

SOIL HORIZON: A layer of soil or soil material approximately parallel to the land surface and differing from an adjacent genetically related layer in physical, chemical, and biological properties or characteristics such as color, structure, texture, consistency, kinds and numbers of organisms present and degree of acidity or alkalinity.

SOIL PROFILE ANALYSIS: The observation and evaluation of the physical characteristics of the soil horizons or layers to a depth of at least five (5) feet or, if shallower, to a layer which cannot be readily penetrated.

SOIL SCIENTIST: An individual with a baccalaureate degree with a major in agronomy, soils, or a closely allied field of science who is proficient in the application of the principles of pedology to soil classification, investigation, education and consultation and on the effect of measured, observed and inferred soil properties and their use-whose name is included on the IDOH list of Soil Scientists.

RCHD: Ripley County Health Department.

#### **GENERAL REQUIREMENTS.**

- A. No person shall throw, run, drain, seep, or otherwise dispose of or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into any of the surface waters or ground waters of this state or in an insanitary manner upon public or private property within Ripley County or in any area under the jurisdiction of Ripley County any organic matter that would cause or contribute to a health hazard on such property unless a permit for such disposal has been obtained from the Indiana Department of Environmental Management.
- B. Whenever a sanitary sewerage system is available within 300 feet of the property line of a residential or commercial property a connection must be made to said sewer. Thereafter the private sewage disposal system must be abandoned in a safe and sanitary manner and the contents of the tank must be removed and the tank filled with compacted material.
- C. Any building situated in Ripley County which is not connected or cannot be connected to a sanitary sewerage system must comply with IDOH Rule 410 IAC 6-8.3 for Residential Sewage Disposal Systems or IDOH Rule 410 IAC 6-10 for Commercial Operation.
- D. The design, construction, installation, location, maintenance and operation of private sewage disposal systems shall comply with the provisions of this ordinance and the standards of the IDOH Rule 410 IAC 6-8.3 and 6-10.

- E. Should any defects exist or occur in any private sewage disposal system which would cause said sewage disposal system to fail and cause an insanitary condition, the defect shall be corrected by the owner or agent of the owner, or by the occupant or agent of the occupant. Failure to do so shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in subsection (A).
- F. If any conditions preclude the installation of a sewage disposal system as described in this ordinance, the RCHD may approve the use of an alternative sewage disposal system that is deemed appropriate-only under the provisions cited in 410 IAC 6-8.3.
- G. No portion of the private sewage disposal system or its associated drainage system shall be constructed upon property other than that from which the sewage originates. Easements can only be granted for drainage that would divert ground water away from any private sewage disposal system in order to achieve an acceptable outlet on an adjacent property. Legal documentation of said easements would need to be provided to RCHD and filed with the Ripley County Recorder's office.

**SPECIFIC REQUIREMENTS:**

- A. All septic tanks and dosing tanks must meet the IDOH requirements per IDOH Rule IAC 6-8.3.
- B. Only that piping material meeting specifications required by the IDOH may be used. The pipe must be positioned in the trench with the holes located at 12:00 o'clock, 4:00 and 8:00 o'clock for 3 hole pipe or 4:00 and 8:00 o'clock for 2 hole pipe.
- C. The size of the soil absorption system will vary depending on the soil profile and loading rate of the site. The soil profile and loading rate will be determined using the methods outlined in IDOH Rule 410 IAC 6-8.3. When requested, and when possible, the RCHD will provide that soil boring and analysis.
- D. In calculation of minimum requirements, mobile homes will be considered as three-bedroom dwellings.
- E. Pumps must have the proper pump curve, be acid resistant and be equipped with an adjustable float switch and a high-water alarm. Each pump must be placed a minimum of 8" off the bottom of the pump chamber and have an acid resistant retrievable device.
- F. Special attention must be given to the installation process as outlined in the IDOH Rule 410 IAC 6-8.3. For example, in evaluation of when soil is too wet for system construction, the plastic limit of the soil shall be considered to have been exceeded when the soil can be rolled between the palms of the hands to produce threads one eighth inch in diameter without breaking apart and crumbling.

- G. Residential sewage disposal systems shall not be used for the disposal of water from roof drains, foundation drains, swimming pool drains, hot tub drains or area drains. Neither shall they be used for the disposal of chemical wastes in quantities which would pollute ground water or inhibit the settling or digestion of solids in the septic tank.
- H. Any jetted bathtub with a capacity of greater than one hundred twenty-five (125) gallons will be treated as an extra bedroom for the system sizing requirements of this rule.
- I. The landowner proposing to have an on-site sewage system installed is solely responsible for disclosing all property details before the RCHD permitting process will begin. The landowner will be responsible for researching their own property. (Wetland, potential to be a wetland, located within a flood plain, has been heavily logged in the past that would have caused compaction to the soils, etc.)

**REGISTERED INSTALLERS:**

- A. Individuals wanting to install in Ripley County must register with Ripley County Health Department. Registration shall consist of, but not be limited to, the following:
  - 1. A completed application for registration with payment of the application fee;
  - 2. Application fee of \$50, or in an amount as established by the County Board of Health; and
  - 3. Passing a written proficiency examination conducted by the County Health Department.
    - i. If an applicant fails to pass any part of the examination, the applicant may re-apply for registration no earlier than one month following the examination.
  - 4. If an installer is IOWPA certified to install and inspect on-site sewage systems, these individuals may bypass RCHD's exam and only complete the registration form; submit bond and insurance information, and pay the RCHD's fees.
- B. Registration issued shall be valid for a term of one year beginning January 1, and expiring December 31 of the same year, and shall be renewed annually. The registration shall bear the name, address, associated firm or company where applicable, and the expiration date.
- C. All registered installers shall post a Surety Bond with the Ripley County Board of Health in the penal sum of not less than twenty thousand dollars (\$20,000.00) in favor of the Ripley County Board of Health conditioned upon registrant's faithful compliance with this ordinance. The Surety Bond will remain in effect throughout the duration that the installer will be engaged in the work with the property and homeowner.

- D. All registered installers shall provide proof of liability insurance for a minimum of five hundred thousand dollars (\$500,000) for the Ripley County Board of Health to keep on file with all documentation.

**PERMITS AND INSPECTION:**

- A. Prior to construction of any building or private residence where a private sewage disposal system is to be installed, or prior to any replacement, reinspection of, expansion or remodeling of a residence which may increase the number of bedrooms or bedroom equivalents and any addition to, alteration of, or repair of an existing sewage disposal systems, the owner or agent of the owner shall obtain a written construction permit signed by the Health Officer. The application for such a construction permit shall be made on a form provided by the RCHD, which application shall contain information outlined in Section 53 of the IDOH Rule 410 IAC 6-8.3, the profile analysis of the soils in which the system is to be constructed, and any other information deemed necessary by the Health Officer. A construction permit and inspection fee shall be paid to the RCHD at the time the application is filed.
- B. If a permittee or installer requests a plasticity test by RCHD, the permittee or installer will be charged \$25 per request after first initial request.
- C. A permit for the construction, installation, alteration or repair of an on-site system or privy shall NOT constitute final approval of such system until the same is completed to the satisfaction of the Ripley County Health Department. The Ripley County Health Department shall be notified by the permittee/installer before beginning the construction of the on-site system, before any components of the on-site system are covered, and when the work is ready for final inspection. The final inspection shall be made within the shortest reasonable time, but not to exceed two (2) working days of receipt of notice to the Ripely County Health Department excluding weekends, legal holidays, and days when the weather is unfit to make an inspection as reasonably determined by the Ripley County Health Officer or his designee.
- D. The Health Officer or his agent shall be permitted to enter upon all properties at any stage of construction for purpose of inspection, observation, measurement, sampling and testing necessary to assure compliance with the provisions of this ordinance.
- E. If RCHD is unable to physically perform a final inspection in person:
  - 1. Pictures can be filed with an affidavit that has been notarized stating that the installer stands by his or her work and takes full responsibility for the installation.

**PROPOSED RE-CONNECTS OF NEW DWELLINGS INTO EXISTING ONSITE SEWAGE SYSTEMS:**

- A. If we have a permit on file, RCHD is able to do a visual inspection for signs of a system failure (sewage ponding in yard or discharging into environment, etc.)
- If there are no visible signs of a system failure then a reconnect letter will be issued. Bedroom count cannot exceed the number noted on the onsite sewage permit.
  - If there are signs or concern of a potential system failure a registered Ripley County Onsite Sewage Installer must assess the system and make necessary repairs and follow permitting process if appropriate.
- B. If there is no onsite sewage permit on file with RCHD, the homeowner will contact IOWPA (Indiana Onsite Wastewater Professional Associates) or a registered Ripley County Onsite Sewage Installer to inspect the system and provide its current condition along with the following:
- Septic tank size
  - Location of distribution box
  - Location of leach lines and depth
  - Location of drain if applicable
  - Submit a layout of the system's location

#### **ENFORCEMENT PROCEDURE AND HEARINGS:**

- A. Any person found to be in violation of this ordinance immediately shall be subject to the penalties set forth and must abandon said system until all materials and procedures used in construction are proved to meet all requirements of this ordinance. Only then would a construction permit be issued. Any person found to be in violation of any other provision of this ordinance shall be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- B. Any registered installers, as defined in this subchapter, and registered with RCHD, found to be in violation of this subchapter or the applicable rules and regulations of the State Department of Health shall receive notice of violation. Upon receiving said notification, the installer shall correct the violation within the time frame as specified by the County Health Officer or his/her agent.
- C. If the violation is not corrected within the specified time frame, the County Health Officer, or his/her agent, may suspend or revoke the installer registration. If the registration is suspended the installer may be reinstated by the County Health Officer, or his/her agent, upon successful correction of all violations. If the registration is revoked, the requirements for becoming registered including re-examination and payment of the application fee shall apply prior to re-registration. Re-registration shall not occur until all outstanding violates are corrected.
- D. After receiving an order in writing from the RCHD, the owner of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit specified therein. Said 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 the order.

- E. Any person affected by any such order issued by the Health Officer or his or her agent may request and shall be granted a hearing on the matter before the Ripley County Health Officer, provided that such person shall file in the office of the Health Officer within ten (10) days after service of the order, a written petition requesting such hearing and setting forth a brief statement of the ground thereof. Upon receipt of the petition, the Health Officer shall arrange a time and a place for the hearing and shall give the petitioner written notice thereof. The hearing shall be held as soon as practicable after the receipt of the written request. At the hearing the petitioner shall be given an opportunity to be heard and to show cause why the order should not be obeyed.
- F. Depending upon the findings at the hearing, the Health Officer will sustain, modify or withdraw the order. Notification of that decision will include a time limit for the correction of the problem.

**PENALTIES:**

- A. Any person found to be in violation shall be immediately subject to the penalties set forth.
- B. Any person found to be violating any provision of this ordinance shall be punished for the first offense by a fine of two hundred dollars (\$200.00); for the second offense by a fine of not more than five hundred dollars (\$500.00); and for the third and each subsequent offense by a fine of not more than one thousand dollars (\$1,000.00). Each day after the expiration of the time limit for abating insanitary conditions and completing improvements as ordered by the RCHD, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

**CHANGE IN POLICY:**

It is anticipated that this policy may need periodic updating. Any such changes in this policy shall be made by the RCHD at a public hearing. Notices of that public hearing would be made one time in two newspapers of general circulation in Ripley County no fewer than fifteen (15) days prior to the hearing date.

**ADOPTION:**

With the adoption of this ordinance, the RCHD recognizes that all design and construction standards are not listed therein. Copies of those unlisted standards are available at the offices of the Ripley County Health Department.

**REPEALER:**

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.





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

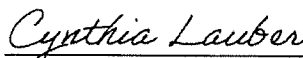
**EFFECTIVE DATE:**

Passed by the Health Board of Ripley County, State of Indiana, on this 1<sup>st</sup> Day of March, 2022.

  
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Jason Smith, Healthboard Chair

  
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Lynn Fledderman

  
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Donna Pitts, Pharmacist

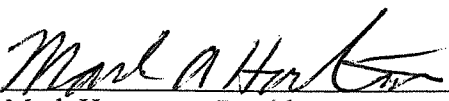
  
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Cynthia Lauber, NP

**ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

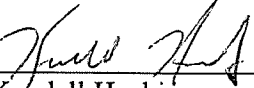
Passed and adopted by the Board of Commissioners of Ripley County, State of Indiana, on this 7<sup>th</sup> Day of March, 2022.

Ripley County Board of Commissioners

  
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Mark Hortsman, President



Chris Schmaltz



Kendall Hankins