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**BOARD OF COMMISSIONERS OF BOONE COUNTY, INDIANA**

**ORDINANCE 2012-04**

**Boone County  
Onsite Sewage Ordinance**

(An Ordinance pertaining to and regulating the design, construction, maintenance and operation of onsite sewage disposal systems (OSDS) located within Boone County, Indiana, providing for the issuance of OSDS permits and providing penalties for the violation thereof.)

**WHEREAS**, The Boone County Health Department was established under Indiana law and has the powers and duties as set forth in I.C. 16-20-1; and

**WHEREAS**, The Indiana State Department of Health and the Boone County Health Department (as its local designee) have the authority and responsibility to regulate the on-site disposal of human waste pursuant to I.C. 16-19-3-4; and

**WHEREAS**, The Boone County Health Department has reviewed the existing on-site sewage ordinance and found it to be inadequate to protect the public health and welfare; and

**WHEREAS**, The Boone County Health Department and its Board have determined that it is in the best interests of the citizens of Boone County to update and revise the Ordinance relating to on-site sewage disposal systems as it will promote the public health, safety and welfare; and

**WHEREAS**, The Board of Commissioners of Boone County hereby adopt the findings of the Board of Health of Boone County, The Indiana State Department of Health and the Boone County Health Department that it is in the public interest to revise the on-site sewage disposal ordinance as reflected below to promote the health and welfare of the citizens of Boone County, Indiana.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BOONE COUNTY INDIANA, THAT THIS ORDINANCE IS ADOPTED AS FOLLOWS:**

**Section 1. TITLE.** This Ordinance and all Ordinances supplemental or amendatory hereto shall be known as the Onsite Sewage Disposal Ordinance of Boone County and may be cited as such and will be referred to herein as "this Ordinance".

**Section 2. PURPOSE.** The purpose of this Ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of OSDS and to otherwise promote public safety and welfare and protection of the environment.

**Section 3. AUTHORITY.** The Health Officer, as hereinafter defined, is hereby authorized to issue OSDS permits as prescribed in 410 IAC 6-8.2-52, issue installer certifications, collect OSDS permit and incidental fees, perform inspections as prescribed in 410 IAC 6-8.2-52, order or otherwise compel correction of violations of this Ordinance as prescribed in 410 IAC 6-8.2-54 and 55, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this Ordinance.

**Section 4. ADOPTION BY REFERENCE.** 410 IAC 6-8.2, "Residential Onsite Disposal Systems" and 410 IAC 6-10, "Commercial Onsite Wastewater Disposal" are hereby incorporated by reference in this Ordinance and shall include any later amendments as the

same published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein. Copies of 410 IAC 6-8.2 et. seq. and 410 IAC 6-10 are available and on file in the office of the Boone County Department of Health.

**Section 5. DEFINITIONS.**

**A.** Definitions contained in 410 IAC 6-8.2 et. seq. include the following:

AASHTO	ABS
ANSI	ASTM
Bedroom	Bedroom Equivalent
Commissioner	Construction permit
Densic material	Department
Design daily flow	Distribution box
Drainageway	Dwelling or residence
Fill	Foundation drain
Health Officer	INDOT
Interceptor drain	NEMA
NRCS	NSF
Operating permit	Owner
Perimeter drain	Person
PVC	Residential drain
Residential onsite system	Residential onsite sewage system failure
Residential onsite sewage system failure	Residential outbuilding
Residential sewer	Sanitary sewerage system
SDR	Seasonal high water table
Segment drain	Septic tank
Sewage	Soil absorption
Soil absorption system	Soil horizon
Soil loading rates	Soil profile analysis
Soil scientist	Start of construction
Subsurface drainage system	Technology new to Indiana (ITNI)

**B.** Definitions of additional terms critical to the purpose, authority, and application of this Ordinance include the following:

**AGENT:** an environmental health specialist with knowledge of environmental health science employed by the Boone County Health Department, or other person selected by the Health Officer to assist in the administration of this ordinance.

**COMMERCIAL FACILITY:** any building or place not used exclusively as a residence. Commercial facilities include, but are not limited to, office building, manufacturing facility, multi-family residence (apartment, multiplex, townhouse, or condominium), motel, restaurant, school, church, child care facility, long-term care facility, hospital, correctional facility, state government facility, mobile home park, campground, and any grouping of residences served by a cluster OSDS.

**INSTALLER:** For purposes of this Ordinance, installer shall mean any person engaged in the construction of residential or commercial OSDS in Boone County.

**LOCAL HEALTH BOARD:** local board of health of a local health department as referred to in IC 16-20.

**LOCAL HEALTH DEPARTMENT:** as defined in IC-16-18-2-211, "a department organized by a county or city executive with a board, a Local Health Officer, and an operational staff to provide health services to a county, city, or multiple county unit."

**LOCAL HEALTH OFFICER:** local health officer of a local health department as referred to in IC-16-20. For the purpose of this Ordinance, Health Officer means the Local Health Officer of Boone County.

**ONSITE SEWAGE DISPOSAL SYSTEM (OSDS):** all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility. Included within, but not limited to the scope of this definition, are pipes, septic tanks, treatment devices, diverter devices, distribution boxes, dose tanks, effluent pumps, controls, audiovisual alarms, valves, soil absorption fields, dispersal areas, surface diversions, and OSDS subsurface drains. As used throughout this Ordinance, 'OSDS' means 'onsite sewage disposal system' or its plural 'onsite sewage disposal systems'. An OSDS is commonly referred to as a 'septic system.'

**OSDS FAILURE:** an OSDS that exhibits one or more of the following has failed:

1. OSDS refuses to accept sewage at the rate of design application thereby interfering with the normal use of plumbing fixtures.
2. Effluent discharged to the OSDS exceeds the loading rate of the soil, resulting in discharge of effluent to the ground surface or to surface waters.
3. Effluent discharged from the OSDS causes contamination of a potable water supply, ground water, or surface water.

**OSDS REPAIR:** the repair or replacement of any OSDS component other than the replacement or expansion of a soil absorption field.

**OSDS REPLACEMENT:** the replacement or expansion of a soil absorption field.

**OSDS, CLUSTER:** an OSDS shared by two (2) or more residences, or two (2) or more commercial facilities, or any combination thereof.

**OSDS, COMERCIAL FACILITY:** OSDS for a commercial facility.

**PPOTW:** publicly or privately owned wastewater treatment plant as defined in IC 13-11-2-258.

**RESIDENCE:** one- or two-family dwelling, built as a single structure, used or intended to be used for permanent or seasonal human habitation for sleeping one (1) or two (2) families.

**SANITARY VAULT PRIVY:** a device, using a watertight vault, for the collection of human excrement as defined in the Indiana State Department of Health Bulletin S.E. 11, 1986 Edition.

**Section 6. GENERAL SEWAGE DISPOSAL REQUIREMENTS.** The owner shall comply with 410 IAC 6-8.2 et. seq., 410 IAC 6-10 et seq., and all of the provisions of this Ordinance for an OSDS. These documents and this Ordinance provide minimum requirements for OSDS. Although housing subdivisions and other moderate to high-density land development may qualify for individual OSDS, consideration should first be given to other sewage disposal methods. Other methods for sewage disposal include cluster OSDS and sewerage systems.

- A. No person may cause or contribute to a health hazard or water pollution by disposing of any organic or inorganic matter from an OSDS into surface water, groundwater or onto the ground surface.
- B. The point source discharge of sewage, treated or untreated, from a residence or commercial facility or their associated OSDS, to surface water, groundwater, or the ground surface is prohibited.
- C. The owner or owner's agent shall comply with the following installation requirements:

1. Before the start of any construction at the site, the location of the soil absorption field, dispersal area, set aside area, and area designated for future expansion of the soil absorption field shall be staked out and protected from compaction by vehicles and construction equipment.
  2. Soil absorption fields shall not be constructed during periods when the soil is sufficiently wet, at the surface or at the depth of installation, to exceed its plastic limit. The plastic limit of a soil is exceeded when the soil can be rolled between the palms of the hands to produce threads one-eighth (1/8) inch in diameter that do not break apart or crumble. Sufficient samples shall be taken to assure that the plastic limit of the soil is not exceeded throughout the soil absorption field.
  3. Special caution shall be taken to prevent compaction by vehicles and construction equipment at the site before, during, and after construction, especially during wet weather. The site includes the area selected for placement of the soil absorption field, dispersal area, set aside area (when required) and areas designated for future expansion of the soil absorption field. Alteration of soil structure by the movement of vehicles and construction equipment may be grounds for rejection of the site.
- D. Connection to an existing soil absorption field may be permitted if the following conditions are met:
1. The connection will not exceed the design daily flow based on the written site evaluation report and the sizing requirements of 410 IAC 6-8.2.
  2. The existing OSDS is not in failure or has not exhibited signs of OSDS failure.
  3. The applicant has possession of a record of the OSDS permit that shows all dimensions, and records of a final inspection conducted by the Boone County Health Department documenting that the conditions of the OSDS permit have been met.
  4. If the existing OSDS shall fail, there is sufficient space for an appropriately sized and designed OSDS replacement, based on a written site evaluation report and sizing requirements of 410 IAC 6-8.2.
- E. Should an OSDS fail, the failure shall be corrected by the owner of the property served by such OSDS within the time limit set by the Health Officer.
- F. Upon producing proper credentials and identification, an agent of the Boone County Health Officer shall be permitted to enter upon all properties at reasonable times to ensure compliance with this Ordinance and 410 IAC 6-8.2 et. seq. and 410 IAC 6-10 et. seq., to: inspect facilities, equipment or records; investigate allegations; determine soil characteristics; conduct tests; and collect samples.

**Section 7. OSDS PERMITS.** An owner shall comply with the requirements for obtaining a residential OSDS permit contained in 410 IAC 6-8.2-52. If a sanitary sewer exists within 300 feet of the property for which the OSDS permit is requested, the Health Officer may deny the application for an OSDS permit and require that the residence be connected to the sanitary sewer.

- A. The owner or owner's agent shall obtain a written permit signed by the Health Officer for the construction of an OSDS prior to the following:
1. The start of construction, or the placement, of a residence that will not be connected to a PPOTW at the time of initial occupancy.
  2. The start of any construction of a residential OSDS repair or replacement.
  3. The start of construction of any replacement, reconstruction, or expansion of a residence which may increase the number of bedrooms.
  4. The start of construction of any commercial facility which will not be connected to a PPOTW at the time of initial occupancy.
  5. The start of construction of a commercial OSDS repair or replacement.

- B.** The owner or owner's agent shall provide an application, floor plan, and plan submittal for an OSDS permit.
- C.** The plan for a new residential OSDS shall be drawn up by a registered engineer or land surveyor and shall contain the following information:
1. Legal description of the property, scale, site location map, and north arrow.
  2. Property owner or client's name and address.
  3. Property boundaries.
  4. Surveying benchmark.
  5. Footprint of all existing and proposed buildings, mobile homes, etc.
  6. Location of all existing or proposed roads and driveways.
  7. Location of all existing rights-of-way, building setbacks, and easements.
  8. Size and location of any legal county drain. No permanent structure or installation may be built within 75 feet of a legal drain.
  9. Indicate the 100 year flood elevations as determined by the Indiana Department of Natural Resources (IDNR).
  10. Utility services.
  11. Location of proposed or existing private well(s) with fifty (50) foot radius drawn (unless soil type requires additional distance under 410 IAC 6-8.2-56).
  12. Location of all proposed or existing public water supply well(s) within 100 feet of the OSDS.
  13. Location of all trees, and shrubs that may affect the construction of the OSDS.
  14. Location of all soil borings.
  15. Location of all lakes, ponds, reservoirs, rivers, streams, ditches, or swales.
  16. Location, design, size, and depth of proposed OSDS and subsurface drainage.
  17. Description, location, size, and depth of proposed subsurface drainage outlet.
  18. Contour lines, shown at one or two foot intervals.
  19. Finished first floor elevation of the structure.
  20. Invert elevations of all pipes as they enter and/or exit the dwelling, septic tank, dosing tank (if present), and distribution box.
  21. Existing ground elevations, trench bottom elevations, and invert elevations of both ends of all absorption fingers.
  22. Existing ground and invert elevations at the corners of the subsurface drain.
  23. Invert elevation of the proposed subsurface drainage outlet if a tile is to be utilized. If an open drain is to be used, a cross sectional drawing showing elevation of bank top and ditch bottom should be provided along with annual high water flow line.
  24. Specifications that the site must be protected from all compacting, grading, and/or filling prior to installation or the site may be rendered useless.
  25. Indications that the septic tank(s), dosing tank (if required), and absorption fields may be constructed no closer than ten (10) feet from a property line, dwelling, water line, or structure, and no closer than fifty feet from any private water supply, including any on neighboring properties.
  26. A minimum septic tank capacity of 1250 gallons.
  27. Outlet filter diagram with manufacture's name, filter name, and filter size as well as location to be installed.
  28. An access manhole at each end of the septic tank, with double lids, with a riser extending to final grade, and fitted with a secured gastight cover. At least one of the access manholes and its associated riser shall be no less than eighteen inches in diameter.
  29. Adequate baffling, an elbow or a sanitary tee in the distribution box, and at least five feet of solid piping from the distribution box to each trench.

30. Trench length and trench spacing of a minimum of ten (10) feet on centers if room permits; trenches installed parallel to existing ground contours.
  31. A cross-sectional detail of an absorption trench. Indicate a minimum of twelve inches of cover soil shall be placed over the trench after construction.
  32. A cross-sectional detail of a typical subsurface drain trench.
  33. If the outlet of the perimeter drain is off the property, a drainage easement must be obtained. A copy of the easement must be recorded with the County Recorder and submitted with the plan.
  34. The size in gallons of the dosing tank, if one is required. Provide a cross-section of the dosing tank, including elevations of the pump intake, the on/off and alarm switches, and the tank inlet and outlet.
  35. An access hatch in the dosing tank of sufficient size to allow removal of the pump for maintenance. Specify that the dosing tank hatch will be at ground level.
  36. The pumping rate of the dosing pump and pump size. Include the head discharge curve for the pump and the calculations for total dynamic head for the system.
  37. The force main from the dosing tank, if required, and indicate length and diameter.
  38. If an elevated sand mound is to be used as the disposal area, the plot plan shall show:
    - a. the dimensions of the basal area and aggregate bed of the mound.
    - b. a cross-sectional detail of the aggregate bed in the mound.
    - c. a depiction of the manifold and delivery laterals, including lengths, diameters, and number of holes in the laterals.
    - d. the calculations for total system head plus the discharge curve for the pump chosen for the system, to demonstrate that the pump has sufficient capacity.
- D. The plan for a repair or replacement residential OSDS shall be drawn up by a Boone County certified and registered OSDS installer, registered engineer, or land surveyor and shall contain the following information:
1. Scale and north arrow.
  2. Property owner or client's name and address.
  3. Property boundaries.
  4. Surveying benchmark.
  5. Footprint of all existing and proposed buildings, mobile homes, etc.
  6. Location of all existing or proposed roads and driveways.
  7. Size and location of any legal county drain. No permanent structure or installation may be built within 75 feet of a legal drain.
  8. Indicate the 100 year flood elevations as determined by the Indiana Department of Natural Resources (IDNR).
  9. Utility services.
  10. Location of proposed or existing private well(s) with fifty (50) foot radius drawn.
  11. Location of all proposed or existing public water supply well(s) within 100 feet of the OSDS.
  12. Location of all trees, and shrubs that may affect the construction of the OSDS.
  13. Location of all soil borings.
  14. Location of all lakes, ponds, reservoirs, rivers, streams, ditches, or swales.
  15. Location, design, size, and depth of proposed OSDS and subsurface drainage.
  16. Description, location, size, and depth of proposed subsurface drainage outlet.
  17. Existing ground elevations, trench bottom elevations.
  18. Existing ground and invert elevations at the corners of the subsurface drain.
  19. Invert elevation of the proposed subsurface drainage outlet if a tile is to be utilized.

20. Indications that the septic tank(s), dosing tank (if required), and absorption fields may be constructed no closer than ten feet from a property line, dwelling, water line, or structure, and no closer than fifty feet from any private water supply, including any on neighboring properties.
21. A minimum septic tank capacity of 1250 gallons.
22. An access manhole at each end of the septic tank, with double lids, with a riser extending to final grade, and fitted with a secured gastight cover. At least one of the access manholes and its associated riser shall be no less than eighteen inches in diameter.
23. Outlet filter diagram with manufacture's name, filter name, and filter size as well as location to be installed.
24. Trench length and trench spacing of a minimum of ten (10) feet on centers if room permits; trenches installed parallel to existing ground contours.
25. If the outlet of the perimeter drain is off the property, a drainage easement must be obtained. A copy of the easement must be recorded with the County Recorder and submitted with the plan.
26. The size in gallons of the dosing tank, if one is required.
27. The force main from the dosing tank, if required, and indicate length and diameter.
28. If an elevated sand mound is to be used as the disposal area, the plot plan shall show:
  - a. The dimensions of the basal area and aggregate bed of the mound.
  - b. A cross-sectional detail of the aggregate bed in the mound.
  - c. A depiction of the manifold and delivery laterals, including lengths, diameters, and number of holes in the laterals.
  - d. The calculations for total system head plus the discharge curve for the pump chosen for the system, to demonstrate that the pump has sufficient capacity.
- E. If a subsurface system is to be used as the OSDS the following shall be staked out on the lot:
  - a. All absorption fingers at each end.
  - b. Interceptor drain (if required).
  - c. Perimeter drain at each corner (if required).
  - d. Segment drain (if required).
- F. If an elevated sand mound is to be used as the OSDS the following shall be staked out on the lot:
  - a. Soil absorption field.
  - b. Dispersal area.
  - c. Interceptor drain (if required).
  - d. Perimeter drain at each corner (if required).
  - e. Segment drain (if required).
- G. The Health Officer or agent may require alternative OSDS to be staked out on the lot.
- H. The Health Officer or agent must inspect and approve all proposed or actual OSDS perimeter drain connections into any outlet. The owner or owner's agent shall uncover necessary tiles showing proposed connections and outfall, before the OSDS permit will be issued. The tile shall be left uncovered until approved by the Health officer or agent, or a minimum of two (2) working days has elapsed after written notice has been received by the Boone County Health Department. A working day is a calendar day exclusive of Saturday, Sunday, and County recognized legal holidays.
- I. All lots requiring subsurface drainage will be connected into a working drain, hereinafter called an outlet of the following type:
  - a. Existing tile drain

- b. Legal court drain
  - c. Natural watercourse
  - d. Storm sewers
  - e. Existing open ditch
- J. The owner or owner's agent shall obtain a written approval from the Indiana State Department of Health for the construction of a commercial facility OSDS and an alternative technology OSDS for a residence, for which the authority to issue a permit has not been delegated to the Health Officer. The application to the Health Officer shall include a copy of the approval letter issued by the Indiana State Department of Health that acts as an OSDS construction permit and a copy of the plan submittal.
- K. The OSDS permit shall be available to regulatory authorities at the residence or commercial facility where the OSDS is under construction.
- L. A residential OSDS permit or commercial OSDS permit shall expire upon completion of OSDS construction or within one (1) year after issuance, whichever comes first. A residential OSDS permit may be renewed up to two (2) times if the owner or owner's agent applies for renewal not more than thirty (30) days after expiration. When an OSDS permit has expired, construction on the OSDS and the residence or commercial facility it serves shall not commence or resume unless a new application and fee have been submitted and a new OSDS permit has been obtained. The owner or owner's agent shall comply with the conditions of the new OSDS permit.
- M. An owner shall obtain a written permit signed by the Health Officer for the use of a privy. Privies shall conform to Indiana State Department of Health Bulletin S.E. 11, "The Sanitary Vault Privy," 1986 Edition; a copy is filed in the office Boone County Health Department for public inspection.

**Section 8. INSPECTIONS.**

- A. The owner or owner's agent shall request a pre-installation meeting by the Boone County Health Department at least two (2) working days before the start of any construction of a residential or commercial OSDS.
- B. The owner or owner's agent shall request an inspection by the Boone County Health Department at least two (2) working days before any portion of the OSDS is covered, as required in 410 IAC 6-8.2-50 (h).
- C. The OSDS construction shall comply with the requirements of 410 IAC 6-8.2 et. seq., all provisions of this Ordinance, all other local ordinances, and the OSDS permit.
- D. The Boone County Health Department may inspect all commercial OSDS installations.

**Section 9. PERMIT DENIAL, MODIFICATION, AND REVOCATION.** An OSDS permit may be denied, modified, or revoked in accordance with the provisions of 410 IAC 6-8.2-52, 54, and 55.

- A. After review of an application and plan submittal, the Boone County Health Department may deny a permit for an OSDS for which it has authority. The reasons for denial include, but are not limited to, any of the following, or combination thereof:
  - 1. The OSDS plan submittal does not address the demands and limitations of the OSDS site.
  - 2. The owner failed to demonstrate that the proposed OSDS can be designed, located, constructed, maintained, and operated in compliance with 410 IAC 6-8.2 et. seq. and all of the provisions of this Ordinance.
  - 3. False information was submitted in the application.
  - 4. Information submitted in the written site evaluation report, plot plan or OSDS plan is found to be incomplete or erroneous.



5. The owner failed to respond to a request for a revised plan submittal or for additional information within thirty (30) days.
- B. If an application is denied, the owner shall be advised, in writing, of the basis for the denial, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- C. The Boone County Health Department may modify or revoke a permit that it has issued. The reasons for modification or revocation include, but are not limited to, any of the following:
  1. The soil absorption field site has been disturbed or altered after collection of information for the written site evaluation report. Disturbance or alteration of the site includes, but is not limited to the following:
    - a. The addition of fill.
    - b. Cutting, scraping, or removal of soil.
    - c. Compaction of the site.
  2. False information has been submitted to obtain the permit.
  3. Information submitted in the written site evaluation report, plot plan, or OSDS plan is found to be erroneous, incomplete, or deficient.
  4. Errors or omissions are discovered after the permit has been issued.
  5. The OSDS does not comply with 410 IAC 6-8.2 et. seq., the provisions of this Ordinance, or the conditions of the OSDS permit.
  6. The owner or owner's agent failed to notify the Boone County Health Department and the installer prior to construction of a commercial facility or residential OSDS, in order to schedule a pre-installation conference at the site.
  7. The owner or owner's agent failed to request an inspection by Boone County Health Department at least two (2) working days before any portion of the OSDS was covered.
- D. If a permit is revoked or modified, the owner shall be advised, in writing, of the basis for the modification or revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- E. If a permit has been revoked, the following shall occur for a new permit to be issued:
  1. The owner shall provide, as necessary, a revised site evaluation, and a revised plot plan and OSDS plan.
  2. The proposed OSDS shall comply with the requirements of 410 IAC 6-8.2 et. seq., and all of the provisions of this Ordinance.
  3. If a permit is revoked, construction may not proceed on the OSDS, or the residence or commercial facility it serves, until a new permit is issued.

**Section 10. FEES.**

- A. An application fee in the amount specified in the Boone County Fee Ordinance for plan review shall be submitted with the application for permit.
- B. A fee in the amount specified in the Boone County Fee Ordinance for an OSDS permit shall be submitted prior to issuance of the OSDS permit.

**Section 11. PETITION FOR REVIEW**

- A. The Boone County Board of Health shall hear appeals incidental to the issuance, modification, denial and revocation of OSDS permits if, within 15 days following the date of receipt of an issued OSDS permit, OSDS permit modification, notice of OSDS permit denial or notice of OSDS permit revocation, any person aggrieved by such action files a petition for review concerning such action with the Board.
- B. The petition for review shall state:

1. The name, address and telephone number (if applicable) of the person making the request;
  2. Identify the interests of the petitioner which is effected by the OSDS permit issuance, denial, modification, or revocation;
  3. Identify any persons whom the petitioner represents
  4. State with particularity the reasons for the request;
  5. State with particularity the issues proposed to be considered;
  6. Include proposed terms or conditions, which in the judgment of the petitioner would be appropriate to carry out the requirements of law, 410 IAC 6-8.2 et. seq., or this Ordinance governing such OSDS permits.
- C. Upon receipt of a petition for review, the Health Officer or agent shall arrange a time and place for a hearing before the Board of Health and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the petition.
- D. At such hearing, the petitioner shall be given an opportunity to show evidence why the permit should not be modified, denied, or revoked. The Health Officer or agent shall be given opportunity to show the reasons for the modification, denial, or revocation. At the conclusion of the hearing, the Boone County Board of Health shall sustain or overrule the Health Officer's original ruling depending upon its findings as to compliance with the provisions of 410 IAC 6-8.2 and this ordinance. All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Boone County Health Department.
- E. The procedures established in IC 4-21.5, the Administrative Procedure and Orders Act, may apply to the conduct of the hearing.

**Section 12. ENFORCEMENT.** This ordinance is enforced in accordance with the provisions of 410 IAC 6-8.2.

- A. Any person found to be in violation of any provision of this Ordinance, 410 IAC 6-8.2 et. seq., 410 IAC 6-10 et. seq., or any conditions of an OSDS permit, shall be served with a written order either in person or by certified or registered mail by the Health Officer. This order shall state the nature of the violation, and provide a reasonable time limit unless the Health Officer deems an emergency exists, not to exceed 60 days, for the correction of any violation of this Ordinance.
- B. Whenever the Health Officer, his agent excluded, finds that an emergency exists which requires immediate action to protect the public health, the Health Officer may issue an order describing the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately.
- C. The Health Officer may issue an order to stop work when:
  1. Construction of an OSDS has begun without a permit.
  2. Construction of an OSDS is in violation of the permit issued.
  3. Any other conditions exist that may result in the revocation of a permit, as listed in Section 9 of this Ordinance.
- D. An owner or owner's agent, upon receipt of an order, shall comply with the order and the provisions of 410 IAC 6-8.2 et. seq., and all of the provisions of this Ordinance.
- E. Any person who shall continue any violation of this Ordinance beyond the time limit provided for correction of any violations of this Ordinance or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect, or refuse to obey any lawful order given by the Boone County Health Officer shall be punished for the first offense by a fine of not more than \$500.00 and for the

second and each subsequent offense of not more than \$1000. Each day a violation of this Ordinance continues shall constitute a separate offense for which a separate fine may be levied.

**Section 13. REMEDIES.**

- A. The Health Officer may bring actions in the Boone County Circuit Court or Superior Court of Boone County for mandatory and injunctive relief for the enforcement of and to secure compliance with any order or orders made by the Health Officer or to otherwise provide for the enforcement of this Ordinance.
- B. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Health Officer may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this Ordinance including, but not limited to, reasonable attorney's fees.
- C. In addition to the specific enforcement mechanisms contained within this Ordinance, the Health Officer may furnish written evidence of any violation of this Ordinance to the Boone County Prosecutor and/or the Boone County Attorney for appropriate action against the offending person.

**Section 14. SEVERABILITY.** Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 15. EFFECTIVE DATE.** This Ordinance shall apply to all of Boone County, Indiana, as of the date from and after its adoption and approval by the Commissioners as stated herein and any publication as required by law.

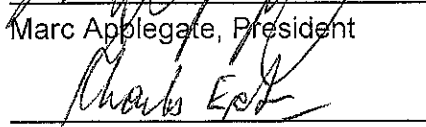
**Section 16. REPEALER.** The provisions of any prior or hereby inconsistent with any provisions of this Ordinance are hereby superseded and repealed.

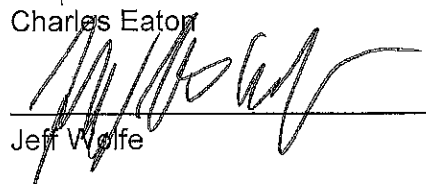
**Section 17. CITATION REFERENCE.** Any reference to specific provisions of Indiana Code or Indiana Administrative Code shall also include subsequent amendments.

Adopted this 2 day of April, 2012.

**Board of Commissioners, Boone County, Indiana**

  
\_\_\_\_\_  
Marc Applegate, President

  
\_\_\_\_\_  
Charles Eaton

  
\_\_\_\_\_  
Jeff Wolfe

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NAME: Karen Lasley-Mare

Attest: Melody Price  
Melody Price, Boone County Auditor