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## BOARD OF COMMISSIONERS OF BOONE COUNTY, INDIANA

### ORDINANCE 2012-05

#### (Ordinance for the Certification and Registration of Onsite Sewage System Installers)

**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 local regulations relating to the certification and registration of installers of on-site sewage systems and found them 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 regulations relating to the Certification and Registration of on-site sewage system installers 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 registration and certification of on-site sewage system installers 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. DEFINITIONS

- A.) Certified Installer: An installer who passes a written proficiency examination conducted by the department or an entity approved by the department, and maintains certification through retesting or obtaining the proper Continuing Education Units.
- B.) Department: the Boone County Health Department.
- C.) Health Officer: The Health Officer for Boone County and/or his/her authorized representative.
- D.) Registered Installer: A certified installer who registers with the Boone County Health Department

#### Section 2. INSTALLER REGISTRATION

Effective sixty (60) days after the adoption of this Ordinance, no person shall construct, install, replace, alter, or repair any part of any Onsite Sewage System (OSS) in Boone County unless the person is registered with the department.

- A.) An installer shall file with the department an Application for Registration, on a form provided by the department. Such application shall include all of the information required on the form, including:
  - 1). name
  - 2). company name and address,
  - 3). phone number(s) and email address of the installer
  - 4). proof of current certification for gravity OSS and flood dose OSS.
- B.) The installer may also include with the application proof of certification for trench pressure OSS, sand mound OSS, and Technology New to Indiana OSS for which an interim standard has been published by the Indiana State Department of Health.
- C.) The installer applying for registration must also provide the information required in subsections A.) and B.) for each Certified Installer employed by the Registered Installer.
- D.) Such registration shall be valid for a term of one-year beginning January 1<sup>st</sup> and expiring December 31<sup>st</sup>, of the same year and shall be renewed annually. The Registration shall bear the name and address, phone number(s) and email address of the registered installer and the expiration date, and shall not be transferable.

### Section 3. INSTALLER EXAMINATION

Every installer engaged in the construction of OSS in Boone County shall be knowledgeable of all laws, rules, technical specifications, and ordinances of both the State of Indiana and Boone County governing OSS.

- A.) The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances before becoming certified by passing a written proficiency examination conducted by the department or an entity approved by the department.
- B.) The examination shall be in multiple parts. The department or an entity approved by the department will develop examinations to test applicant knowledge of laws, rules, regulations, and ordinances of the State of Indiana and Boone County in the following areas.
  - 1.) Part A will cover gravity OSS and flood dose OSS;
  - 2.) Part B will cover trench pressure distribution OSS and sand mound OSS.
  - 3.) Technology New to Indiana OSS for which an interim standard has been published by the Indiana State Department of Health.
- C.) The examinations shall be reviewed from time to time to determine their applicability to current laws, rules, technical specifications and ordinances.
  - 1.) A score of eighty (80) percent or higher on each part will be considered passing. If the applicant fails to pass any part of the examination, the applicant may re-apply for Installer Certification and re-examination no earlier than one (1) month following the examination date.
  - 2.) When taking a written examination is not feasible due to language or reading difficulties, oral examination will be allowed.

### Section 4. INSTALLER CERTIFICATION:

An applicant shall comply with the requirements for obtaining certification, and may be certified to install OSS for the following.

- A.) Upon successful completion of the examination for Section 3. B.) 1.) [Part A], the applicant shall be issued certification to install gravity OSS and flood dose OSS.

- B.) Certification to install gravity OSS and flood dose OSS is required prior to certification to install trench pressure OSS and sand mound OSS, or certification to install a Technology New to Indiana OSS for which an interim standard has been published by the Indiana State Department of Health.
- C.) Upon successful completion of the examination for Section 3. B.) 2.) [Part B], the applicant shall be issued certification to install trench pressure OSS and sand mound OSS.
- D.) Upon successful completion of an examination for Section 3. B.) 3.) for a Technology New to Indiana OSS for which an interim standard has been published by the Indiana State Department of Health, the applicant shall be issued certification to install an OSS for that Technology New to Indiana.
- E.) The certified installer shall possess a copy of the certification at all times when installing OSS.
- F.) A Certified Installer shall be on the site at all times during OSS construction, and shall be deemed responsible for the construction. A Certified Installer may supervise other construction workers as necessary to assist in the construction.
- G.) Every Certified Installer shall be a Registered Installer or shall be employed by a Registered Installer. If the Certified Installer is not also a Registered Installer, they shall declare at the time of certification the Registered Installer they work for and shall maintain employment with the Registered Installer as a condition of their certification
- H.) A property owner wanting to install, repair, replace, or otherwise work on the OSS serving the property owner's dwelling shall be required to demonstrate knowledge of the applicable laws, rules, technical specifications, and local ordinances by passing the proficiency exam in Section 3. B.) 1.) [Part A], and Section 3. B.) 2.) [Part B] (if applicable), or Section 3. B.) 3.) (if applicable), conducted by the department or an entity approved by the department.

#### Section 5. ENFORCEMENT

- A.) If a Registered or Certified Installer has repeated violations of any provision of this Ordinance or the applicable rules and requirements of the department, the Health Officer may revoke the appropriate registration and/or certification. If registration or certification is revoked, the requirements for becoming registered and/or certified, including testing and the payment of the appropriate fee, shall apply prior to re-registration or re-certification. An installer who has been re-registered or re-certified under these conditions shall be on probationary status for a period of one (1) year.
- B.) If a registration or certification is revoked, the installer shall be advised, in writing, for the basis of the revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- C.) Any person (except for a property owner who complies with the requirements of Section 4. H.) constructing, installing, repairing, replacing, or altering any OSS who is not registered in Boone County shall be deemed to be in violation of this Ordinance. A person who is in violation of this Ordinance shall be fined for the first offense no more than Two Thousand Five Hundred Dollars (\$2,500.00); for the second and each subsequent offense no more than Seven Thousand Five Hundred Dollars (\$7,500.00). Each violation of this Ordinance shall constitute a separate violation.

#### Section 6. FEES

- A.) A fee of twenty five dollars (\$25) for Installer Registration shall be submitted prior to the issuance or renewal of the Registration.
- B.) A property owner as described in Section 4. H.) is exempt from the Installer Registration fee.

Adopted and Ordained this 2<sup>nd</sup> day of April, 2012.

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

By: [Signature]  
Marc Applegate

By: [Signature]  
Jeff Wolfe

By: [Signature]  
Charles Eaton

Attest: Melody Price  
Melody Price  
Boone County Auditor

"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 Larby-Manc