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**ORDINANCE 2012- 10**  
Update of Ordinance 2010-11  
**TIPTON COUNTY SEPTIC ORDINANCE**

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**TITLE AND PURPOSE**  
**(SEC 1)**

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- A) This ordinance regulates the location, installation, construction, maintenance, and replacement of all residential and commercial onsite sewage systems in Tipton County and provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.
- B) This chapter shall be known and may be cited as the Tipton County Onsite Sewage Ordinance.
- C) The general purpose of this chapter is to promote the public health, safety, and welfare and to further the following related and specific objectives.
- 1) To preserve and improve the environmental quality of the county.
  - 2) And to minimize and eliminate contamination of ground and surface water resources.
  - 3) And to control the utilization of private onsite sewage systems based on the limitations of the site for such use as determined by a soil profile analysis based on the criteria set forth by the Natural Resource Conservation Service.

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**INCORPORATION BY REFERENCE**  
**(SEC 2)**

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The requirements found in Rule 410 IAC 6-8.3, et. seq., are incorporated by reference as a part of this Ordinance and shall include any later amendments, repeals, and replacements to the regulation as the same are published in the Indiana Administrative Code with the effective dates as fixed herein.

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**DEFINITIONS**  
**(SEC 3)**

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- A) **By reference:** 410 IAC 6-8.3, et seq., in its entirety.
- B) **Approved Alternate Site:** A set aside area that has had a soil evaluation done and is approved for an On-Site Sewage System.
- C) **Continuing Education Unit:** measure of continuing education hours in which a professional participates with the purpose of staying current with changes in their industry.
- D) **Distribution Box:** A concrete or poly formed box that equally distributes the effluent to each absorption trench. The "D" box must have a minimum separation of five feet to the proximal end of each soil absorption field trench.
- E) **Health Officer:** A medical doctor serving as the executive officer for the Tipton County Health Department and secretary for the Tipton County Board of Health.
- F) **Health Officer Designee:** Employees of the local health department in the Environmental division.
- G) **Homeowner:** As used in this rule, means the deed holder of recorded property, which resides in, or will reside in a dwelling on the recorded property.
- H) **Installers License:** As used in this rule, means an annual certificate issued to a person, for hire, who meets all the prerequisites for installing onsite sewage systems in Tipton County.
- I) **Onsite Sewage System Installation Company:** Any company, corporation or crew that installs onsite sewage systems.

- 52 J) **Onsite Sewage System Operator:** An individual that operates equipment such as a  
 53 backhoe, excavator, trencher or a level transit during an onsite installation, and/or is  
 54 responsible for the installation of an onsite sewage system.
- 55 K) **Operator:** The Person in charge of the work site.
- 56 L) **Outlet Filter:** As used in this rule, means devices designed to restrict particulate matter from  
 57 leaving the septic tank and enhance the quality of effluent.
- 58 M) **Subsurface Drain:** As used in this rule, means a trench comprising of a pipe and a layer of  
 59 gravel, stone, or coarse sand filled to within six (6) inches of the final grade with the purpose  
 60 of effectively lowering the seasonal high water table twenty-four (24) inches below the bottom  
 61 of the deepest part of the absorption area.
- 62 N) **Subsurface Drain Separation Distance:** The minimum ten (10) feet separation is measure  
 63 from the outside of the septic trench to the inside of the subsurface drain.

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65 **LICENSING OF INSTALLERS**

66 **(SEC 4)**

- 67
- 68 A) Any company and/or person responsible for the installation of an Onsite Sewage System  
 69 (OSS) shall obtain a license from the Tipton County Health Department, Division of  
 70 Environmental Health.
- 71 1) The company must complete an application (homeowner exception see SEC 4 B-4).  
 72 2) Submit to a written examination, which will cover state and local regulations  
 73 governing onsite sewage systems, and pass said examination and attend one State  
 74 or local Health Department training session per year.
- 75 3) If the person fails to pass the examination, the person may re-apply for an installer's  
 76 license and examination no earlier than fourteen (14) days following the examination  
 77 date. A \$20 re-examination fee per person must be paid prior to re-examination.
- 78 4) Installers attending continuing education throughout the year can earn continuing  
 79 education units (CEU). Installers who earn eight (8) CEU's each year are not required  
 80 to take the examination the following year.
- 81 i. Installers must submit proof of CEU's earned to the Tipton County Health  
 82 Department. This includes programs, itineraries, etc.
- 83 ii. Installers will be responsible for tracking their earned CEU's.
- 84 iii. The Tipton County Health Department will accept CEU's accepted by the  
 85 Indiana Onsite Wastewater Professionals Association (IOWPA).
- 86 iv. The Tipton County Health Department will accept CEU's from educational  
 87 courses/events that cover onsite wastewater material that are not accepted by  
 88 IOPWA. However, the installer **must** submit a program plan/itinerary for the  
 89 course at least two (2) weeks prior the event for approval.
- 90 v. Installers who do not submit eight (8) CEU's for the year must take the  
 91 examination the following year.
- 92 vi. All installers will be required to attend training and take an examination after a  
 93 change in state regulations.
- 94 5) The company must obtain and maintain with Tipton County Health Department Proof  
 95 of Liability Insurance that includes Products and Completed Operations with a  
 96 minimum of \$1,000,000.00 coverage, with Tipton County Health Department listed as  
 97 the Certificate Holder.
- 98 6) Each onsite sewage system company, owner, and operator must be licensed before  
 99 installing an onsite sewage system.
- 100 7) Each onsite sewage system company shall maintain a list, with Tipton County Health  
 101 Department, of their personnel that are laborers and licensed operators.
- 102 8) Each job site will have a licensed person present at all times of installation.
- 103 B) Once the criteria in SEC 4A 1-7 above are met, the applicant shall pay set fee for such  
 104 license, as set by Tipton County Board of Health fee schedule.
- 105 1) Installer's license may be issued and shall be renewed within thirty (30) days of  
 106 expiration. The company may license more than one person for no additional fee.

- 107 2) Such license shall be valid for one year. The license shall bear the name and
- 108 address of the company, the name of the licensee, and the expiration date.
- 109 3) The licensee shall maintain in his/her possession, during the installation of onsite
- 110 sewage systems, a copy of the permit, a copy of the installer's license and a copy of
- 111 the approved septic design.
- 112 4) A homeowner that wishes to install an onsite sewage system on his/her property is
- 113 exempt from license fees and insurance requirements. The homeowner must submit
- 114 to an examination, which will cover state and local regulations of OSS. Any
- 115 installation conducted by a homeowner shall not be for real-estate development, or
- 116 any other commercial interests.
- 117 C) An installer's license, issued under this ordinance, may be temporarily suspended by the
- 118 Health Officer or designee with notice or hearing for a period not to exceed ten (10) days, for
- 119 any violation of this ordinance, or Indiana State Dept. of Health septic regulations.
- 120 1) Procedure for appeal: See section 11 for procedure.
- 121 D) An installer's license, issued under this ordinance, may be revoked by the health board
- 122 following compliance with Section 11.
- 123 1) Upon the Health Board hearing, if the licensee should fail to show cause, may revoke
- 124 the license and promptly give written notice of the action to the licensee. The Health
- 125 Officer shall maintain a permanent record of the proceedings filed in the office of the
- 126 Health Department. If the Board determines the license shall be revoked, the
- 127 licensee shall be forbidden to install, repair, or otherwise work on OSS in Tipton
- 128 County for the time period fixed by the Health Board.
- 129 2) An installer's license may be revoked for the following:
- 130 a) Documented non-correctable, irreversible damage to an onsite sewage
- 131 system site.
- 132 b) The second offense of any onsite sewage system installed that does not
- 133 meet compliance with this rule after the expiration of the time limit for
- 134 correction.
- 135 c) Documentation of repetitious violations of this ordinance or state rule or tech-
- 136 spec., and demonstrated unwillingness to correct violations on the part of the
- 137 installer.

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139 **ONSITE SEWAGE SYSTEM PERMIT**

140 **(SEC 5)**

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- 142 A) The owner or agent of the owner shall obtain a written permit, from the Tipton County Health
- 143 Department, signed by the Health Officer for the construction of a residential or commercial
- 144 OSS prior to the following:
- 145 1) The start of construction on any part of the OSS or the placement of a resident or
- 146 building that will not be connected to a publicly or privately owned wastewater
- 147 treatment plant at the time of initial occupancy.
- 148 2) The start of any construction of an OSS alteration, replacement, or additions.
- 149 3) The start of construction of any replacement, reconstruction, or expansion of a
- 150 residence which may increase the number of bedrooms.
- 151 B) The owner shall obtain all necessary federal, state, and local permits and approvals before
- 152 construction begins on an OSS.
- 153 C) Any proposed changes, alterations or additions to an OSS plan submittal for which a permit
- 154 has already been issued shall be approved by the Tipton County Health Department prior to
- 155 the implementation of the changes.
- 156 D) The health department shall issue, or deny in writing, to the owner an OSS permit within
- 157 fourteen (14) days of receipt of a complete application and complete plan submittal.
- 158 E) An OSS permit shall expire upon compliance of the OSS installation, or within two (2) years
- 159 of the issue date, whichever comes first.
- 160 F) The owner or agent shall request an inspection by the health department at least ~~two (2)~~ *5 day*
- 161 working days before any portion of the OSS is covered.

*Both decision*

- 162 G) The Septic Installer or Company shall notify Tipton County Health Department the day of  
 163 beginning excavation on the OSS.
- 164 H) The Health Department may modify or revoke a permit which it has issued. The reasons for  
 165 modification or revocation include, but not limited to, any of the following:
- 166 1) The soil absorption field site has been disturbed or altered after collection of  
 167 information for the written site evaluation report. Disturbance or alteration of the site  
 168 includes, but is not limited to the following:
- 169 a) The addition of fill  
 170 b) The cutting, scraping, or removal of soil  
 171 c) The compaction of the site
- 172 2) False information has been submitted to obtain the permit.
- 173 3) Information submitted in the written site evaluation report, plat plan, or OSS plan is  
 174 found to be erroneous.
- 175 4) Errors or omissions are discovered after the permit has been issued.
- 176 5) The OSS does not comply with the requirements of 410 IAC 6-8.3 et. seq., technical  
 177 specification, and all of the provisions of this ordinance, or conditions of the permit.
- 178 6) The owner or agent of the owner failed to notify the Health Department at least seven  
 179 days prior to construction of a commercial facility OSS.
- 180 7) The owner or agent of the owner failed to request an inspection by the health  
 181 department at least two (2) working days before any portion of the OSS was covered.
- 182 I) If a permit is revoked or modified, the owner shall be advised, in writing, for the basis of the  
 183 modification or revocation, the right for appeal, and the deadline for appeal.
- 184 J) If a permit has been revoked, the following shall occur for a new permit to be issued:
- 185 1) The owner shall provide, as necessary, a revised site evaluation, and a revised plat  
 186 plan and OSS plan.
- 187 2) The proposed OSS shall comply with the requirements of 410 IAC 6-8.3 et. seq.,  
 188 technical specification, and all of the provisions of this ordinance.
- 189 3) If a permit is revoked, construction may not proceed on the OSS, or the residence or  
 190 commercial facility it serves, until a new permit is issued.

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192 **OSS PERMIT REQUIREMENTS AND PLAN SUBMITTAL**  
 193 **(SEC 6)**  
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- 195 A) The following requirements must be met before the issuance of a permit for an OSS.
- 196 1) A completed application
- 197 2) A written site evaluation report, performed by an ARCPACS Certified Soil Science  
 198 Consultant or a Certified Indiana Registry Soil Scientist (IRSS), containing soil  
 199 absorption field site characteristics, a soil profile report, and soil profile  
 200 characteristics, which include at least two borings per septic site.
- 201 3) A plat plan that includes:
- 202 a) Legal description of the property.  
 203 b) Property boundaries.  
 204 c) Utility and Drainage Easements  
 205 d) Required setbacks.
- 206 4) An OSS plan that includes:
- 207 a) A drawing of the OSS site to scale, or a sketch of the onsite system on a  
 208 copy of the plat (with measurements), identification of the onsite system on  
 209 the property, and required consultation with the local health department  
 210 b) Property boundaries.  
 211 c) Footprint of all structures (existing and proposed).  
 212 d) Existing and proposed sewer outlets and OSS components.  
 213 e) Setbacks and separation distances required herein.  
 214 f) Minimum separation of five feet from the Distribution box to the absorption  
 215 trench.

- 216 g) Identification of all existing and proposed water supply wells within one  
 217 hundred (100) feet of the OSS.  
 218 h) Within the proposed soil absorption field site, trees and shrubs that will affect  
 219 the construction of the soil absorption field.  
 220 i) Location of all soil sample sites.  
 221 j) All topographic features affecting the soil absorption field including:  
 222 1) Position (upland, terrace, or floodplain).  
 223 2) Percent slope, slope shape, and slope aspect.  
 224 3) Surface drainage characteristics including:  
 225 A) Location of all lakes, ponds, reservoirs, rivers, streams,  
 226 ditches, or swales that may affect the OSS.  
 227 B) Location of all surface topography where surface runoff may  
 228 collect or pond that may affect the OSS.  
 229 k) Type of vegetative cover at the site.  
 230 l) One hundred (100) year flood elevations as determined by the Indiana  
 231 Department of Natural Resources (IDNR) and identification of all portions of  
 232 the property at and below the one hundred (100) year flood elevation may be  
 233 required.  
 234 5) Detailed floor plan of the residence, to scale.  
 235 6) Detailed plan view of the OSS soil absorption field.  
 236 7) Detailed plan view of the OSS surface and subsurface drainage system.  
 237 8) Detailed cross section of the OSS soil absorption field, to scale.  
 238 9) Invert elevations of all piping, including all inlet and outlet piping to distribution boxes  
 239 and tanks; elevations of original grade at the four corners and center of the soil  
 240 absorption field(s); or contour lines at intervals of two (2) feet or less.  
 241 10) The Tipton County Health Department may require any Pressure Distribution OSS to  
 242 be designed by a registered professional engineer when deemed necessary.  
 243 11) Elevation of exposed working outlet of perimeter drain.  
 244 12) For chamber systems only, the specific manufacturer, brand, and model number  
 245 must be included in the plan submittal and must be a state approved system.  
 246 B) An outlet filter shall be installed in the septic tank of new on-site systems and existing on-site  
 247 systems requiring a new septic tank.  
 248 1) Use, sizing, installation, and service of outlet filters must be in accordance with  
 249 manufacturer's recommendations and State standards, as may be amended from  
 250 time to time.  
 251 2) Outlet filters must be maintained by the owner or agent of the owner.  
 252 3) Outlet filters must be placed to allow accessibility for routine maintenance without  
 253 entering the tank.  
 254 4) Service must be performed as required and no less frequently than each time the  
 255 septic tank is pumped.  
 256 C) A copy of the approved plan view of the septic design must be at the site during all  
 257 construction of the OSS.

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## 260 CONNECTION TO EXISTING SYSTEM 261 (SEC 7)

- 262  
 263 A) Connection to an existing onsite sewage system shall be permitted if the following conditions  
 264 are met.  
 265 1) The connection will not exceed the DDF for the OSS.  
 266 2) The existing system has not met the definition of an "OSS failure".  
 267 3) The existing system has been permitted and approved for use by the Tipton County  
 268 Health Department.  
 269 4) An approved alternate site may be required by the Health Officer or their designee.

- 270 5) In the event that a system enlargement is proposed, the enlargement must bring the  
271 existing system into compliance with the minimum standards of this ordinance.  
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## 273 OSS INSPECTION

### 274 (SEC 8)

- 275  
276 A) The Tipton County Health Department shall be permitted to enter upon all properties at  
277 reasonable times to insure compliance with this ordinance to: inspect facilities, equipment or  
278 records, investigate allegations, determine soil characteristics, conduct tests, and collect  
279 samples.  
280 B) The Health Officer or designee shall inspect each OSS, for which a permit is required under  
281 the provisions of this ordinance.  
282 C) The permit shall be signed in-compliance prior to the utilization of the OSS.  
283 D) Persons violating this section may be subject to Section 10, PENALTIES, of this ordinance.  
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## 285 VIOLATION

### 286 (SEC 9)

- 287  
288 A) Any person found to be in violation of this ordinance or any Indiana State Dept. of Health  
289 onsite sewage system regulation will first be notified by verbal communication by the Health  
290 Officer or his designee with an agreement on the time frame for correction and re-inspection.  
291 B) If verbal communication is not successful in compliance the property owner and the onsite  
292 sewage system company and or operator may be served by the Health Officer or his/her  
293 designee with a written order stating the nature of the violation and providing a time limit for  
294 satisfactory correction and re-inspection.  
295 C) After receiving an order in writing from the Health Officer or his designee, the owner of the  
296 property shall comply with the provisions of this ordinance as set forth in said order and within  
297 the time limit specified therein. Said order shall be served on the owner or the agent of the  
298 owner, but may be served on any person who, by contract with the owner, has assumed the  
299 duty of complying with the provisions of an order.  
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## 301 PENALTIES

### 302 (SEC 10)

- 303  
304 A) Any person found to be in violation of this rule or Indiana State Dept. of Health onsite sewage  
305 system rules & regulations shall be fined for the first offense not more than \$500.00 per day;  
306 for the second and each subsequent offense not more than \$1,000.00 per day. Any person  
307 constructing, installing, replacing, altering, or repairing any OSS who is not certified in Tipton  
308 County shall be deemed to be in violation of this ordinance. **Each day after the expiration**  
309 **of the time limit for abating unsanitary conditions and completing improvements to**  
310 **abate such conditions as ordered by the Tipton County Health Department shall**  
311 **constitute a distinct and separate offense.** Further, any person found to be in violation of  
312 the ordinance shall be liable to the Tipton County Health Department for any expense, loss,  
313 damages, or attorney fees occasioned by the Health Department for reason of violation.  
314 B) In the event that any onsite sewage system installed does not meet compliance with this  
315 ordinance, after the expiration of the time limit for correction, the installer shall be fined for the  
316 first offense not more than \$500.00 per day and/or license may be suspended. For the  
317 second offense, after the expiration of the time limit for correction, the installer shall be fined  
318 not more than \$1,000.00 per day and revocation of license.

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**PROCEDURE FOR APPEAL  
(SEC 11)**

- A) The Tipton County Health Board shall hear appeals incidental to the issuance and revocation of OSS permits, and installers license if, within 15 days following the date of receipt of an issued OSS permit, OSS permit modification, notice of OSS permit denial, notice of OSS permit revocation or notice of issued and revocation of installer licenses, any person aggrieved by such action files a petition for review concerning such action with the board.
- B) A petition for review shall state:
  - 1) The name, address and telephone number of the person making the request;
  - 2) Identify the interests of the petitioner which is effected by the OSS 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 appropriated to carry out the requirements of law, governed by this ordinance, 410 IAC 6-8.3 et. seq., or the technical specification governing such OSS permits.
- C) The procedures established in I.C. 4-21.5, the administrative procedure and orders act, may apply to the conduct of the hearing.
- D) After the Board of Health hearing, the Petitioner may appeal the Board of Health ruling to the Tipton County Board of Commissioners, who will determine if the proper process was followed. This appeal must be filed within fifteen (15) days after the date of the Board of Health's decision.
- E) After the Board of Commissioners hearing, the petitioner may appeal to the Circuit Court of Tipton County. This appeal must be filed with fifteen (15) days after the date of the Board of Commissioners' decision.

**REMEDIES  
(SEC 12)**

- A) Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer, or designee or an appeal against the order has been sustained by the Health Officer, the Health Officer or designee may, through the office of the Tipton County attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this ordinance.

**FEE SCHEDULE  
(SEC 13)**

- 1) As set forth in the Tipton County Health Department Fee Collection Ordinance and any amendments or revisions hereafter.

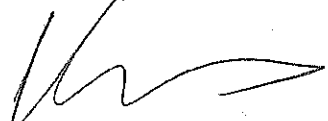
**CONFLICT OF ORDINANCES  
(SEC 14)**

- A) In any case where a provision of this ordinance is found to be in conflict with a provision of any code of Tipton County, Indiana existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health

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and safety of the people shall prevail. In any case where a provision of any other code of Tipton County, Indiana existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

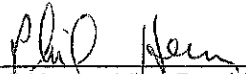
B) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to the end the provisions of this ordinance are hereby declared to be severable.

  
\_\_\_\_\_  
Kevin Condict, M.D. – Health Officer  
Tipton County Health Department

**DATE OF EFFECT  
(SEC 15)**

Passed and adopted by the Commissioners of Tipton County, State of Indiana, on this 19<sup>th</sup> day of November 20 12. The effective date shall be January 4<sup>th</sup>, 2013.

  
\_\_\_\_\_  
Mike Cline, President

  
\_\_\_\_\_  
Phil Heron, Vice President

  
\_\_\_\_\_  
Jane Harper

Attest:

  
\_\_\_\_\_  
Gregg A. Townsend, Tipton County Auditor

Amended as per County Commissioners 11/19/2012