

ORIGINAL

ORDINANCE NO. 2013- 023

**AN ORDINANCE TO AMEND TITLE 3 HEALTH AND ENVIRONMENT, CHAPTER 4 PRIVATE SEWAGE DISPOSAL OF THE DELAWARE COUNTY CODIFICATION**

**WHEREAS**, I.C. 13-26-5 outlines the powers and duties of regional water, sewage or solid wastes districts in the State of Indiana; and

**WHEREAS**, the *Delaware County Codification, Title 3 Health and Environment, Chapter 4 Private Sewage Disposal* regulates the installation, construction, maintenance and operation of private sewage disposal; and

**WHEREAS**, Section H of Chapter 4 addresses the availability of public combined or sanitary sewer or community combined or sanitary sewer, and sets out connection requirement for certain properties near the available sewers; and

**WHEREAS**, Section H of Chapter 4, while not directly conflicting with the powers and duties of regional water, sewage or solid wastes districts as outlined in I.C. 13-26-5, does not 'mirror' the language of I.C. 13-26-5 with respect to connection requirements for certain properties near available public sewers; and

**WHEREAS**, it is the intent that Section H of Chapter 4 fully comply with the powers and duties granted to regional water, sewage or solid wastes districts under Indiana law.

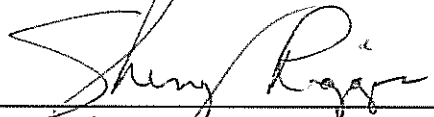
**IT IS THEREFORE ORDAINED BY THE DELAWARE COUNTY COMMISSIONERS, DELAWARE COUNTY STATE OF INDIANA** that *Title 3 Health and Environment, Chapter 4 Private Sewage Disposal, Section H (3-4-3(H))* is hereby amended and shall be hereafter codified as follows (amended language appears in *italics*):

Whenever a public combined or sanitary sewer or community combined or sanitary sewer, approved by the Indiana State Board of Health, becomes available and is within three hundred (300) feet of the property line of the residential or business property served by a private sewage disposal system or privy, situated within the county, a direct connection shall be made to said sewer (provided that said sewer is of sufficient capacity) and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner as approved by the county health officer. Such direct connection shall be completed by the owner and/or the occupant of the premises or their agents within ninety (90) days after receipt of written notice ordering such action. Failure of the owner or the occupant to comply with the provisions of this section shall constitute a violation of this ordinance and the violator shall be subject to the penalties prescribed in section 3-4-8 of this ordinance. *This section is at all times intended to comply with the Indiana Code with respect to the power, authority and duty granted to Regional Districts, and in no way shall conflict with*

*or supersede any of the grants or limitations of power, authority or duty of Regional Districts as outlined in I.C. 13-26.*

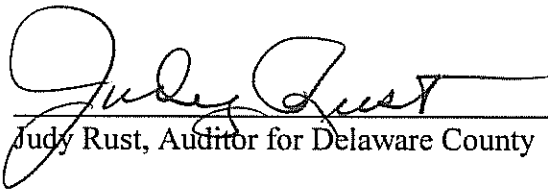
DATED THIS 4 DAY OF NOVEMBER, 2013.

  
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Larry Bledsoe, Delaware County Commissioner

  
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Sherry Riggan, Delaware County Commissioner

  
\_\_\_\_\_  
James King, Delaware County Commissioner

**ATTEST:**

  
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Judy Rust, Auditor for Delaware County