

March 20, 2012

Commissioners met on this day with the following members present: John Richwine and Jeff Hardin and Steffanie Owens. Also present were Auditor Kathy Stoops-Wright, Deputy Auditor Jane Lyons, Commissioners Office Manager Linda Smith and County Attorney Jerry Shine.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes for January 17, 2012, February 7, 2012, February 21, 2012 and the Board of Finance minutes upon motion made by Jeff Hardin and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF CLAIMS

Commissioners approved the claims for March 1, 2012 and March 15, 2012 upon motions made by Jeff Hardin and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF SEVERE WEATHER PROCLAMATION

The following Proclamation was read by Steffanie Owens. Commissioner Owens than made a motion to approve said Proclamation. Motion seconded by John Richwine. Motion carried unanimously.

PROCLAMATION

“SEVERE WEATHER PREPAREDNESS WEEK”

March 18-24, 2012

WHEREAS	the months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Madison County; and
WHEREAS	Madison County is located within the nation’s “Tornado Belt”, becoming a prime target of devastating tornado outbreaks and other types of severe weather and;
WHEREAS	A statewide tornado warning exercise will be held on March 21, 2012 for the purpose of testing communications systems, equipment and procedures; and
WHEREAS	During this week, the Madison County Emergency Management Agency & Homeland Security is emphasizing its safety procedures involving tornado activity:
NOW, THEREFORE	we, the Board of County Commissioners of Madison County Indiana do hereby proclaim March 18-24 2012 as

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“SEVERE WEATHER PREPAREDNESS WEEK”

in Madison County and encourage all citizens to become aware of tornado danger signs, and to learn how to safeguard the lives of their families, friends and citizenry in the event of severe weather activity in our area.

Dated this 20TH day of March, 2012.

MADISON COUNTY BOARD OF COMMISSIONERS:

S/John Richwine
JOHN M. RICHWINE, PRESIDENT

S/Jeffrey Hardin
JEFFREY L. HARDIN, MEMBER

S/Steffanie Owens
STEFFANIE L. OWENS, MEMBER

IN THE MATTER OF TRANSFERING PROPERTY TO THE CITY OF ALEXANDRIA

John Dockery, Redevelopment Commission in the City of Alexandria, came before the Board asking about two properties in the City of Alexandria that they would like to obtain from the Commissioners. These two properties were on the December 2011 tax sale and not sold, so the Commissioners can take a Tax Certificate on them and then transfer the Certificate to the City of Alexandria Redevelopment Commission. The two properties are located at the intersection of SR 9 & SR 28 (parcel #480512400035000022) and E. Washington St. (#480524101042000022). Motion was made by John Richwine and seconded by Steffanie Owens to continue this issue until the next Commissioners meeting. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF ORDINANCE NO. 2012-BC-O-02, AN ORDINANCE ADOPTING A MADISON COUNTY POOL ORDINANCE

Commissioners approve Ordinance No. 2012-BC-O-02, An Ordinance Adopting a Madison County Pool Ordinance presented by the Madison County Health Department, to give the Health Department some back up on inspections of public swimming pools and facilities. Motion to approve made by John Richwine and seconded by Jeff Hardin. Motion carried unanimously.

ORDINANCE NO 2012-BC-O-02
OF THE BOARD OF COMMISSIONERS OF MADISON COUNTY INDIANA
AN ORDINANCE ADOPTING A MADISON COUNTY POOL ORDINANCE

WHEREAS, The Madison County Board of Health did on January 12, 2012, recommend for approval a county pool ordinance and

WHEREAS, the Board of Commissioners concur in the recommendations of the County Health Board regulating the permitting , inspection and enforcement for swimming pools and facilities in Madison County and providing penalties for violations thereof.

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NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADISON COUNTY AS FOLLOWS:

Purpose: The purpose of this ordinance is to initiate a permitting process at the local level allowing this department to keep record of the facilities currently operating in Madison County, Indiana as well as to enforce the rules set forth by this ordinance and the Indiana State Department of Health Rule 410 IAC 6-2.1., or as may be amended.

Section 1 Definition:

1. **Pool:** According to Indiana Rule 410 IAC 6-2.1-11, "Pool" means a structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, or recreational use.
2. **Spa:** According to Indiana Rule 410 IAC 6-2.1-18, "Spa" means a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or therapy pool, that is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:
 - (1) hydro jet circulation;
 - (2) hot water;
 - (3) cold water;
 - (4) mineral baths;
 - (5) air induction systems; or
 - (6) any combination thereof.
3. **Public swimming pool:** According Indiana Rule 410 IAC 6-2.1-13, "Public pool" means any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.
4. **Semi-public swimming pool:** According Indiana Rule 410 IAC 6-2.1-13, "Semi-public pool" means any pool restricted for use by residents, members, or registered guests that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:
 - a. hotels, motels, apartments, condominiums, bed and breakfasts, tourist homes, or similar facilities associated with lodgings;
 - b. camps or mobile home parks; or
 - c. membership clubs, churches, or associations. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests
5. **Health Officer:** "Health Officer" means the Health Officer of the Madison County Health Department.

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6. **Annual permit:** A permit for a facility operating one or more public or semi-public bodies of water for more than 180 days in one calendar year.
7. **Semiannual permit:** A permit for a facility operating one or more public or semi-public bodies of water 180 days or less in one calendar year.
8. **Not for Profit Organization:** any facility or organization exempt from paying Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

Section 2 Permitting:

1. According to this ordinance it shall be considered unlawful to operate a public or semi-public swimming pool facility in Madison County Indiana without a valid permit issued by the Health Officer or their authorized representative.
2. Permits for any public or semi-public swimming pool shall only be issued by the Health Officer or authorized representative only upon compliance with the rules listed herein and any rules set forth by Indiana Rule 410 IAC 6-2.1.
3. Each annual permit is valid for one (1) full calendar year beginning at the start of each year, January 1st through December 31st. Each semiannual permit is valid for 180 days after the date of purchase. All permits will expire at the end of each calendar year (December 31st) regardless of when the permit was issued to the facility.
4. Any permit issued to a facility for a public or semi public swimming pool may be revoked by the Health Officer or their authorized representative if the facility is not in compliance any rules contained within this ordinance or Indiana Rule 410 IAC 6-2.1 or any other rule pertaining to public or semi public swimming pools adopted by the Madison County Board of Commissioners.
5. A permit is required for each individual body of water at a facility. The permit will be issued to the facility owner or operator upon application approval; payment for the permit; and one (1) satisfactory bacteriological water sample from a state-approved laboratory in accordance with the procedures outlined in 410 IAC 6-2.1-18.5.
6. The permit for a public or semi public swimming pool must be purchased before the facility is opened for use and must be valid anytime the facility is open for use. Any facility found operating without a valid permit will be subject to penalties as described in Section 7, Subsection 6e, and/or legal action.

Section 3 Fees:

1. All facilities operating a public or semi- public swimming facility shall pay a permitting fee for each body of water according to the Madison County Health Department fee schedule, as may be amended, by the Madison County Board of Commissioners.
 - a. Annual Permit (1year):

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(1) First body of water:	\$300.00
(2) Each additional body of water:	\$50.00

b. Semi- Annual Permit (180 days):

(1) First Body of Water:	\$150.00
(2) Each additional body of water:	\$50.00

2. Any facility that is found operating a public or semi public swimming pool, and is open for use without a valid operating permit issued by the Health Department shall be subject to a late fee penalty as outlined in Section 7, Subsection 6 e.
3. If any facility continues to operate without a valid permit after written notice has been issued to the facility, it shall be considered a subsequent violation and will be subject to an operating without a valid permit fee as well as violation penalty fees as described in Section 7, Subsection 6.
4. Any public school shall be exempt from any permit fees, but must still obtain operating permits from the Madison County Health Department.

Section 4 Inspection:

1. All public and semi public swimming facilities shall meet all rules and regulations set forth by this ordinance and Indiana Rule 410 IAC 6-2.1.
2. Any body of water that is operating under an annual permit shall be inspected by the Madison County Health Department at least two (2) times per calendar year. Any body of water that is operating under a semiannual permit shall be inspected at least one (1) time per calendar year. Any facility open for use may be subject to additional inspections as deemed appropriate by the Health Officer or their representative.
3. The Health Officer or their representative shall have the right to enter and conduct an inspection at any reasonable time.
4. Any facility that denies entry to the Health Officer or their authorized representative may have their operating permit revoked or suspended if deemed necessary by the Health officer or authorized representative.

Section 5 Compliance:

1. Any facility that operates a public or semi public pool must meet all applicable requirements as set forth by this ordinance and Rule 410 IAC 6-2.1, and any other future requirements adopted by the Madison County Commissioners or the State of Indiana.
2. Any facility that does not meet these requirements may be subject to closure and/or revocation of their operating permit as deemed appropriate by the Madison County Health Officer or their authorized representative.

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3. Any facility currently operating that does not meet the criteria set forth in this ordinance or Rule 410 IAC 6-2.1 shall be given a reasonable amount of time to comply as deemed appropriate by the Health Officer or their authorized representative.

Section 6 Enforcement:

1. Enforcement of this ordinance and Indiana Rule 410 IAC 6-2.1 shall be carried out by the Health Officer or authorized representative.
2. Failure to adhere to any criteria set forth in this ordinance or Rule 410 IAC 6-2.1 may constitute legal action by the Madison County Health Department, as well as closure and/or revocation or suspension of the facilities operating permit if deemed appropriate by the Health Officer or their authorized representative.
3. If a facility is closed by order of the Health Officer or their authorized representative, a closure sign shall be posted at the facility. If a closure sign posted at a facility is tampered with in any way by someone not authorized to do so by the Health Officer or their authorized representative, the facility may lose the right to obtain an operating permit, and may necessitate legal action by the Madison County Health Department if deemed appropriate by the Health Officer or their authorized representative.

Section 7 Notices, Hearings, and Legal actions:

1. **Revocation of Permit:** If the revocation of a permit is deemed appropriate by the Health Officer or their authorized representative, the permitted facility may reserve the right to request a hearing within the first seventy-two (72) hours after revocation of the permit in order to dispute the revocation of the permit. If the individual fails to show just cause why the permit should not be revoked, the permit will remain revoked and written notice will be given to the permitted facility. The Health Officer or their authorized representative shall maintain a permanent record of these proceedings filed within the records of the Madison County Health Department.
2. **Suspension of Permit:** Any permit issued by the Madison County Health Department may be suspended or revoked without notice or hearing for a term not to exceed thirty (30) days if deemed appropriate by the Health Officer or their authorized representative. Written notification will be provided to the facility as well as filed in the records maintained by the Madison County Health Department.
3. **Reinstatement of a permit:** A suspended or revoked permit may be reinstated at any time by the Health Officer or their authorized representative after the violation has been corrected and the Health Officer of Madison County or their authorized representative has determined that the facility is in compliance with this ordinance or Rule 410 IAC 6-2.1.
4. **Penalties:** If the Health Officer or their authorized representative determines that a violation of this ordinance or Indiana Rule 410 IAC 6-2.1 has been committed, and a reasonable amount of time has been given to correct the violation, the Health Officer or authorized representative reserves the right to penalize a facility for any violations not corrected within a reasonable amount of time not to exceed 30 days. Any violation(s) not corrected by the date given in the written notice are subject to penalties as described in Section 7-6 of this ordinance.

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5. Violations:

- a. Any violations found during an inspection or complaint investigation shall be submitted in writing to the facility at the time of the inspection or investigation.
- b. Allowed a reasonable amount of time to correct the violation(s) as determined by the health officer or authorized representative, not to exceed 30 days.
- c. Any facility served with a written notice of violation has the right to request a hearing to dispute the violation before the Health Officer or authorized representative, and if necessary, the Madison County Board of Health within seventy two (72) hours after the written notice has been received.
- d. Any violation not corrected by the date issued on the written violation notice will be considered an offense under Section 7 subsection 6, and shall be subject to penalties as outlined in Section 7 subsection 6.

6. Penalty Fees:

- a. First Offense: \$100.00
- b. Second Offense: \$200.00
- c. Third Offense: \$500.00
- d. Any violation not corrected after the third offense notice has been issued to the facility shall be subject to closure until such time as the violation has been corrected and all penalties have been paid.
- e. Operating without a valid permit: \$500.00

Section 8 Unconstitutionality Clause:

If any section, paragraph, sentence or clause within this ordinance be deemed unconstitutional or invalid, the remainder of the ordinance shall remain in effect.

This ordinance shall be in full force and effect upon passage and notice of adoption as required by law. This ordinance was recommended for adoption by the Madison County Board of Health, Madison County, Indiana on the 12th day of January 2012.

Section 9: Repeal and Effective Date

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

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PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 20th_ day of March, 2012.

MADISON COUNTY BOARD OF COMMISSIONERS

BY: S/John Richwine
JOHN M. RICHWINE, *President*

S/Steffanie Owens
STEFFANIE OWENS, *Member*

S/Jeffrey Hardin
JEFF HARDIN, *Member*

ATTEST:

S/Kathy Stoops-Wright
KATHY STOOPS-WRIGHT, *County Auditor*

Publish:
Anderson Herald-Bulletin
Elwood Call-Leader

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Madison County Attorney rev 3/20/12

**IN THE MATTER OF APPROVAL OF ORDINANCE NO 2012-BC-O-03, AN
ORDINANCE ADOPTING A MADISON COUNTY SEWAGE DISPOSAL ORDINANCE
REPEALING ORDINANCE DATED JUNE 22, 1993**

Commissioners approved Ordinance No. 2012-BC-O-03, An Ordinance Adopting a Madison County Sewage Disposal Ordinance Repealing Ordinance dated June 22, 1993, presented by the Health Department with some additions and updates. Motion to approve made by Jeff Hardin and seconded by Steffanie Owens. Motion carried unanimously.

**ORDINANCE NO 2012-BC-O-03
OF THE BOARD OF COMMISSIONERS OF
MADISON COUNTY INDIANA**

**AN ORDINANCE ADOPTING A MADISON COUNTY
SEWAGE DISPOSAL ORDINANCE REPEALING ORDINANCE DATED JUNE 22, 1993
ORDINANCE NO 2012-BC-O-03**

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WHEREAS, The Madison County Board of Health did on January 12, 2012 recommend for approval a county sewage disposal ordinance repealing previous ordinance dated June 22,1993 regulating private disposal systems and

WHEREAS, the Indiana State Board of Health did review the proposed ordinance against the provisions of Indiana Codes on sewage disposal and Indiana State Department of Health rules 410 IAC 6-8.2 and 6-10 and

WHEREAS, the Board of Commissioners concur in the recommendations of the County Health Board regulating the installation, construction, maintenance and operation of residential and commercial on-site systems in Madison County and providing penalties for violations thereof.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MADISON COUNTY AS FOLLOWS:

MADISON COUNTY SEWAGE DISPOSAL ORDINANCE

Section 1. **DEFINITIONS**

- A. **“Commercial facility.”** “Commercial facility” means any building or place not used exclusively as a residence or residential outbuilding. A commercial facility includes but is not limited to:
1. an office building;
 2. a manufacturing facility;
 3. a single structure used or intended to be used for permanent or seasonal human habitation for sleeping three (3) or more families (apartment, multiplex, townhouse, or condominium);
 4. a motel;
 5. a restaurant;
 6. A regulated facility; and any grouping of residences served by a cluster onsite system.
- B. **“Health Officer.”** “Health Officer” means the health officer of the Madison County Health Department.
- C. **“Onsite system.”** “Onsite System” means all equipment and devices necessary for proper onsite conduction, collection, storage, and treatment of sewage, and absorption of sewage in soil, from a residence or commercial facility.
- D. **“Onsite system failure.”** “Onsite system failure means an onsite system that exhibits one (1) or more of the following:
- 1 .Soil absorption field refuses to accept sewage at the rate of application, thereby interfering with the normal use of plumbing fixtures or resulting in the discharge of effluent to the ground surface or to surface waters.

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2. Failure of, or damage to, any component of an onsite system, thereby interfering with the normal use of plumbing or resulting in the discharge of effluent to the ground surface, or surface water.
3. Effluent discharged from the onsite system causing contamination of a potable water supply, ground water, or surface water.
A failed residential onsite sewage system is a health hazard.
4. **“Onsite system, new.”** “Onsite system, new” means the construction of an onsite system to serve a new residence or new commercial facility where the residence or commercial facility will not be connected to a wastewater treatment plant or to an existing onsite system.
5. **“Onsite system operating permit.”** “Onsite system operating permit” means written, renewable approval by the Madison County Health Department for the continued use of an onsite system.
6. **“Onsite system repair/replacement.”** “Onsite system repair/replacement” means the repair, replacement, or expansion of any onsite system component.
7. **“Residence.”** “Residence” means a single structure used or intended to be used for permanent or seasonal human habitation for sleeping one (1) or two (2) families.
8. **“Residential outbuilding.”** “Residential outbuilding” means a building for the private use of the owner not intended to be used for permanent or seasonal human habitation or sleeping.
9. **“Sewage.”** “Sewage” means all human excrement and water-carried waste derived from ordinary living processes. For the purposes of the Madison County Sewage Disposal Ordinance, sewage is wastewater.
10. **“Sanitary sewer.”** “Sanitary sewer” means any sewer constructed, installed, maintained, operated, and owned by the state, a municipality, or a person, firm, or corporation.
11. **“Soil.”** “Soil” means natural, non-filled, mineral or organic matter on the surface of the earth that shows the effects of genetic and environmental factors. These factors include climate (water and temperature effects), micro-organisms, macro-organisms, and topography acting on a parent material over time.
12. **“Soil Scientist.”** “Soil Scientist” means an individual registered as a professional soil scientist with the Indiana Registry of Soil Scientists (IRSS) as provided for under Indiana Code 25-31.5.

Section 2. **GENERAL ONSITE SYSTEM REQUIREMENTS**

- A. No person may cause or contribute to a health hazard or water pollution by disposing of any organic or inorganic matter from an onsite system into surface water, ground water, or onto the ground surface.
- B. The point source discharge of sewage, treated or untreated, from a residence or its associated sewage system to surface water, ground water, or the ground surface is prohibited.

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- C. Any residence or residential outbuilding that generates sewage, that is not connected to a wastewater treatment plant shall comply with this rule and Indiana State Department of Health, hereafter referred to as ISDH, 410 IAC 6-8.2 or as may be amended, and all local ordinances.
- D. Any commercial facility that generates sewage, that is not connected to a wastewater treatment plant shall comply with this rule and ISDH Rule 410 IAC 6-10 or as may be amended, and all local ordinances.
- E. Any residence or residential outbuilding, which generates sewage, not connected to a wastewater treatment plant, must have an onsite system which is not in failure.
- F. Any commercial facility not connected to a wastewater treatment plant and which does not have a point source discharge permit under Indiana Code 13-18-19 must have an onsite system which is not in failure.
- G. The point source discharge of sewage, treated or untreated, from a commercial facility shall comply with 327 IAC 5.
- H. The Health Officer or agents of the department shall be permitted to enter upon all properties at reasonable times to:
 - 1. inspect facilities, equipment, or records;
 - 2. investigate allegations;
 - 3. determine soil characteristics;
 - 4. conduct tests; and
 - 5. collect samples;to determine if a person is subject to, or in violation of, this ordinance.
- I. The onsite system absorption field area shall not be disturbed or altered, except as approved by the conditions of the permit, between the time of collection of information for the written site evaluation report and commencement of construction of the onsite system. Disturbance or alteration of the site includes but is not limited to, the following:
 - 1. the addition of fill.
 - 2. the cutting, scraping, or removal of soil.
 - 3. compaction of soil at the site resulting in densic material.
 - 4. erosion or sedimentation.
 - 5. the removal of tree root balls.

A valid license or permit bond of \$10,000 dollars (ten thousand dollars) or as may be amended, payable to the Madison County Health Department, shall be required for installers making onsite system installations in Madison County. The purpose and benefit of said bond shall be to protect all persons damaged by illegal, improper, or faulty installation or repair in connection with work performed by the installer. Such bond shall be further conditioned upon the performance of all services in a workman-like and legal manner.

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- J. Minimum lateral absorption field size permitted for installation is 800 (eight hundred) square feet.

Section 3. **ONSITE SYSTEM PERMITS**

- A. The property owner or his agent shall submit to the Health Department a completed application and a complete plan submittal for construction of a new onsite system and for an onsite system repair or replacement.
- B. A professional soil scientist registered as such with the Indiana Registry of Soil Scientists (IRSS) shall provide the onsite soils evaluation for the property for any new residence and new onsite system construction. The Madison County Health Department may require the onsite soils evaluation be performed by an IRSS certified soil scientist for a repair or replacement of an onsite system.
- C. The property owner or his agent shall obtain a written sewage disposal system permit from the Madison County Health Department prior to the following:
 - 1. The start of construction or the placement of a residence that will not be connected to a wastewater treatment plant.
 - 2. The start of construction of a residential onsite system repair or replacement.
 - 3. The start of construction or the placement of a commercial facility that will not be connected to a wastewater treatment plant.
 - 4. The start of construction of a commercial onsite system repair or replacement.
 - 5. The start of construction of any replacement, reconstruction, or expansion of a residence which may increase the number of bedrooms.
 - 6. The start of construction of any replacement, reconstruction, or expansion of a commercial facility which may increase the amount of sewage and/or wastewater generated.
 - 7. The start of construction of any residential outbuilding which will generate sewage, or the addition of plumbing to an existing residential outbuilding, when the residential outbuilding is not connected to a wastewater treatment plant.
- D. Any proposed changes, alterations, or additions to an onsite system plan for which the Health Department has issued a sewage disposal system permit, shall be approved, in writing, by the Health Department prior to implementation of the changes, alterations, or additions.
- E. A residential or commercial sewage disposal system permit shall expire upon completion of the onsite system construction and final approval by the Health Department or within one hundred-twenty (120) days after issuance, whichever comes first.
- F. The Health Department shall issue or deny, in writing to the owner, a residential onsite system permit within forty-five (45) days of receipt of a completed application and complete plan submittal in accordance with Indiana Code 16-41-25-1.
- G. The approval of a plat by the local plan commission or the county recorder does not constitute approval by the health department for the construction of an onsite system. See Madison County Indiana Land Use & Development Code, Subdivision Control Ordinance, Article 3.2(i) or as may be amended.
- H. The permit shall be posted in a conspicuous place at or near the building site where the onsite system construction is taking place.

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- I. A permit fee of \$165.00 (One-Hundred and sixty-five dollars) or as may be amended, will be charged for any residential or commercial site installing an onsite system, new construction or repair and replacement. The permit fee is established at \$75.00 dollars (seventy-five dollars) or as may be amended. An application fee is established at \$50.00 dollars (fifty dollars) or as may be amended. An inspection fee is established at \$40.00 dollars (forty dollars) or as may be amended.
- J. A residential or commercial sewage disposal system permit which expires after one hundred-twenty days (120) and without final approval by the Madison County Health Department may be renewed at the permit fee of \$75.00 dollars (seventy-five dollars) or as may be amended.
- K. All fees collected under the terms of this ordinance shall be receipted and credited to the Madison County Health Fund for services rendered in enforcing this ordinance.

Section 4. **INSPECTIONS**

- A. The onsite system, when constructed, shall comply with the requirements of 410 IAC 6-8.2, or Rule 410 IAC 6-10 or as may be amended, all local ordinances, and the requirements of the onsite sewage disposal system permit.
- B. No portion of the residential onsite system may be covered, prior to inspection, that would preclude the Health Department from making a determination that the residential onsite system was installed in compliance with 410 IAC 6-8.2, all local ordinances, and the requirements of the onsite sewage disposal system permit.
- C. No portion of the commercial onsite system may be covered, prior to inspection, that would preclude the Health Department and the design engineer or architect from making a determination that the commercial onsite system was installed in compliance with 410 IAC 6-10, all local ordinances, and the requirements of the onsite sewage disposal system permit.
- D. The owner or agent shall notify the Health Officer when the onsite system is ready for final inspection. The final inspection shall be made within the shortest reasonable time, but not to exceed two (2) working days from the time of notice to the Health Officer.

Section 5. **POWER FOR INSPECTION**

- A. The Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties subject to the provisions of this ordinance at reasonable times for purposes of inspections, observations, measurements, sampling, and testing necessary to carry out the provisions of this ordinance.
- B. The Health Officer or his agent may compel the immediate suspension of any work, completed, or in progress, or planned, that is in violation of any provisions of this ordinance. Such suspension notice shall be posted at the construction site and be provided by written notice to the owner of the premises.

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Section 6.

APPLICATION DENIAL AND PERMIT REVOCATION

- A. After review of an application and plan submittal, the Health Department may deny approval for construction of a new onsite system, repair, or replacement of an onsite system. Reasons for denial include, but are not limited to, any of the following:
 - 1. false information was submitted on the application.
 - 2. the plan submittal does not comply with the requirements of 410 IAC 6-8.2, or 410 IAC 6-10, or this ordinance or as may be amended.
 - 3. the plan submittal does not address the demands and limitations of the onsite system site.
 - 4. the owner or agent failed to demonstrate that the proposed onsite system can be designed, located, constructed, maintained, and operated in compliance with 410 IAC 6-8.2, or 410 IAC 6-10, or this ordinance or as may be amended.
 - 5. information submitted in the written site evaluation report, plat plan, or onsite system plan is found to be incomplete or erroneous.
 - 6. the owner failed to respond to a written request for a revised plan submittal or for additional information within forty-five (45) calendar days.
- B. The Health Department may also deny an application for construction of a new onsite system or an onsite system repair or replacement if:
 - 1. a sanitary sewer of a wastewater treatment plant is located within three hundred (300) feet of the property line of the affected property, or the estimated cost of the sewer connection does not exceed one hundred fifty percent (150 %) of the estimated cost of an onsite system, and
 - 2. The sanitary sewer and the treatment facility of the wastewater treatment plant have adequate capacity as defined by the Indiana Department of Environmental Management.
- C. 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.
- D. The Health Department may modify or revoke a permit, in writing, for construction of a new onsite system, repair, or replacement of an onsite system. 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. Alteration of the site includes, but is not limited to the addition of fill; the cutting, scraping or removal of soil; the presence of densic material as a result of compaction of the site.
 - 2. false information has been submitted to obtain the permit.
 - 3. information submitted in the written site evaluation, report, plat plan, or onsite system plan, is found to be erroneous.
 - 4. errors or omissions are discovered after the permit has been issued.
 - 5. the onsite system does not comply with this ordinance, or Rule 410 IAC 6-8.2, or Rule 410 IAC 6-10, or as may be amended.

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- E. If a permit is revoked, the owner shall be advised, in writing, of the basis of the revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- F. If a permit is revoked, construction may not proceed on the onsite system, the residence, or commercial facility it serves, until a new permit issued.
- G. 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 new or revised site evaluation, and a revised plat plan, and onsite system plan.
 - 2. the proposed onsite system shall comply with the requirements of ISDH Rule 410 IAC 6-8.2, or 410 IAC 6-10, or this ordinance, or as may be amended.

Section 7. **ONSITE SYSTEM FAILURE AND CORRECTION**

- A. The owner shall correct the failure of an onsite system or its components, whichever is applicable, within the time limit set by the Health Department.
- B. When replacement of any of the components of the onsite system is required, requirements and procedures pertinent to application, plan submittal, permit, and inspection shall be followed according to this ordinance.
- C. Soil absorption field replacement for a residential onsite system shall be made in accordance with the application of optimum system design based on the site, and the best judgment of the Health Department, except that:
 - 1. the replacement of the soil absorption field cannot be contrary to Section 2 (A) and Section 2 (B) of this ordinance; and
 - 2. no portion of a replacement soil absorption field can be constructed to a depth greater than forty-eight (48) inches below final grade.

Section 8. **ENFORCEMENT**

- A. The Health Officer, stating the nature of the violation and providing a time limit for satisfactory correction thereof, shall serve any person in violation of any of the provisions of this ordinance a written order.
- B. An owner or agent, upon receipt of an order, shall comply with the order and ISDH Rule 410 IAC 6-8.2, or 410 IAC 6-10, and this ordinance, or as may be amended.

Section 9. **APPEALS**

- A. Appeals shall lie from any of the following decisions made or action taken by the Health Officer:
 - 1. denial of any application for a permit to construct, install, alter, or repair a private onsite system; or denial of the reissuance of a permit to construct, alter, or repair a private onsite system; or denial to renew an expired permit to construct, alter, or repair a private onsite system.

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2. a determination pursuant to Section 5 (B) or Section 8 (A) of this ordinance that work completed, in process, or planned is in violation of any of the provisions of this ordinance, or that any other violation of the provisions of this ordinance exists.
- B.
- C. An appeal may be filed with the Madison County Board of Health by any person aggrieved or affected by any decision of the Health Officer as set forth in Section 9. The appeal shall be submitted in writing within ten (10) days after the applicable decision of the Health Officer, unless the appellant obtains any extension of time in writing from the Madison County Board of Health; and shall specify the adverse decision appealed from and the grounds therefore. The Health Officer shall transmit to the Madison County Board of Health all of the papers in his office constituting the record of the case. The Madison County Board of Health, upon receipt of such notice and record, shall immediately select a reasonable time and place for the hearing of the appeal and shall give notice in writing to the appellant of the time and place thereof. The hearing of the appeal may be continued if necessary but the Board shall render a decision on the appeal within twenty-one (21) thereafter. Any person may appear and testify at such hearing, either in person or by counsel.
- D. The Madison County Board of Health shall hear and decide the appeal, and may overrule or modify the decision or determination of the Health Officer if the Board determines that the Health Officer incorrectly decided the matter.
- E. The concurring vote of the majority of the members of the Madison County Board of Health shall be necessary to reverse or modify any determination or decision of the Health Officer.

Section 10. **PENALTIES**

- A. Any person, firm, or corporation who shall violate any provision of this ordinance shall be subject to penalty hereinafter prescribed in this section. On being found to have violated the provisions of this ordinance, the violator shall be punished for each offense with a civil penalty not to exceed twenty-five hundred (\$2,500) dollars per day, or as may be amended. Each day shall be considered a separate offense.
- B. In addition to any fine levied under this ordinance, the Madison County Board of Health may enjoin any violation of this ordinance by proceeding in any court of legal jurisdiction seeking to abate the public health hazard, nuisance, or violation of this ordinance.
- C. Any sewage disposal system installer who shall violate any provision of this ordinance, ISDH Rule 410 IAC 6-8.2, or Rule 410 IAC 6-10, or as may be amended, in addition to any penalties set forth in Section 10 (A) and Section 10 (B), shall be subject to a revocation of the \$10,000 permit or license bond, or as may be amended, as described in Section 2 (J) and the removal of the installer from the Madison County Health Department installer registry.
1. A single violation of any provision of this ordinance, ISDH Rule 410 IAC 6-8.2, or Rule 410 IAC 6-10, or as may be amended, shall result in a written violation letter documenting the nature of the violation and the corrective measures to be taken.
 2. A second violation of any provision of this ordinance or the failure to correct any initial violation of this ordinance, ISDH Rule 410 IAC 6-8.2, or Rule 410 IAC 6-10, or as may be amended, shall result in

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3. the revocation of the \$10,000 permit or license bond or as may be amended, as described in Section 2 (J) of this ordinance by the Madison County Board of Health and the removal of the installer from the Madison County Health Department installer registry. The revocation of the license or permit bond and the removal of the installer name from the registry shall be for a period of time not less than ninety (90) days.
4. A written appeal for reinstatement may be filed with the Madison County Board of Health. The appeal shall include reasons for reinstatement and an agreement to abide by the provisions set forth in this ordinance, ISDH Rule 410 IAC 6-8.2, Rule 410 IAC 6-10, or as may be amended.
5. The Madison County Board of Health, upon receipt of an appeal for reinstatement, shall hear the appeal at the next scheduled Madison County Board of Health meeting, after the ninety (90) day suspension, including the \$10,000 bond or as may be amended, revocation and removal from the installer registry, has elapsed. Any person may appear and testify at such hearing, either in person or by counsel.
6. The Madison County Board of Health shall hear and decide the appeal for reinstatement of the \$10,000 permit or license bond, or as may be amended, and the reinstatement of the installer to the Madison County Health Department installer registry or to continue the revocation.
7. The concurring vote of the majority of the members of the Madison County Board of Health shall be necessary to reinstate the \$10,000 permit or license bond, or as may be amended, and to reinstate the installer to the Madison County Health Department installer registry.
8. Any sewage disposal system installer whose \$10,000 permit or license bond, or as may be amended, has been previously revoked and whose name has been previously removed from the Madison County Health Department installer registry and who is found to be in violation of any provision of this ordinance, ISDH Rule 410 IAC 6-8.2, ISDH Rule 410 IAC 6-10, or as may be amended, shall result in the revocation of the \$10,000 permit or license bond, or as may be amended, and the removal of the installer from the Madison County Health Department installer registry. The revocation of the permit or license bond and the removal of the installer from the installer registry shall be for a period of time not less than one (1) year.
9. An appeal for reinstatement shall follow the provisions set forth in the Madison County Sewage Disposal Ordinance, Section 10 (C) (3-6).

Section 11. **VALIDITY**

- 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.

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Section 12: Repeal and Effective Date

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this 12th day of March, 2012.

MADISON COUNTY BOARD OF COMMISSIONERS

BY:

S/ John Richwine

JOHN M. RICHWINE, *President*

S/Steffanie Owens

STEFFANIE OWENS, *Member*

S/Jeff Hardin

JEFF HARDIN, *Member*

ATTEST:

S/Kathy Stoops-Wright

KATHY STOOPS-WRIGHT, *County Auditor*

Publish:

Anderson Herald-Bulletin

Elwood Call-Leader

PREPARED BY:

Gerald P. Shine, Jr. (#297-48)

Madison County Attorney

Revised 3/16/2012

IN THE MATTER OF BIDS RECEIVED FOR MEMORIAL DAY FLAGS

Bids for Memorial Day flags were received on this day by the following companies:

Flag Desk, Inc., Wilmette, IL - \$4,510.08

CVSFlags, Marion, IN- \$4,510.08

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Since both bids are the same and CVSFlags is an Indiana company out of Marion, Indiana, the Commissioners accepted the bid from them. Motion to approve made by John Richwine and seconded by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF LOW ASSOCIATES CONTRACT FOR TAX SOFTWARE

Commissioners approved a Contract with LOW Associates for the new tax system software for the Auditor's office and the Treasurer's office. With the recommendation and approval from the Auditor and Treasurer and the County attorney, the Commissioners approved the contract upon motion made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF SITE ACCESS AGREEMENT WITH ATC ASSOCIATES, INC

Commissioners approved the Site Access Agreement with ATC Associates Inc. regarding properties located at 2425 Walton St, Anderson and 836 Hazlett St, Anderson, granting access to the site through exercise of the authority afforded the County through the Indiana Brownfield Program to conduct environmental investigation. Motion to approve made by Jeff Hardin and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APEX OVERVIEW OF THE COUNTY GROUP HEALTH PLAN

Representatives from APEX gave an overview of the County's group health plan from 2005-2012.

IN THE MATTER OF APPROVAL OF COUNTY BONDS

Commissioners approved the following bonds for County Elected Officials upon motions made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

Steffanie Owens – Commissioner \$15,000, cost 105.00/yr
Patrick Manship – Surveyor \$30,000, cost \$105.00/yr
Larry Davis – Assessor \$30,000, cost \$105.00/yr
Jeffrey Hardin-Commissioner \$15,000, cost \$105.00/yr
Linda Smith-Office Manager \$15,000, cost \$100.00/yr
Ron Richardson-Sheriff \$30,000, cost \$100.00/yr
Angela Shelton-Recorder \$15,000, cost \$100.00/yr
Charles Leser-Engineer \$15,000, cost \$100.00/yr
Ned Dunnichay-Coroner \$15,000, cost \$100.00/yr
John Richwine-Commissioner \$15,000, cost \$100.00/yr

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Darlene Likens-Clerk \$300,000, cost \$925.00/yr
Kathy Stoops-Wright-Auditor \$300,000, cost \$925.00/yr
Kyle Noone-Weights & Measures \$15,000, cost \$100.00/yr
Kelly Gaskill-Treasurer \$300,000-no cost to county
Rodney Cummings-Prosecutor - \$15,000-no cost to county

IN THE MATTER OF APPROVAL OF VERIZON WIRELESS FEDERAL SUPPLY SCHEDULE FOR AIRCARDS FOR EMERGENCY VEHICLES

Jim Cleaver, Sheriff Department, came back before the Commissioners with his request of approval of Verizon Wireless Federal Supply Schedule for Air cards for connectivity used by public safety entities to connect and talk back and forth to each other. It also allows the Counties CAD system to push out the information. He is asking for a 12 month contract to be approved with Verizon. Motion to approve contract with Verizon for just the 12 month period to let the other government entities add this cost into their budget, made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF 2012 MADISON COUNTY SHERIFF FIRE DISPATCH CONTRACTS

Captain Cleaver also requested approval of the following contracts for the 2012 Madison County Sheriff Fire Dispatch:

Richland Township - \$29,790.00
Town of Frankton - \$5,004.00
Town of Edgewood - \$7,939.00
Adams Township - \$18,355.00

Motion to approve contracts made by John Richwine and seconded by Jeff Hardin. Motion carried unanimously.

IN THE MATTER OF MEMORANDUM OF UNDERSTANDING WITH THE COUNTY AUDITOR'S OFFICE

The Commissioners approved the following Memorandum of Understanding with the County Auditor for the Drainage Board Coordinator to be under the supervision of the Auditor while performing the inputting, maintaining and editing drainage assessments. Motion to approve made by Steffanie Owens and seconded by Jeff Hardin. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING

The following Memorandum, made this 20 day of March 2012, by and between the Madison County Auditor and Madison County Board of Commissioners on behalf of

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their respective offices and hereby memorialize in writing the understanding of the parties that the Drainage Board Coordinator shall assume the duties of inputting, maintaining, and editing drain assessments and shall be under the direct supervision of the Madison County Auditor while performing these duties. The Coordinator's remaining duties shall be under the supervision of the Madison County Drainage Board/Madison County Board of Commissioners.

S/Kathy Stoops-Wright
Kathy Stoops-Wright
Madison County Auditor

S/John Richwine
John M. Richwine, President
Madison County Commissioner

S/Steffanie Owens
Steffanie L. Owens
Madison County Commissioner

S/Jeff Hardin
Jeffrey L. Hardin
Madison County Commissioner

Approved by the Madison County Drainage Board this 14th day of March 2012.

IN THE MATTER OF APPROVAL OF UTILITY PERMITS

Commissioners approved the following Utility Permits upon motions made by Jeff Hardin and seconded by Steffanie Owens. Motion carried unanimously.

U12-3 Telecom Placement, Inc	705 E. School St	Lafayette Twp
U12-4 Wills Excavating Inc	7612 S 100 E, Pendleton	Adams
U12-5 Long & Koffer Inc	Field adjacent to 300S at 6700W	Stony Creek
U12-6 Clark Farm Drainage, Inc	500E, ¼ mi S of 600N E sd	Richland
U12-7 Clark Farm Drainage, Inc	Across 250N 100ft W of 500E	Richland/Union
U12-8 Clark Farm Drainage, Inc	Across 400N ½ mi W of 500E	Richland
U12-9 Comcast/Advanced Comm	Along SR 32 & 100S	Stony Creek

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IN THE MATTER OF HIGHWAY REPORT

Chuck Leser, Highway Engineer, updated the Commissioners on the 8th Street project stating that the total cost of repair is approximately \$14,000,000.00 and the County's share will be approximately \$3,000,000.00. Mr. Leser also reported that the Highway is starting crack fill.

IN THE MATTER OF VETERANS REPORT

Jay Randolph, Veterans Affairs Officer, updated the Commissioners on pension related health care for veterans.

The next scheduled meeting will be April 3, 2012 at 10:00 a.m.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

