

Allen County On-Site Septic Wastewater Management District Fee Ordinance

The Association continues to follow septic issues closely. Sandra Flum, Legislative Liaison of the Allen County Commissioners' Office, provided draft language establishing proposed membership fees for various types of septic systems. Membership is compulsory for each property owner who applies for and installs a new private sewage disposal system, or rehabilitates an existing system. In addition, members must produce a record of maintenance for their system, may not modify the system or allow discharge of affluent in excess of item established water quality standards. The first public notice was given on December 24, 2003, and a decision is scheduled by mid-January. The proposal follows:

Allen County Code
Title 17 –Onsite Wastewater Management District
Article 2 – Financial

The Allen County Onsite Wastewater Management District, herein referred to as the District, was established effective July 7, 2003 pursuant to IC 36-11-3-1. Part of the operational duty of the District per IC 36-11-7 includes receiving and expending funds.

Chapter 1 –
17-2-1 Title

There is hereby established a fund to be known as “the Allen County Onsite Wastewater Management Fund”. The Fund shall be invested in accordance with other allowable government investments. Any interest earned shall be reinvested in the Fund. This Fund is non-reverting and non-appropriated.

Chapter 2 –
17-2-2 Purpose

Revenue paid to the County pursuant to IC 36-11-9 shall be deposited in said fund by the County for all or part of the purposes described in IC 36-11-2. The fund consists of collection of fees, fines, loans, grants and additional appropriations.

Chapter 3 –
17-2-3 Definitions

For the purpose of this ordinance, the following terms shall have the meaning ascribed to them as follows:

- (a) “Board of Commissioners” means the Board of Commissioners of Allen County;
- (b) “County Auditor” means the Auditor of Allen County
- (c) “Property owner” means the individual or corporate body holding deed to a property served by a private sewage disposal system in unincorporated Allen County
- (d) “Health Department” means the Fort Wayne-Allen County Board of Health and their direct employees
- (e) “Department of Environmental Management” or “IDEM” means the Indiana Department of Environmental Management
- (f) “Administrator” means the person or entity responsible for administering the Allen County Onsite Wastewater Management District
- (g) “District” means the Allen County Onsite Wastewater Management District
- (h) “System” means a private sewage disposal system as described in IC 13-11-2-201

- (i) "Fund" means the Allen County Onsite Wastewater Management Fund established by this article
- (j) "Gravity System" means a private sewage disposal system constructed with septic tank(s) and a soil absorption system
- (k) "Mechanical System" means a private sewage disposal system constructed with septic tank(s), a pump or mechanical component, an alarm and a soil absorption system
- (l) "Pre-treatment System" means a private sewage disposal system constructed with septic tank(s), a pump or mechanical component, a filtering or pre-treatment component, an alarm and a soil absorption system
- (m) "Discharging System" means a private sewage disposal system subject to the National Pollutant Discharge Elimination System (NPDES) as conveyed jointly on the District and Property owner and as defined by IC 13-11-2-144.7
- (n) "Soil Absorption System" as defined by IC 13-11-2-199.5

Chapter 4 –

17-2-4 Expenditures

- (a) To pay for the costs associated with the development and administration of the District Plan per IC 36-11-6
- (b) To pay for the administration of the District and the Fund
- (c) To pay for the component duties of the District as charged through IC 36-11-5, including but not limited to the following:
 - a. educational material
 - b. educational programs,
 - c. licensing of inspectors, maintenance personnel and installers,
 - d. expenses associated with qualifying systems for use in Allen County
 - e. mapping and purchase of maps
 - f. inventory of systems
 - g. inspection and monitoring of systems
 - h. seeking and administering grants
- (d) To pay for billing and the collection of fees, fines, penalties and associated costs
- (e) To pay District legal fees

Chapter 5 –

17-2-5 Membership

Membership in the District is compulsory for each property owner who applies for and installs a new private sewage disposal system or rehabilitates an existing private sewage disposal system under the authority of the Health Department. A newly issued operating permit from the Health Department after the District was formed (July 7, 2003) constitutes membership into the District.

Chapter 6 –

17-2-6 Schedule of Fees

A fee will be assessed to each property owner for membership in the District. The maintenance schedule set by the District will correspond with the maintenance requirements of the System manufacturer or by the technical and scientific advice of the Health Department. Fee structure is as follows:

- (a) Gravity System \$150 tri-annually, renewed when property owner provides satisfactory evidence of maintenance

- (b) Mechanical System \$150 bi-annually, renewed when property owner provides satisfactory evidence of maintenance
- (c) Pre-treatment System \$100 annually, renewed when property owner provides satisfactory evidence of maintenance and a copy of the annual maintenance contract
- (d) Discharging System \$150 annually, renewed when property owner provides satisfactory results of testing required by the Department of Environmental Management, proof of an ongoing maintenance contract and proof of all requirements by IDEM for continued discharge

Chapter 7 –
17-2-7 Violations

Upon membership in the District, a property owner commits a violation of the terms of this ordinance if any of the following occur:

- (a) Property owner fails to pay the membership fee within 30 days of billing date
- (b) Property owner fails to produce a record of maintenance for their system
- (c) Property owner falsifies maintenance or installation records
- (d) Property owner modifies the manufacturer's recommended structure or installation
- (e) Property owner modifies or discontinues mechanical components of the system
- (f) System discharges effluent in excess of the IDEM established water quality standards

Chapter 8 –
17-2-8 Fines and Penalties

Documented violators of this ordinance are subject to correcting the mechanical and functional operation of the system in order to continue proper operation of the system and meet water quality standards. System failures and documentation errors will be corrected within 15 days, unless otherwise dictated by statute, ordinance or rule.

Property owners who fail to maintain appropriate documentation may be assessed for each violation a fine of no more than \$10 per day while the system or property owner is out of compliance.

Property owners of systems that are not properly permitted or fail to meet the requirements of the operating permit may be fined \$100 per day until the requirements are met and the system is properly permitted.

Property owners who present falsified documents may be fined \$100 per day until the proper documentation is presented. These property owners may also be required to reimburse the District for all maintenance and operational costs associated with monitoring the system in question.

If violations remain uncorrected, the District reserves the right to refer operational failures to the Health Department for correction or abandonment.

Chapter 9 –
17-2-9 Appeal process

A property owner may appeal the assessment of a fine to the Allen County Onsite Wastewater Management District Board in writing within 45 days of receiving a notice of violation. The ACOWMD Board will meet within 15 days of receiving the appeal for an administrative hearing. The ACOWMD Board may uphold the corrective action or fine, dismiss the action or fine, reduce the fine, or recess the hearing for further information.