

# **ALLEN COUNTY CODE TITLE 17 ON-SITE WASTE WATER MANAGEMENT DISTRICT**

## **ARTICLE 2 FINANCIAL**

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### **17-2-1 Chapter 1: On-Site Waste Water Management District Fund**

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 and IC 13-18-12-9. Part of the operational duty of the District per IC 36-11-7 includes receiving and expending funds.

#### **17-2-1-1 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 may be spent without appropriation.

### **17-2-2 Chapter 2: Purpose**

#### **17-2-2-1**

Revenue paid to the County pursuant to IC 36-11-9, collected pursuant to this ordinance or other ordinance designating said fund to receive same, together with any grants, loans or donations to said fund shall be deposited in said fund by the County for all or part of the purposes described in IC 36-11-2.

### **17-2-3 Chapter 3: Definitions**

#### **17-2-3-1**

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 the County of Allen;
- (b) “County Auditor” means the Auditor of Allen County
- (c) “Property Owner” means the individual or entity holding deed to a property served by a private sewage disposal system in unincorporated Allen County or any contract purchaser or occupant of 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 its 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) “Satisfactory Evidence of Maintenance” means a report or receipt by an approved provider under 17-3 showing the satisfactory maintenance and operation of the system.
- (i) “System” means a private sewage disposal system as described in IC 13-11-2-201
- (j) “Fund” means the Allen County Onsite Wastewater Management Fund established by this article
- (k) “Gravity System” means a private sewage disposal system constructed with septic tank(s) and a soil absorption system
- (l) “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
- (m) “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
- (n) “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
- (o) “Soil Absorption System” as defined by IC 13-11-2-199.5
- (p) “Permittee” means a Property Owner of any real property for which an operation permit has been issued by the District for a private sewage disposal system on the property. “Permittee” specifically includes the purchaser of a property for which an Operation Permit has ever been issued by the District for a System serving the property, even if the Operation Permit has expired and even though the Operation Permit was not issued in the name of subsequent purchaser.

## **17-2-4 Chapter 4: Expenditures**

### **17-2-4-1**

The fund may be expended for the following purposes:

- (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 and IC 13-18-12-9, including but not limited to the following:
  1. educational material
  2. educational programs,
  3. licensing of inspectors, maintenance personnel and installers,

4. expenses associated with qualifying systems for use in Allen County
  5. mapping and purchase of maps
  6. inventory of systems
  7. inspection and monitoring of systems
  8. 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

## **17-2-5 Chapter 5: Registration**

### **17-2-5-1**

Initial registration with the District of a System serving a property in the District is compulsory for each Property Owner who subsequent to 30 days after passage of this Ordinance on August 4, 2004, installed or installs a new private sewage disposal system or rehabilitates an existing private sewage disposal system under the authority of the Health Department. Registration of the System with the District will result in the issuance by the District of an Operation Permit for the System serving the property.

## **17-2-6 Chapter 6: Schedule of Permit Fees**

### **17-2-6-1**

A recurring permit fee will be assessed to the Property Owner/Permittee of each System registered with the District. The Operation Permit for each System registered with the District shall be renewed in accordance with the maintenance schedule set by the District to correspond with the maintenance requirements of the System manufacturer and installer or by the technical and scientific advice of the Health Department. The fee structure and renewal requirements are as follows:

- (a) Gravity System \$150 triennially (every 3 years)
- (b) Mechanical System \$150 biennially (every 2 years)
- (c) Pre-treatment System \$100 annually
- (d) Discharging System \$150 annually

## **17-2-7 Chapter 7: Renewal**

### **17-2-7-1**

A Permittee shall make application for renewal at least 30 days prior the expiration of the current Operation Permit. For Gravity Systems and Mechanical systems the property owners shall provide satisfactory evidence of maintenance for Pre-treatment Systems, the property

owner shall provide satisfactory evidence of maintenance and a copy of their annual maintenance contract with a District approved contractor and for a Discharging System, the property owner must provide satisfactory results of testing required by the Department of Environmental Management, proof of an ongoing maintenance contract with a District approved contractor and proof of all requirements by the IDEM NPDES permit for continued discharge.

## **17-2-8 Chapter 8: Violations**

### **17-2-8-1**

A Property Owner/Permittee commits a violation of this ordinance if any of the following occur:

- (a) A Property Owner fails to register a System with the District as required by this ordinance.
- (b) A Property Owner's/Permittee's System discharges effluent in excess of the IDEM established water quality standards according to the NPDES permit.
- (c) A Property Owner/Permittee fails to pay the initial registration fee or fails to pay the permit renewal fee within 30 days of billing date
- (d) A Property Owner/Permittee fails to produce a record of maintenance for their System
- (e) A Property Owner/Permittee falsifies maintenance or installation records
- (f) A Property Owner/Permittee modifies the manufacturer's recommended structure or installation
- (g) A Property Owner/Permittee modifies or discontinues mechanical components of the System

## **17-2-9 Chapter 9: Fines, Penalties and Corrective Action**

### **17-2-9-1**

a). Property Owners/Permittees whose Systems are in violation of this ordinance shall upon notice immediately commence to correct any mechanical and functional deficiency of the System in order to continue proper operation of the system and meet water quality standards. System failures will be corrected within 15 days, unless a longer time is otherwise allowed by statute, ordinance or rule. If operational violations remain uncorrected, the District reserves the right to refer such failures to the Health Department for correction action including abandonment.

b). Property Owners/Permittees who fail to maintain appropriate documentation may be assessed for each violation a fine of no more than \$10 per day while the Property Owner/Permittee is out of compliance.

c). Property Owners/Permittees of Systems that are not properly permitted or which 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.

d). Property Owners/Permittees who present falsified documents may be fined \$100 per day until the proper documentation is presented.

Property Owners/Permittees who violate this Ordinance may be required to submit to ongoing supervision by the District. If so required, the Property Owner/Permittee may be required to reimburse the District for all maintenance and operational costs associated with monitoring the System in question.

Upon discovering a violation as set forth above an authorized representative of the District shall issue a citation to the Property Owner/Permittee, citing the provisions(s) violated and the proposed fine for same. Said citation shall be in writing and set forth the appeal process as outlined below.

## **17-2-10 Chapter 10: Appeal Process**

### **17-2-10-1**

Upon receiving a citation for violation of this ordinance, a Property Owner/Permittee may appeal either the nature of the alleged violation or the proposed fine to the Allen County Onsite Wastewater Management District Board (the "ACOWMD Board"). Failure to appeal shall be deemed conclusive evidence of a violation. Said appeal shall be in writing, set forth the specifics of the appeal and be filed within 30 days of receiving the citation. The ACOWMD Board will meet within 15 days of receiving the appeal for an administrative hearing. The Property Owner/Permittee may present such evidence as the Property Owner/Permittee deems relevant. 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.

## **17-2-11 Chapter 11: Enforcement**

### **17-2-11-1**

If a Property Owner/Permittee fails to correct any deficiency cited or pay a fine levied, the District may enforce same through enforcement proceedings in the local court system. If the District prevails in such enforcement, it shall be entitled to among other things, reasonable attorney fees.

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