

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

ORDINANCE DATED June 4, 2003

ORDINANCE NUMBER 6-04-03 20

AUDITOR OF ALLEN COUNTY

[Signature]

2003 JUN 4

WHEREAS, the 2002 Indiana General Assembly enacted S.E.A. 461/Public Law 172 which encourages County Executives to establish a district in order to mitigate the failure rate of septic systems and the Board of Commissioner of the County of Allen has determined that it would be in the best interest of the residents of Allen County to establish an on-site waste water management district.

WHEREAS, in accordance with the above referenced law, the following actions were taken:

- a) A Notice of Intent to form a district was filed on December 9, 2002 with the Indiana Department of Environmental Management and the State Department of Health as well as the Office of the Board of Commissioners;
- b) Said Notice complied with I.C. 36-11-3-2;
- c) A public hearing on the matter was held on December 30, 2002 with public noticed published on December 12 and December 19 respectively; and
- d) On December 31 the Commissioners accepted the finding of need made after the public hearing, and their regular session.

WHEREAS, no person filed a written objection to the establishment of the district.

NOW, THEREFORE, be it ordained by the Board of Commission of Allen County that a new article shall be added to Title 17 to read as follows:

TITLE 17 - ON-SITE WASTE WATER MANAGEMENT DISTRICT

17-1 ARTICLE 1 - ALLEN COUNTY ON-SITE
WASTE WATER MANAGEMENT DISTRICT

17-1-1 CHAPTER 1

17-1-1-1 CREATION OF THE DISTRICT

There is hereby established an on-site waste water management district which shall be known as the Allen County On-Site Waste Water Management District (ACOWMD).

17-1-2 CHAPTER 2

17-1-2-1 TERRITORY

The territory included in the ACOWMD shall include all unincorporated territory of Allen County. Incorporated areas may opt into the ACOWMD by ordinance and approval of the District Board.

17-1-3 CHAPTER 3

17-1-3-1 PUBLIC HEALTH CONCERNS

The Commissioners find that on-site waste water management systems which fail cause polluted water to be discharged into the local environment thereby jeopardizing the health of Allen County residents. Given the soil types of the region, said systems can only work effectively if they are properly installed and maintained. The only way to accomplish same and thereby minimize the discharge and assist local home owners is to establish a district.

17-1-4 CHAPTER 4

17-1-4-1 PURPOSE

The ACOWMD is established for the purpose of improving the overall operation and functioning of systems as defined in I.C. 36-11-1 et sec. to improve the water quality in Allen County and improve the health and welfare of its residents. To do so the district shall perform the following functions:

- a) Inventory of systems.
- b) Inspection of systems.
- c) Monitoring the:
 - 1) performance; and
 - 2) maintenance;of systems.
- d) Establishing:
 - 1) standards for installation and inspection of systems that are no less stringent than standards established by the state department of health; and
 - 2) procedures for enforcement of the standards.
- e) Seeking grants for:
 - 1) system maintenance; and

- 2) any other activities described in this article.
- f) Establishing rates and charges for the operation of the district.
- g) Establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district.
- h) Seeking solutions for disposal of septage from systems.
- i) Education and training of system service providers and system owners.
- j) Coordination of activities of the district with activities of:
 - 1) local health departments;
 - 2) the department of natural resources;
 - 3) the state department of health; and
 - 4) the department of environmental management.

17-1-5

CHAPTER 5

17-1-5-1

ESTIMATED COSTS

It is hereby found that the estimated cost for operating the ACOWMD when fully operational and covering all systems in Allen County will be approximately \$500,000. During the early years it is not anticipated that the cost will exceed \$100,000. It is estimated that the average cost to the home owner will be somewhere between \$50 and \$150 per year depending on the type of system installed.

It is anticipated that the operating costs of the district will be raised through the registration process for all newly installed septic systems. The process will require persons having a system to provide proof of a valid maintenance operating contract appropriate to the installed system. All systems will pay a registration fee. Start up cost will be borne by the county through its CEDIT fund with the ACOWMD repaying the county after reaching a positive cash flow position.

17-1-6

CHAPTER 6

17-1-6-1

POWERS

The ACOWMD will have all powers granted by I.C. 36-11-5-1 et. sec. to accomplish its goals.

Section 2. This Ordinance shall become effective 30 days after publication of the notice of adoption of same.

Passed this 4 day of June, 2003.

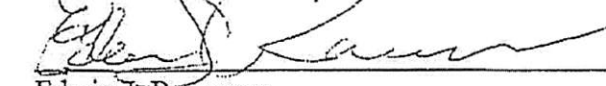
THE BOARD OF COMMISSIONERS OF
THE COUNTY OF ALLEN



Marla J. Irving



Linda K. Bloom



Edwin J. Rousseau

ATTEST:



Lisbeth A. Blosser, Auditor

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