

TITLE V: PUBLIC WORKS

Chapter

50. SEWAGE

51. SOLID WASTE

CHAPTER 50: SEWAGE

Section

General Provisions

- 50.01 Purpose
- 50.02 Definitions

On-site Sewage System

- 50.15 Requirements
- 50.16 Application and plan
- 50.17 Site evaluation report
- 50.18 Permits
- 50.19 Application denial; permit revocation
- 50.20 Inspection
- 50.21 System failure; correction

Procedure

- 50.35 Collection; accounting; disposition
- 50.36 Appeals
- 50.37 State Department of Health rules incorporated by reference
- 50.38 Enforcement
- 50.99 Penalty

GENERAL PROVISIONS

§ 50.01 PURPOSE.

The purpose of this chapter is to safeguard public health by ensuring on-site sewage systems do not discharge into the waters of the state. This chapter is designed to regulate the installation, construction, maintenance and operation of residential and commercial on-site sewage disposal systems in the county in compliance with state laws and regulations, and provide penalties for violations thereof. (Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE SOIL ABSORPTION FIELD TECHNOLOGY. Any soil absorption field technology or design not described in State Department of Health residential sewage disposal system rules for which sufficient research, field performance or data for use in the state has been documented demonstrating that it meets departmental standards.

BEDROOM.

(1) Any room in a residence that is 45 square feet in area or more, containing a closet structure and at least one operable window or exterior door approved for emergency egress or rescue. A **BEDROOM** is also any room within a dwelling regularly used as a sleeping room.

(2) A **BEDROOM** is normally none of the following:

- (a) Bathroom;

- (b) Kitchen;
- (c) Closet;
- (d) Foyer;
- (e) Pantry;
- (f) Laundry room;
- (g) Furnace room;
- (h) Utility room;
- (i) Living or family room;
- (j) Dining room;
- (k) Den;
- (l) Office; or
- (m) Library.

COMMERCIAL FACILITY. Any building or place not used exclusively as a residence or residential outbuilding. **COMMERCIAL FACILITY** includes, but is not limited to:

- (1) Office building;
- (2) Manufacturing facility;
- (3) Multi-family residence;
- (4) Apartment;
- (5) Multiplex;
- (6) Townhouse;
- (7) Condominium;
- (8) Motel;
- (9) Restaurant;
- (10) Regulated facility; and/or
- (11) Any grouping of residences served by

a cluster on-site sewage disposal system.

DISTURBANCE OR ALTERATION OF A SOIL ABSORPTION FIELD SITE. Includes, but is not limited to:

- (1) Addition of fill;
- (2) Cutting, scraping or removal of soil;
- (3) Compaction of soil at the site resulting in densic material;
- (4) Erosion or sedimentation; and
- (5) Removal of tree root balls.

EXPERIMENTAL SOIL ABSORPTION FIELD TECHNOLOGY. Any soil absorption field technology or design not described in State Department of Health residential sewage disposal system rules for which sufficient research, field performance or data for use in the state has been documented demonstrating that it meets departmental standards.

HEALTH OFFICER. Individual duly appointed as County Health Officer by the County Board of Health, or his or her authorized representative.

ON-SITE SEWAGE SYSTEM or OSS. Equipment and devices necessary for proper conduction, collection, storage and treatment of sewage from a residence or commercial facility.

ON-SITE SEWAGE SYSTEM FAILURE. System that exhibits one or more of the following:

- (1) System 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 water;
- (2) Failure of, or damage to, any component of the system, thereby interfering with normal use of plumbing or resulting in the discharge of effluent to the ground surface or to surface waters; and/or

(3) Effluent discharged from the system causes contamination of a potable water supply, groundwater or surface water.

ON-SITE SEWAGE SYSTEM REPAIR.

Repair or replacement of any system component other than the replacement or expansion of a soil absorption field.

ON-SITE SEWAGE SYSTEM

REPLACEMENT. Replacement or expansion of a soil absorption field.

PLAN SUBMITTAL. All information required for the Health Department to review the design, location, construction, maintenance and operation of a proposed on-site sewage system. **PLAN SUBMITTAL** includes, but is not limited to:

- (1) Application;
- (2) Written site evaluation report;
- (3) Plot plan; and
- (4) On-site sewage system plan.

POINT SOURCE DISCHARGE. Sewage or other water pollutants that come from a concentrated originating point, such as a pipe from a residential or commercial facility, with a specific point of discharge, and is regulated by federal, state or local laws.

REGULATED FACILITY. Any facility regulated under the Indiana Administrative Code of any state agency such as:

- (1) School facility;
- (2) Child care facility;
- (3) Long-term care facility;
- (4) Acute care facility;
- (5) Correctional facility;
- (6) State facility;

(7) Mobile home park;

(8) Campground; or

(9) Agricultural labor camp.

RESIDENCE. One- or two-family dwelling, built as a single structure, used or intended to be used for permanent or seasonal human habitation for sleeping one or two families.

RESIDENTIAL OUTBUILDING. Building located on the property of the residence used by the owner, and not used or intended to be used for permanent or seasonal human habitation or sleeping.

SECONDARY TREATMENT DEVICE. Any biological, chemical or physical process or system for improving sewage effluent quality after primary treatment in a septic tank and prior to discharge to a soil absorption field.

SEWAGE. All human excrement and water-carried waste derived from ordinary living processes.

SOIL. 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:

- (1) Climate (water and temperature effects);
- (2) Microorganisms;
- (3) Macro-organisms; and
- (4) Topography acting on a parent material over time.

SOIL ABSORPTION FIELD. System of trenches or elevated beds into which effluent discharges for absorption by the soil and the effluent distribution device that directly serves the trenches or elevated beds.

SOIL SCIENTIST. Individual registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS), the State

Association of Professional Soil Classifiers (IAPSC) or the State Registry of Soil Scientists (IRSS) as a certified professional soil scientist, soil specialist or soil classifier.
(Ord. 2007-7-4-25, passed 4-25-2007)

ON-SITE SEWAGE SYSTEM

§ 50.15 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 on-site sewage system into surface water, groundwater 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, groundwater or the ground surface is prohibited.

(C) (1) Any residence or residential outbuilding that generates sewage that is not connected to a wastewater treatment plant shall comply with this chapter and 410 I.A.C. 6-8.1.

(2) Any commercial establishment that generates sewage that is not connected to a wastewater treatment plant shall comply with this chapter and 410 I.A.C. 6-10.

(D) Any residence or residential outbuilding, which generates sewage, not connected to a wastewater treatment plant, must have an on-site sewage system which is not in failure.

(E) Any commercial facility not connected to a wastewater treatment plant and which does not have a point source discharge permit under I.C. 13-18-19 must have an on-site sewage system which is not in failure.

(F) The point source discharge of sewage, treated or untreated, from a commercial facility shall comply with 327 I.A.C. 5.

(G) The Health Officer, or his or her agents,

shall, in order to determine if a person is subject to or in violation of this chapter, 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.

(H) The on-site sewage system soil absorption field site 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 on-site sewage system.

(I) An on-site sewage system may not receive water from any of the following:

- (1) Roof drains;
- (2) Foundation drains;
- (3) Sump pumps;
- (4) Swimming pool drains;
- (5) Area drains;
- (6) Field tiles; or
- (7) Floor drains.

(J) An on-site sewage system may not be used for the disposal of chemical wastes other than water softener and iron filter waste. For the purposes of this chapter, the normal use of housekeeping cleaners and detergents do not constitute chemical waste.

(K) (1) All residential OSS shall be installed, constructed and maintained in a manner approved by the Health Officer and in compliance with the minimum standards set forth in 410 I.A.C. 6-8.1 or other standards as may be adopted from time to time

by the State Department of Health, which standards are incorporated herein by reference.

(2) All commercial OSS shall be installed, constructed and maintained in a manner approved by the Health Officer and in compliance with the minimum standards set forth in 410 I.A.C. 6-10 or other standards as may be adopted from time to time by the State Department of Health which standards are incorporated herein by reference.

(L) If the slope of the site in which the absorption system is to be built is greater than 2% or if the loading rate of three-tenths gallons per day per square foot or less, at least 50 feet of dispersal area must be provided downslope of the absorption system. If the slope of the site on which the absorption system is to be built is 2% or less and if the loading rate of the soil in the dispersal area is not less than five-tenths gallons per day per square foot, at least 30 feet of dispersal area must be provided downslope of the absorption system. No obstruction to horizontal flow of water, such as parking areas, building foundations, swimming pools or any other structure that would compact soil in the dispersal area, may be placed in the dispersal area.

(M) Any installation of an experimental technology on-site sewage system shall have a set-aside area for the installation of a replacement alternate form of on-site sewage system.

(N) Except for a person working on his or her own OSS which serves the dwelling in which they reside, no person, company, partnership or corporation shall construct, install, replace, alter, modify or repair any OSS unless that person has first registered with the Department. Application for registration shall be on forms provided by the Department.

(O) At the request of the Health Officer, but not more often than once per year, a person registered under this section shall attend a workshop pertinent to this chapter and Department policy and procedure conducted by the Department.
(Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

§ 50.16 APPLICATION AND PLAN.

(A) The owner, or his or her agent, shall submit to the Health Department a completed application and a written plan for construction of a new OSS, a repair to an existing OSS, replacement of an OSS component or connection to an existing OSS.

(B) The application and plan submittal for an on-site sewage system must address the demands and limitations of the site.
(Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

§ 50.17 SITE EVALUATION REPORT.

(A) A written site evaluation report shall be provided for all sites proposed for a new or replacement on-site sewage system. The written site evaluation report shall be reviewed as part of the plan submittal.

(B) For residential and commercial on-site sewage systems, a soil scientist, as defined in § 50.02, shall provide the written site evaluation report.
(Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.18 PERMITS.

(A) The owner or agent shall obtain a written permit signed by the Health Officer for the construction of an on-site sewage system 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 at the time of initial occupancy;

(2) The start of any construction of a residential on-site sewage system repair or replacement;

(3) The start of construction of any replacement, reconstruction or expansion of a residence which may increase the number of bedrooms;

(4) The start of construction of a

residential outbuilding which will generate sewage, or the addition of plumbing to an existing residential outbuilding, when the outbuilding is not connected to a wastewater treatment plant; or

(5) The start of construction of any commercial facility.

(B) Any proposed changes, alterations or addition to an on-site sewage system plan submittal for which the Health Department has issued a permit shall be approved, in writing, by the Health Department prior to the implementation of the changes.

(C) A residential or commercial on-site sewage system permit shall expire upon completion and final approval of the on-site sewage system construction or within one year after issuance, whichever comes first.

(D) 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 on-site sewage system.

(E) The Health Department shall issue or deny, in writing to the owner, a residential on-site sewage system permit within 45 days of receipt of a completed application and complete approved plot plan submittal in accordance with I.C. 16-41-25-1.

(F) Permit fees shall be paid as follows:

(1) One hundred dollars for the installation of an OSS utilizing technologies not considered new to the state;

(2) Two hundred dollars for the installation of an OSS utilizing technologies new to the state;

(3) Seventy-five dollars for the replacement or expansion of an OSS;

(4) Twenty-five dollars for the replacement of a component of an OSS, such as a septic tank, distribution box, broken header line and the like;

(5) Twenty-five dollars for any residential connection into an existing OSS which is not in failure;

(6) Two hundred dollars for commercial projects;

(7) Fifty dollars for any requests to renew an issued OSS permit which has expired; and

(8) Fifty dollars for any operating permit.

(G) The permit, if issued, shall be posted prior to commencement of construction, in a conspicuous place at or near the building where the on-site sewage system is under construction.

(H) All fees collected under the terms of this chapter shall be receipted and credited to the County Health Fund for services rendered in enforcing this chapter.

(I) Every residence, commercial facility, or other structure that generates sewage to be treated by an OSS shall have on file with Health Department a valid permit for the OSS.

(J) Any person desiring to operate one of the following septic systems shall first obtain an operating permit from the Department, as appropriate:

(1) Any proposed cluster system;

(2) Any commercial system;

(3) Any OSS utilizing Technologies New to Indiana;

(4) Any other system determined by the Health Department to require an operating permit based on site-specific soil, topographical, and other physical characteristics.

(Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

§ 50.19 APPLICATION DENIAL; PERMIT REVOCATION.

(A) After review of an application and plot plan submittal, the Health Department may deny an application for construction of a new on-site sewage system or for an on-site sewage system repair or replacement. The reasons for the denial include, but are not limited to, any of the following, or combination thereof:

(1) The on-site sewage system plan submittal does not address the demands and limitations of the site;

(2) The on-site sewage system plan submittal does not comply with the requirements of 410 I.A.C. 6-8.1 or this chapter;

(3) The owner failed to demonstrate that the proposed on-site sewage system can be designed, located, constructed, maintained and operated in compliance with 410 I.A.C. 6-8.1 or this chapter;

(4) False information was submitted in the application;

(5) Information submitted in the written site evaluation report, construction design plan or on-site sewage system plan is found to be incomplete or erroneous; and/or

(6) The owner failed to respond to a request for a revised plan submittal or for additional information within 30 days.

(B) The Health Department may also deny an application for construction of a new on-site sewage system or an on-site sewage system repair or replacement if:

(1) A sanitary sewer of a wastewater treatment plant is located within 300 feet of the property line of the affected property; or

(2) The estimated cost of a sewer construction and connection does not exceed 150% of the estimated cost of an on-site sewage system, and the sanitary sewer and the treatment facility of the wastewater treatment plant have adequate capacity as defined by the State 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 revoke a permit it has issued. The reasons for 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:

(a) Addition of fill;

(b) Cutting, scraping or removal of soil; and/or

(c) 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 on-site sewage system plan is found to be erroneous;

(4) Errors or omissions are discovered after the permit has been issued; or

(5) The on-site sewage system does not comply with 410 I.A.C. 6-8.1 or this chapter or the conditions of the permit.

(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 on-site sewage system, the residence or commercial facility it serves, until a new permit is 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 on-site sewage system plan; and

(2) The proposed on-site sewage system shall comply with the requirements of 410 I.A.C. 6-8.1 or 410 I.A.C. 6-10 and this chapter. (Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

§ 50.20 INSPECTION.

(A) (1) The on-site sewage system, when constructed, shall comply with the requirements of this chapter and 410 I.A.C. 6-8.1 or 410 I.A.C. 6-10, or as may be amended from time to time.

(2) No portion of the residential on-site sewage system may be covered, prior to inspection, which would preclude the Health Officer from making a determination that the residential on-site sewage system was installed in compliance with the requirements of the permit.

(3) No portion of a commercial on-site sewage system may be covered, prior to inspection, which would preclude the Health Officer, the design engineer or the architect from making a determination that the commercial on-site sewage system was installed in compliance with the requirements of the permit.

(4) The Health Officer shall be permitted to inspect the work at any stage of construction.

(5) The owner or agent shall notify the Health Officer at least 24 hours before the work is ready for final inspection. The final inspection shall be made within the shortest reasonable time, but not to exceed two working days of receipt of notice to the Health Officer.

(B) (1) The Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties, subject to the provisions of this chapter, at reasonable times for purposes of:

- (a) Inspections;
- (b) Observations;

(c) Measurements; and

(d) Sampling and testing necessary to carry out the provisions of this chapter.

(2) The Health Officer may compel the immediate suspension of any work, completed or in progress, or planned, that is in violation of any provisions of this chapter. The suspension order shall be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person actively engaged in the performance of the work. Failure to comply with the suspension order shall constitute a violation of this chapter and the violator shall be subject to the penalties prescribed in § 50.99.

(Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

§ 50.21 SYSTEM FAILURE; CORRECTION.

(A) The owner shall correct the failure of an on-site sewage system or its components, whichever is applicable, within the time limit set by the Health Officer.

(B) When replacement of the soil absorption field is required, procedures pertinent to plan submittal and on-site sewage system permits in this chapter shall be followed.

(C) Soil absorption field replacement for a residential on-site sewage 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) Replacement of a soil absorption field cannot be contrary to § 50.15(A) and (B); and

(2) No portion of a replacement soil absorption field can be constructed to a depth greater than 48 inches below final grade.

(D) Whenever there is any alteration of the structure or significant change in the use or occupancy of a residence or other structure that generates sewage which would affect the functioning of the existing OSS, including the addition of a

bedroom or bedroom equivalent, then the system shall be modified, enlarged or replaced in accordance with the requirements of this chapter.

(E) Whenever there is any alteration of the structure or significant change in the use of occupancy of a commercial facility which would affect the functioning of the existing OSS, including the addition of bathrooms, kitchens or other related water disposal mechanisms, then the system shall be modified, enlarged or replaced in accordance with the requirements of this chapter.

(Ord. 2007-7-4-25, passed 4-25-2007) Penalty, see § 50.99

PROCEDURE

§ 50.35 COLLECTION; ACCOUNTING; DISPOSITION.

(A) The County Health Department shall collect the fees established as a part of this chapter in accord with the schedules designated in § 50.18.

(B) All fees and fines collected by the County Health Department shall be accounted for in detail for each permit fee or fine.

(C) All fees and fines collected by the County Health Department under this chapter shall be transferred to the County Health Fund. The monies collected in accord with the provisions of this chapter shall be used only for the maintenance of or for future expansion of the specific program service from which they are derived.

(Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.36 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 sewage disposal system; or

(2) A determination, pursuant to §§

50.19(A) or 50.20(A)(2), that work completed, in process or planned is in violation of any of the provisions of this chapter, or that any other violation of the provisions of this chapter exists.

(B) (1) Any appeal may be filed with the County Board of Health by any person aggrieved or affected by any decision of the Health Officer as set forth in § 50.19. The appeal shall:

(a) Be submitted in writing within ten days after the applicable decision of the Health Officer, unless the appellant obtains any extension of time in writing from the Board of Health; and

(b) Specify the adverse decision appealed from and the grounds therefore.

(2) The Health Officer shall forthwith transmit to the County Board of Health all of the papers in his or her office constituting the record of the case. The County Board of Health, upon receipt of the 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 from time to time, but the Board shall render a decision on the appeal within 20 days thereafter. Any person may appear and testify at the hearing, either in person or by counsel.

(C) The County Board of Health shall hear and decide the appeal, and may overrule or modify the decision or determination of the Health Officer appealed from if the Board determines that the Health Officer incorrectly decided the matter.

(D) The concurring vote of the majority of the members of the County Board of Health shall be necessary to reverse or modify any determination or decision of the Health Officer.

(Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.37 STATE DEPARTMENT OF HEALTH RULES INCORPORATED BY REFERENCE.

The requirements of State Department of Health Rule, 410 I.A.C. 6-8.1 *Residential Sewage Disposal Systems*; State Department of Health Rule 410 I.A.C.

6-10 *Commercial On-site Wastewater Disposal*; Bulletin S.E. 11 *Sanitary Vault Privy*; and Bulletin S.E. 13 *On-site Water Supply and Wastewater Disposal for Public and Commercial Establishments* are hereby incorporated by reference. This chapter further incorporates any updates, amendments or revisions that may occur from time to time, and any bulletin or publication which may hereafter be published by the State Department of Health as a supplement or successor to State Department of Health Rule, 410 I.A.C. 6-8.1 *Residential Sewage Disposal Systems*; State Department of Health Rule 410 I.A.C. 6-10 *Commercial On-site Wastewater Disposal*; Bulletin S.E. 11 *Sanitary Vault Privy*; and Bulletin S.E. 13 *On-site Water Supply and Wastewater Disposal for Public and Commercial Establishments*.

(Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.38 ENFORCEMENT.

(A) (1) For both residential and commercial facility on-site sewage systems, 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 chapter or any condition of a permit a written order.

(2) An owner or agent, upon receipt of an order, shall comply with the order and 410 I.A.C. 6-8.1 or 410 I.A.C. 6-10 and this chapter.

(B) The Health Officer may initiate any procedures as he or she deems necessary for proper enforcement in order to carry out the purpose and

intent of this chapter.

(Ord. 2007-7-4-25, passed 4-25-2007)

§ 50.99 PENALTY.

(A) The doing of any prohibited act or the omission of any required act governed by this chapter is declared to be a violation of this chapter. Any person declared to have committed a violation hereof shall, upon the finding, be fined in an amount not to exceed \$2,500. In addition to any fine levied under this chapter, the County Board of Health may enjoin any violation of this chapter by proceeding in any court of competent jurisdiction seeking to abate the public health hazard, nuisance or violation of this chapter.

(B) The County Board of Health shall also be entitled to seek any other legal remedy available against any person, firm or corporation who shall violate any provision of this chapter.

(C) In the event enforcement of this chapter requires the enforcing agency to commence litigation, and the court finds a violation of this chapter, in addition to the fines and penalties and other remedies set forth in this section, the enforcing agency shall also be awarded all costs associated with the prosecution including but not limited to reasonable attorney fees, and same shall become a judgment against the violator. The Board of Health shall also be entitled to seek any other legal remedy available against any person, firm or corporation who shall violate any provision of this chapter.

(Ord. 2007-7-4-25, passed 4-25-2007)

CHAPTER 51: SOLID WASTE

Section

51.01 Solid Waste Management District

established

- 51.02 Board of Directors
- 51.03 Authority

§ 51.01 SOLID WASTE MANAGEMENT DISTRICT ESTABLISHED.

(A) The county will continue as Three Rivers Solid Waste Management District (District) as a County District and will be organized in compliance with I.C. 13-21-3 and perform all the functions authorized, empowered and directed by law, as contained in I.C. 13-21-1 through I.C. 13-21-14 as is now promulgated, or as may hereafter be modified by judicial decision or legislative amendment. Further, in continuing as Three Rivers Solid Waste Management District, all previous resolutions and actions taken by Three Rivers Solid Waste Management District are hereby incorporated and adopted by this chapter.

(B) All of the incorporated and unincorporated territory of the county shall be included in the Three Rivers Solid Waste Management District.
(Ord. 2007-2-2-9, passed 2-9-2007)

§ 51.02 BOARD OF DIRECTORS.

(A) The Board of Directors of Three Rivers Solid Waste Management District (Board) shall consist of the following members:

(1) Two members appointed by the County Executive from the membership of the County Executive;

(2) One member appointed by the county fiscal body from the membership of the county fiscal body;

(3) One member:

(a) Who is the executive of the municipality having the largest population in the county, if that municipality is a city; or

(b) Appointed from the membership of the legislative body of a town, if the town is the municipality having the largest population in the county.

(4) One member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality;

(5) One member:

(a) Who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(b) Who is a member of the legislative body of a town that is not the municipality having the largest population in the county, and is appointed by the executive of that county to represent the municipality in the county other than the municipality having the largest population.

(6) One additional member appointed by the County Executive from the membership of the County Executive.

(B) The term of office of a member of the Board of the District who is appointed from the membership of an executive, legislative or fiscal body is coextensive with the member's term of office of that body. The term of office of other appointed members of the Board is two years. All members serve at the pleasure of the appointing authority.

(C) For the purpose of conducting business, four members shall constitute a quorum. Pursuant to I.C. 13-21-3-9, the Board shall select a Chairperson and Vice Chairperson from the Board's membership, and are authorized to select a Secretary who either may or may not be from Board membership. The Board shall also select a Controller who is not a member of the Board, and the Controller shall exercise the powers and duties pursuant to I.C. 13-21-3-10. The Chairperson shall be responsible for determining time and place of all meetings, and shall act as the presiding officer. A meeting may be called by a majority of the members of the Board. The Secretary shall prepare and maintain minutes and be responsible for providing notice of all meetings in compliance with the provisions of the State Open Door Law and any other statutory provision.

(D) An annual reorganization meeting shall be

held during the month of January of each year, the date to be designated by the Board of Directors.
(Ord. 2007-2-2-9, passed 2-9-2007)

§ 51.03 AUTHORITY.

(A) All property acquired by the District shall be taken in the name of the Board, and no sale or payment for expenditures and purchases shall be made without the approval of a majority vote of those present at any meeting where a quorum is constituted. The Board shall comply with the provisions of Indiana Code applicable to political subdivisions relating to the acquisition and disposal of property. The District will impose fees on the final disposal of solid waste within the District under I.C. 13-21-13, as well as receive county contributions as a line item on the Commissioner's budget. Further, the Three Rivers Solid Waste Management District passed Res. No. 1-2006, which established a solid waste management user fee pursuant to I.C. 13-21-11-1. All funds will be managed pursuant to State Board of Accounts guidelines and will be reported annually pursuant to law.

(B) The district shall adopt a new solid waste management plan pursuant to I.C. 13-21-5-21(i), which shall be prepared and submitted to IDEM for approval within the time specified by law.
(Ord. 2007-2-2-9, passed 2-9-2007)