

ORDINANCE NO. 12-25

AN ORDINANCE OF THE PORTER COUNTY BOARD OF COMMISSIONERS ESTABLISHING CERTIFICATION AND REGISTRATION REQUIREMENTS FOR ONSITE SEWAGE SYSTEM INSTALLERS

Whereas, the Porter County Board of Commissioners adopted the Porter County Municipal Code on Tuesday, December 2, 1997 pursuant to Ordinance No. 97-38; and

Whereas, the Porter County Board of Commissioners has deemed it necessary to pass a new ordinance for inclusion in the Porter County Municipal Code; and

Whereas, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs; and

Whereas, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

Whereas, the Porter County Board of Commissioners upon request and recommendation of the Porter County Health Department has deemed it necessary and appropriate to implement a Porter County certification and registration requirement for onsite sewage system installers; and

Whereas, the laws of the State of Indiana empower and authorize a Board of County Commissioners to implement a certification and registration requirement for onsite sewage system installers.

Therefore, be it ordained by the Porter County Board of Commissioners that the following certification and registration requirements shall apply to all onsite sewage system installers operating in Porter County as of the effective date of this ordinance.

Section 1. Definitions

1. Certified Installer: An installer who passes a written proficiency examination conducted by the Porter County Health Department or an entity approved by the Porter County Health Department, and maintains certification through re-testing or obtaining the proper Continuing Education Units.

2. Department: the Indiana State Department of Health

3. Registered Installer: A certified installer who registers with the Porter County Health Department

Section 2. INSTALLER REGISTRATION:

Effective January 1, 2013, no person shall construct, install, replace, alter, or repair any part of any Onsite Sewage System (OSS) in Porter County unless the person is registered with the Porter County Health Department.

1. An installer shall file an Application for Registration with the Porter County Health Department, and keep on file at the Porter County Health Department a current certification in gravity OSS, flood dose OSS, trench pressure OSS, sand mound OSS, and alternative technology OSS for which an interim standard has been published by the department.

2. Such registration shall be valid for a term of one-year beginning January 1st and expiring December 31st, of the same year and shall be renewed annually. The Registration shall bear the name and address of the registered installer and the expiration date and shall not be transferable.

Section 3. INSTALLER EXAMINATION:

Every installer engaged in the construction of OSS in Porter County shall be knowledgeable of all laws, rules, technical specifications, and ordinances of both the State of Indiana and Porter County governing OSS.

1. The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances before becoming certified by passing a written proficiency examination conducted by the Porter County Health Department or an entity approved by the Porter County Health Department.

2. The examination shall be in multiple parts. The Porter County Health Department or an entity approved by the Porter County Health Department

entity approved by the Porter County Health Department will develop examinations to test applicant knowledge of laws, rules, regulations, and ordinances of the State of Indiana and Porter County in the following areas.

- a. Part A will cover gravity OSS and flood dose OSS;
 - b. Part B will cover trench pressure distribution OSS and sand mound OSS.
3. Additional examinations for alternative technology OSS for which an interim standard has been published by the department.
- a. The examinations shall be reviewed from time to time to determine their applicability to current laws, rules, technical specifications and ordinances.
 4. A score of eighty (80) percent or higher on each part will be considered passing. If the applicant fails to pass any part of the examination, the applicant may re-apply for Installer Certification no earlier than one (1) month following the examination date.

b. When taking a written examination is not feasible due to language or reading difficulties, oral examination will be allowed.

Section 4. INSTALLER CERTIFICATION:

An applicant shall comply with the requirements for obtaining a certification, and may be certified to install OSS for the following.

3. Upon successful completion of the examination for Section 3. 2. a. (Part A), the applicant shall be issued a certification to install gravity OSS and flood dose OSS. Certification to install gravity OSS and flood dose OSS is required prior to certification to install trench pressure OSS and sand mound OSS, or certification to install an alternative technology OSS for which an interim standard has been published by the department.

4. Upon successful completion of the examination for Section 3. 2. b. (Part B), the applicant shall be issued a certification to install trench pressure OSS and sand mound OSS.

5. Upon successful completion of an examination for Section 3. 2. c for an alternative technology OSS for which an interim standard has been published by the department, the applicant shall be issued a certification to install an OSS for that alternative technology.

6. Such certification shall be valid for a term of three-years beginning January 1, and expiring December 31, of the third year and shall be renewed tri-annually. The Certification shall bear the name and address of the certified installer and the expiration date and shall not be transferable. The installer shall re-apply for Certification and pass the proficiency test, or provide proof of recertification by an entity approved by the Porter County Health Department.

7. The Porter County Health Department may approve Continuing Education Units (CEUs), for educational experiences attended by the certified installer, in lieu of the testing requirement for renewal. Six CEUs related to each part of the exam listed under section 3. 2. shall be required during the three year certification period, to avoid retesting for that part of the exam.

8. The installer shall possess a copy of the certification at all times when installing OSS.

9. A Certified Installer shall be on the site at all times during OSS construction, and shall be deemed responsible for the construction. A Certified Installer may supervise other construction workers as necessary to assist in the construction.

10. Every Certified Installer shall be working under a Registered Installer. If the Certified Installer is not also a Registered Installer, they shall declare at the time of certification the Registered Installer they work for and shall maintain employment with the Registered Installer as a condition of their certification.

11. A property owner wanting to install, repair, replace, or otherwise work on the OSS serving the property owner's dwelling shall be required to demonstrate knowledge of the applicable laws, rules, technical specifications, and local ordinances by passing the proficiency exam in this Section3, paragraph 2. a., and paragraph 2. b., or paragraph 2. c. (if applicable), conducted by the Porter County Health Department or an entity approved by the Porter County Health Department.

12. If the OSS installation is being done by an

12. If the OSS installation is being done by an entity other than an individual (such as a corporation or partnership) then, and in that event, the entity installing the OSS shall have in its employ a certified and registered installer who shall be responsible for all aspects of the design, installation, construction, replacement, altering or repair of the OSS.

Section 5. ENFORCEMENT.

1. If a Registered Installer has repeated violations of any provision of this Ordinance or the applicable rules or technical specifications of the department, the Porter County Health Officer may revoke the appropriate registration. If registration is revoked, the requirements for becoming registered, including testing and the payment of the registration fee, shall apply prior to re-registration. An installer who has been re-registered shall be on probationary status for a period of one (1) year.

2. If a registration is revoked, the installer shall be advised, in writing, for the basis of the revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.

3. Any person (except for a property owner who complies with the requirements of Section 4. 9.) constructing, installing, repairing, replacing, or altering any OSS who is not registered in Porter County shall be deemed to be in violation of this Ordinance. A person who is in violation of this Ordinance shall be fined for the first offense no more than \$500.00; for the second and each subsequent offense no more than \$1,000.00. Each violation of this Ordinance shall constitute a separate violation.

Section 6. FEES.

1. A fee of \$50.00 for Installer Registration shall be submitted prior to the issuance or renewal of the Registration.

2. A property owner as described in Section 4. 9. is exempt from the Installer Registration fee.

All of which having been ordained by the Porter County Board of Commissioners this 20 day of November, 2012.

John A. Evans
Nancy Adams
Carole Knoblock

Attest: Robert Wichlinski
(November 29, 2012)