

**ORDINANCE 2017-15**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS  
OF WARRICK COUNTY, INDIANA,  
ALLOWING A SPECIAL RESIDENTIAL SEPTIC PERMIT**

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana, recognize the public health importance of requiring homeowners to connect to public sewer systems; and

**WHEREAS**, the Section 130.02 of Warrick County Code of Ordinances has been adopted to include various rules and regulations requiring property owners in Warrick County to connect to available public sewer, combined sewer or sanitary sewers as opposed to private sewage disposal systems if certain conditions are met, and that a very strong public interest exists for such rules to promote residential growth and development, and to guarantee the health and safety of the citizens of Warrick County; and

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana, also recognize that it is possible if certain criteria are met that it may economically unfeasible for certain new home builders to connect to available public sewer, combined sewer or sanitary sewers; and

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana, desire to amend the Code of Ordinances to establish specific criteria for a residential home builder to request a special permit to install a private sewage disposal system.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana that Section 130.02 of the Code of Ordinances of Warrick County, Indiana is hereby amended to include a new subsection "I" which shall state as follows:

**§130.02 SYSTEM REGULATIONS.**

\* \* \* \*

**(I)** Whenever an available public sewer, combined sewer or sanitary sewer ("Public Sewer") approved by the Public Service Commission or the Indiana State Board of Health is contiguous or within 300 feet of the building line (as established by Warrick County zoning ordinance) of a residential property that is being developed for a residential home and is situated within the County, a direct connection shall be made to said Public Sewer. The County Board of Health may grant a special permit waiving this connection requirement if the residential homeowner provides the County Board of Health with the following:

1. The applicable municipal works board waives in writing any tap-in rights the municipal works board may have or otherwise waives the municipal works board's enforcement rights under Ind. Code §36-9 *et. seq.*, against the homeowner and all successors-in-title, unless and until (a) the homeowner or successor-in-title

consents to the public sewer tap-in, (b) the residential property receiving said waiver is annexed by a municipality, or (c) the septic system fails thereby creating a public health hazard as determined by the County Board of Health; and

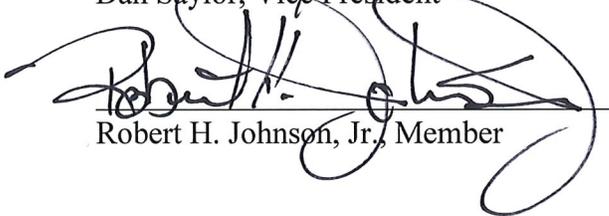
2. A written statement by the homeowner affirming that the cost to connect to the public sewer line is equal to or exceeds the cost of installing any acceptable private sewage disposal system.

The above ordinance is passed and adopted by the Warrick County Board of Commissioners this 26<sup>TH</sup> day of June, 2017.

WARRICK COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Marlin Weisheit, President

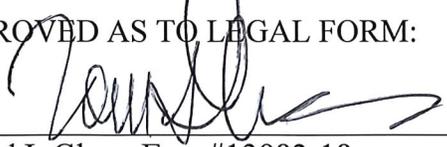
  
\_\_\_\_\_  
Dan Saylor, Vice President

  
\_\_\_\_\_  
Robert H. Johnson, Jr., Member

ATTEST:

  
\_\_\_\_\_  
Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Todd I. Glass, Esq. #13982-18  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
Warrick County Attorney