

ORDINANCE NO. 2023-BC-O- 05

AN ORDINANCE OF THE MADISON COUNTY BOARD OF COMMISSIONERS AMENDING ORDINANCE NO. 2018-BC-O-10, AN ORDINANCE ADOPTING A MADISON COUNTY SEWAGE DISPOSAL ORDINANCE

WHEREAS, the Madison County Board of Commissioners, on November 20, 2018 adopted Ordinance 2018-BC-O-10, which regulates the installation, construction, maintenance, and operation of residential and commercial onsite systems in Madison County and provides penalties for violations thereof; and,

WHEREAS, Ordinance 2018-BC-O-10 requires installers to provide the Madison County Health Department with a Ten Thousand Dollars (\$10,000.00) license or permit bond prior to installation of onsite sewage disposal systems in Madison County; and,

WHEREAS, the Madison County Health Board and the Executive Director of the Madison County Health Department have provided information to the Board of Commissioners that owing to the increasing costs of the installation of onsite sewage disposal systems, the amount of the aforementioned license or permit bond should be increased to Twenty Thousand Dollars (\$20,000.00); and,

WHEREAS, after inviting public comment on the proposed increase, and in the interest of public safety, the Board of Commissioners deem it prudent to increase the amount of license as requested.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS: Section 2, Paragraph J, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“J. A valid license or permit bond of Twenty Thousand Dollars (\$20,000.00), or as may be amended, payable to the Madison County Health Department, shall be required for installers making onsite system installations in Madison County. The purpose and benefit of said bond shall be to protect all persons damaged by illegal, improper, or faulty installation or repair, in connection with work performed by the installer. Such bond shall be further conditioned upon the performance of all services in a workman like and legal manner.”

BE IT FURTHER ORDAINED that Section 10, Paragraph C, 2, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“2. A second violation of any provision of this ordinance, or the failure to correct any initial violation of this ordinance ISDH Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10 or as may be amended, shall result in the revocation of the Twenty Thousand

Dollar (\$20,000.00) permit or license bond or as may be amended, as described in Section 2J of this ordinance by the Madison County Board of Health and the removal of the installer from the Madison County Health Department installer registry. The revocation of the license or permit bond and the removal of the installer name from the registry shall be for a period of time not less than ninety (90) days.”

BE IT FURTHER ORDAINED that Section 10, Paragraph C, 4, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“4. The Madison County Board of Health, upon receipt of an appeal for reinstatement, shall hear the appeal at the next scheduled Madison County Board of Health meeting, after the ninety (90) day suspension, including the Twenty Thousand Dollar (\$20,000.00) bond or as may be amended, revocation and removal from the installer registry has elapsed. Any person may appear and testify at such hearing either in person or by counsel.”

BE IT FURTHER ORDAINED that Section 10, Paragraph C, 5, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“5. The Madison County Board of Health shall hear and decide the appeal for reinstatement of the Twenty Thousand Dollar (\$20,000.00) permit or license bond, or as may be amended and the reinstatement of the installer to the Madison County Health Department installer registry or to continue the revocation.”

BE IT FURTHER ORDAINED that Section 10, Paragraph C, 6, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“6. The concurring vote of the majority of the members of the Madison County Board of Health shall be necessary to reinstate the Twenty Thousand Dollar (\$20,000.00) permit or license bond or as may be amended, and to reinstate the installer to the Madison County Health Department installer registry.”


BE IT FURTHER ORDAINED that Section 10, Paragraph C, 7, of Ordinance 2018-BC-O-10 is hereby deleted and replaced as follows:

“7. Any sewage disposal system installer whose Twenty Thousand Dollar (\$20,000.00) permit or license bond, or as may be amended, has been previously revoked and whose name has been previously removed from the Madison County Health Department installer registry and who is found to be in violation of any provision of this ordinance, ISDH Rule 410 IAC 6-8.3, ISDH Rule 410 IAC 6-10 or as may be amended, shall result in the revocation of the Twenty Thousand Dollar (\$20,000.00) permit or license bond or as may be amended, and the removal of the installer from the Madison County Health Department installer registry. The revocation of the permit or license bond and the removal of the installer from the installer registry shall be for a period of time not less than one (1) year.”

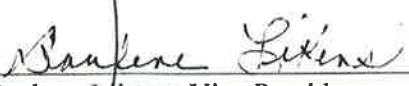
BE IT FURTHER ORDAINED that all provisions of Ordinance 2018-BC-O-10 not specifically amended herein shall remain in full force and effect.

SO ORDAINED this 7th day of March, 2023.

MADISON COUNTY BOARD OF COMMISSIONERS



John Richwine, President




Darlene Likens, Vice President



Olivia Pratt, Member

Attest:



Rick Gardner, Auditor

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