

Town of Georgetown, IN

Ordinance # G-07- 27

**AN ORDINANCE AMENDING §53 OF THE
GEORGETOWN CODE OF ORDINANCES,
EXEMPTING AN EXISTING SEPTIC-TANK SERVICED
PROPERTY TO CONNECT ONTO THE TOWN'S SANITARY
SEWER SYSTEM WITHIN THE TOWN OF GEORGETOWN,
INDIANA**

**BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF GEORGETOWN,
INDIANA THAT:**

WHEREAS, the Town Council of Georgetown has reviewed Section 53 of the Town's Code of Ordinances; and,

WHEREAS, the Town Council of Georgetown has identified that the parameters set forth by §53 are proper but do not fully address the requirements for the provision of sanitary sewer services to an existing, inhabited property that was omitted from the Town's sanitary sewer system's original construction, for unknown reasons; and,

WHEREAS, the Georgetown Town Council is not interested in forcing the abandonment of properly functioning private septic tank treatment systems.

NOW THEREFORE, BE IT ORDAINED:

SECTION 1. Section 53 of the Code of Ordinances is hereby amended to read:

§ 53.015 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of §§ 53.015 through 53.017, 53.030 through 53.039, 53.050 through 53.062, 53.075 and 53.076.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(D) (1) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect the facilities via the building sewer to the proper public sewer in accordance with the provisions of §§ 53.015 through 53.017, 53.030 through 53.039,

53.050 through 53.062, 53.075 and 53.076, within 90 days after date of official notice to do so, provided that the public sewer is within 300 feet (91.14 meters) of the property line.

(2) As a condition of connection to a public sewer, the owner(s) shall grant a right-of-access easement to the septic tank to the town for the purpose of cleaning and inspection.

(3) The requirements of sub-paragraph (D)(1), above, shall not apply to any house, building or other property which is annexed into the Town with an already functioning septic tank sewage treatment system. If said property is annexed into the Town with a properly permitted and functioning septic tank, the Town Council of Georgetown cannot and shall not require said property owner to abandon their properly operating private septic tank in exchange for a mandated connection to the Town's sewer system. If, on the other hand, the Indiana State or Floyd County Health Department identifies that a septic tank is not functioning, only an order from the Health Department can require a property owner to abandon their septic tank and to connect onto the Town's sewer system, at the property owner's expense. If such an abandonment of an existing septic tank system is required, the property owner shall comply with all Federal, State and Local laws governing such an abandonment. In such a case, the property owner will be required to pay the Sewer Service Capacity Fee to the Town of Georgetown, in addition to any other fees and permits required to connect a new sanitary sewer service into the Town's sewer system.

(E) Any houses, buildings or properties used for human occupancy, employment, recreation or other purposes, already situated within the town by January 1, 2004, and built prior to 1998 with a properly permitted and functioning septic tank, the Town Council of Georgetown cannot and shall not require said property owner to abandon their properly operating private septic tank in exchange for a mandated connection to the Town's sewer system. If, on the other hand, the Indiana State or Floyd County Health Department identifies that a septic tank is not functioning, only an order from the Health Department can require a property owner to abandon their septic tank and to connect onto the Town's sewer system, at the property owner's expense. If such an abandonment of an existing septic tank system is required, the property owner shall comply with all Federal, State and Local laws governing such an abandonment. In such a case, the property owner will be required to pay the Sewer Service Capacity Fee to the Town of Georgetown, in addition to any other fees and permits required to connect a new sanitary sewer service into the Town's sewer system.

SECTION 2. The remainder of Section 53 of the Code of Ordinances is confirmed and reiterated.

NOW, THEREFORE, BE IT FURTHER ORDAINED that all Ordinances of the Town of Georgetown, Indiana which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

Adopted by the Town Council of the Town of Georgetown, Indiana, this 20 day of Sept, 2007.

Gary L. Smith
Gary Smith, President

Jeff McCaffrey
Jeff McCaffrey, Vice President

Jay Davis
Jay Davis, Member

Dean Hammersmith
Dean Hammersmith, Member

Chris Carter, Member

ATTEST:

Douglas Cook
Doug Cook, Georgetown Clerk/Treasurer