

AN ORDINANCE ADOPTING, BY REFERENCE, THE PRIVATE WATER WELL CONSTRUCTION PERMIT RULES OF THE IOWA ADMINISTRATIVE CODE (CHAPTER 38) AND THE NONPUBLIC WATER WELL RULES OF THE IOWA ADMINISTRATIVE CODE (CHAPTER 49) AND ADOPTING RULES AND REGULATIONS GOVERNING NONPUBLIC WATER WELLS AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF RULES AND REGULATIONS FOR HENRY COUNTY, IOWA.

WHEREAS, the State of Iowa has enacted legislation requiring a permit from the Department of Natural Resources prior to the construction of any new water wells in the State, and WHEREAS the Iowa Department of Natural Resources has adopted rules to implement the said statutory provisions (1987 Iowa Code Supplement 455B.18F); and

WHEREAS, the State of Iowa has enacted legislation setting the construction standards for nonpublic water wells in the State, and WHEREAS, the Iowa Department of Natural Resources has adopted rules to implement the said statutory provisions, and WHEREAS each county board of health is required to adopt standards for private water supplies at least as stringent but consistent with the standards adopted by the Environmental Protection Commission of the Iowa Department of Natural Resources (1987 Iowa Code Supplement 445B.172),

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY, IOWA:

SECTION I. PURPOSE.

These rules and regulations are adopted as mandated by 455B.172, Code of Iowa, to fix standards relating to the design and construction of private water supplies and to regulate the construction, reconstruction and abandonment of water wells.

SECTION II. ADOPTION OF STATE STANDARDS.

There are hereby adopted, by reference, the provisions of Section (567), Chapters 38 and 49 of the Iowa Administrative Code, and all departmental rules and regulations of the Iowa Department of Natural Resources, formerly the Iowa Department of Water, Air and Waste Management, and the Environmental Protection Commission of the Iowa Department of Natural Resources pertaining to construction of new water wells, nonpublic water wells, water supply systems and pumping equipment which are now in effect and any changes or new rules and regulations that may later be adopted and become effective as part of the Iowa Code and Administrative Code. The said Chapters 38 and 49 of Iowa Administrative Code, Environmental Protection Commission (567), in their entirety shall henceforth be the private and nonpublic well rules of Henry County.

SECTION III. DEFINITIONS.

The following terms shall have these designated meanings:

- A. Board of Supervisors: The Board of Supervisors for Henry County, Iowa established pursuant to Chapter 331, Code of Iowa, or its authorized representative.
- B. Health Officer: Person designated by the Board of Supervisors to serve as its authorized representative for purposes of enforcement and administration of the rules and regulations governing nonpublic water wells. The Board of Supervisors designates the County Engineer or the Assistant County Engineer or the Assistant to the County Engineer for Henry County, Iowa to serve as Health Officer for purposes of this ordinance.
- C. Person: Any person, firm, association, organization, partnership, business, trust, corporation, company, trustee, syndicate, club, institution, agency, or entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.
- D. Department: Iowa Department of Natural Resources.

#### SECTION IV. REQUIREMENTS.

- A. All nonpublic water wells, water supply systems and related pumping equipment shall be constructed, reconstructed or abandoned, when located within Henry County, Iowa, in accordance with Section (567), Chapters 38 and 49 of the Administrative Code of Iowa, and all departmental rules and regulations of the Iowa Department of Natural Resources, formerly the Iowa Department of Water, Air and Waste Management, now in effect and any changes or new rules and regulations that may become effective in the future.
- B. No nonpublic water well, water supply system or related pumping equipment shall be constructed, reconstructed or abandoned when located within Henry County, Iowa without first obtaining a permit from the Board of Supervisors.

#### SECTION V. PERMITS.

- A. Application for permits: Each person desiring to obtain a permit required under these regulations shall submit to the Board of Supervisors an application for a permit in the form as prescribed by resolution of the Board of Supervisors, which shall contain, at a minimum, the following information: owner's name, correct street address or road, section and township, the type of system desired, with other pertinent information as may be required, and shall include information required on forms of the Department under I.A.C. 567-38.4.
- B. Application fee: Before consideration of the application, the applicant shall pay an application fee in an amount set by the Board of Supervisors by resolution. The current fee shall be fixed in the amount of \$25.00, which fee may be changed by the Board of Supervisors by resolution, as permitted under I.A.C. 567-38.5.
- C. Plans and specifications: Each person desiring to obtain a permit shall provide to the Health Officer sufficient plans and specifications and other desired information so that the Health Officer will be able to determine if the proposed project complies with standards required by these regulations.

- D. Site inspection: Each application for a permit shall consent to an inspection of the site of the proposed project by the Health Officer, before construction, during construction, and upon completion of construction to insure that the project conforms to standards required under these regulations.
- E. Approval by Health Officer: Upon approval of the application by the Health Officer, a non-public water supply system or well permit and permit warning card will be issued. Permits shall expire and have no further validity if the construction or reconstruction or abandonment is uncompleted within one calendar year from the date of issuance. To be valid, the permit shall be signed by the Health Officer upon initial authorization. No nonpublic water supply system or well shall be covered or so constructed to prevent final inspection and periodic monitoring by the Health Officer. Permit warning cards shall be displayed during the entire construction period so as to be plainly visible. A record shall be kept of final inspection results by the Health Officer.
- F. Emergency permits may be issued as provided for under I.A.C. 567-38.7 by the Board of Supervisors or Health Officer as the designee of the Board of Supervisors.

#### SECTION VI. WELL LOGS.

A completed well log, giving all required information, shall be submitted within a reasonable time after a new well is constructed.

#### SECTION VII. ENFORCEMENT.

Any person who violates any provision of this ordinance commits a county infraction and shall be subject to the imposition of a civil penalty or other appropriate relief to abate or halt the violation as provided for by 331.307, Code of Iowa. Each day upon which a violation occurs constitutes a separate county infraction punishable by a civil penalty of not more than one hundred dollars for each violation or, if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense. The County shall be permitted to seek such other relief in addition to a civil penalty as is now permitted pursuant to 331.307, or which may later be permitted upon amendment of 331.307, the Iowa Code.

#### SECTION VIII. SAVINGS CLAUSE.

If any section, paragraph, clause, or provision of this regulation shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect the validity of the remaining provisions of this regulation.

#### SECTION IX. VARIANCES.

Variations to these rules may be granted where there is substantial compliance with the standards of these regulations and there have been demonstrated practical difficulties or

unnecessary hardships in carrying out the provisions of these regulations. Variances and reasoning shall be in writing as required by I.A.C. 567-49.4.

SECTION X. EMERGENCY CONSTRUCTION.

In the event of an emergency need for construction of a project to provide for water to sustain livestock or persons, the County Board of Supervisors or Health Officer as the designee of the Board of Supervisors, may grant a permit if emergency drilling is necessary to meet an immediate need for water in the manner and using forms prescribed by I.A.C. 567-38.6.

SECTION XI. EFFECTIVE DATE.

These rules and regulations shall be in effect after their final passage, approval, publication and public hearings as provided for by law for ordinances to be adopted by the Board of Supervisors for Henry County, Iowa and after there has been a delegation of authority to the Board of Supervisors from the Department to issue private well construction permits pursuant to Iowa Administrative Code (567) Environmental Protection Chapter 38, Section 567-38.15.

RESOLUTION APPROVING ORDINANCE ENTITLED: An Ordinance Adopting by Reference, the Private Water Well Construction Permit Rules of the Iowa Administrative Code (Chapter 38) and the Nonpublic Water Well Rules of the Iowa Administrative Code (Chapter 49) and Adopting Rules and Regulations Governing Nonpublic Water Wells and Providing for Penalties for Violations of Rules and Regulations for Henry County, Iowa.

WHEREAS a public hearing was scheduled and held on the 2nd and 5<sup>th</sup> days of August, 1988 at 10:00 o'clock A.M. at the Board Room of the Supervisors for Henry County at the Henry County Courthouse, Mt. Pleasant, Iowa, for purposes of considering adoption of the ordinance entitled: An Ordinance Adopting, by Reference, the Private Water Well Construction Permit Rules of the Iowa Administrative Code (Chapter 38) and the Nonpublic Water Well Rules of the Iowa Administrative Code (Chapter 49) and Adopting Rules and Regulation Governing Nonpublic Water Wells and Providing for Penalties for Violation of Rules and Regulations for Henry County, Iowa, for which notice of hearing was published in the Mt. Pleasant News, Mt. Pleasant, Iowa, on the 28<sup>th</sup> Day of August, 1988,

WHEREAS, the adoption of the proposed ordinance is deemed necessary for the protection and improvement of public health and to enforce state health laws and the rules and regulations of the State of Iowa,

BE IT RESOLVED that requirement for consideration and passage of the ordinance at two meetings prior to final passage pursuant to Iowa Code 331.302 be and is hereby suspended;

THEREFORE, BE IT RESOLVED that the foregoing ordinance entitled: An Ordinance Adopting, by Reference, the Private Water Well Construction Permit Rules of the Iowa Administrative Code (Chapter 38) and the Nonpublic Water Well Rules of the Iowa Administrative Code (Chapter 49) and adopting Rules and Regulations Governing Nonpublic Water Wells and Providing for Penalties for Violations of Rules and Regulations for Henry County, Iowa be and is hereby approved and adopted, pursuant to Iowa Code 331.302 and 137.6 This ordinance shall be effective when published in a paper having general circulation in Henry County, Iowa. The Henry County Auditor shall cause the ordinance and certificate of publication to be recorded with the Henry County Recorder following its publication.

Dated this 5<sup>th</sup> day of August, 1988.

HENRY COUNTY BOARD OF SUPERVISORS

AYE   X   NAY     

/s/ Fred Strothman

AYE   X   NAY     

/s/ Roger Tweedy

ATTEST:

/s/ Doris Sharp  
Doris Sharp, Henry County Auditor