

Madison County



General Environmental Health Regulations

TITLE IV HEALTH REGULATIONS

CHAPTER 40

GENERAL ENVIRONMENTAL HEALTH REGULATIONS

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PURPOSE. This is a regulation of the Madison County Board of Health to implement the provisions and enforcement of State Law by the designated employees of the County Board of Health, and further to implement such additional measures as may be determined by the County Board of Health established by rule, procedure, or enacted by ordinance.

40. 01 DEFINITIONS. The following terms are defined:

1. **“Environmental Health Officer”** means the Madison County Environmental Officer, also known as “Sanitarian”.
2. **“Garbage”** means any putrescible organic waste resulting from the handling, preparation and consumption of food or of material intended for use as food.
3. **“Health Hazard”** means any condition which can or has the potential to cause injury or sickness to human or animal life or to the environment
4. **“Nuisance”** means whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This includes all definitions in Section 657.2 of the Code of Iowa.
5. **“Open Dumping”** means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
6. **“Rat Harborage”** means any condition, which provides shelter or protection

for rodents, thus favoring their multiplication and continued existence in, under or outside any structure.

7. **“Refuse”** means putrescible and non-putrescible waste, including, but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings and market and industrial solid waste.
8. **“Sanitary Disposal Project”** means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director of the Department of Natural Resources.
9. **“Solid Waste”** means garbage, refuse and other similar discarded solid or semi-solid material including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.
10. **Camp Ground** is any property upon which a person(s) erects a tent or shelter of natural or synthetic material or places a sleeping bag or other bedding material on the ground or parks a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.
11. **Camp Ground Dump Station** is a private sewage system that is located in a campground or that is otherwise provided for the use of those using the campground that uses a holding tank, the services of a septic pumper, and off-site treatment and disposal of the sewage generated.

40.02 GARBAGE AND REFUSE. No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers. Such containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed there from.

40.03 HEALTH HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste or refuse, either in containers or not, that constitute a health or sanitation hazard.

40.04 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than the sanitary landfill facilities designated by the County. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

40.05 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all the refuse and solid waste accumulating on the owner's premises. All refuse and solid waste shall be removed from the property as often as necessary to prevent health and nuisance conditions or shall be deemed a nuisance.

40.06 NUISANCES PROHIBITED. It shall be unlawful for any property owner, occupant, or person in charge of any property to create, allow the creation of, or maintain a nuisance on any lot or parcel of land within Madison County. The property owner, occupant, or person in charge of any property shall be responsible for the abatement of any nuisance.

40.07 NOTICE OF ABATEMENT OF NUISANCE. The Environmental Health Officer shall order the owner, occupant or person in charge of any property, building or other place to remove at his or her own expense any nuisance, source of filth, cause of sickness or health hazard found thereon. Notice shall be made by personal service, or if the person being served is a nonresident of Madison County, the property is unoccupied, or where reasonable attempts of personal service have failed, service shall be made by certified mail, return receipt requested, to the last known address of such person. The notice of abatement shall state:

1. A common or legal description of the property, or both.
2. That the property is in violation of the Madison County Environmental Health Regulation.
3. The nature of the violation, including relevant and sufficient information that would reasonably allow the recipient to determine the nature of the violation to allow for self-abatement.
4. That the condition creating the violation shall be abated within a reasonable amount of time as determined by the Board of Health or their representative, from the date of the notice.
5. That failure to comply with the notice of abatement shall result in Madison County abating the violation with the assessment of costs made against the property or by filing for judgment against the recipient.
6. That failure to pay such assessments within 30 days of the notice of costs shall result in the filing of a tax lien against the property, or the filing of a judgment against the recipient, or both.
7. That such violations are subject to prosecution as provided for in chapter 48.

40.08 COST OF ABATING NUISANCE. All expenses incurred by the Madison County Environmental Health Office in proceeding to abate a nuisance may be recovered by suit in the name of the Board of Health, or, the Board of Health may certify the amount of said expenses, together with a description of the property to the County Treasurer, who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

- 40.09 RODENT ATTRACTION.** It is unlawful for any person to place, allow to be placed, or allow to remain any garbage, rubbish or trash in any structure or on any property so that the same may afford food or harborage for rodents.
- 40.10 RAT HARBORAGE.** It is unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a rodent harborage. Such articles or materials shall be placed on racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked.
- 40.11 RODENT CONTROL.** Upon receipt of a written notice or order from the Board of Health, the owner of any property specified therein shall take immediate measures for rodent control. In the event such control measures are not instigated within the time designated, the Board of Health may instigate condemnation and destruction proceedings or proceed to abate the condition as outlined in the nuisance Sections 40.06 through 40.08.
- 40.12 INTERFERENCE WITH ENFORCEMENT.** No person shall interfere with members of the Board of Health, the County Environmental Health Officer (Sanitarian) or peace officers in the discharge of any duty imposed by law or the regulations of the Board of Health.
- 40.13 RIGHT TO ENTER PREMISES.** The Board of Health or the County Environmental Health Officer (Sanitarian), or his designee, may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, source of sickness or health hazard. In case any member of the Board of Health or the County Environmental Health Officer (Sanitarian) shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing any member of the Board of Health or the County Environmental Health Officer (Sanitarian) to enter such place.
- 40.14 APPEAL.** Any person who feels aggrieved by any notice or order made by the Board of Health or the County Environmental Health Officer (Sanitarian) shall have the right to appeal to the Board of Health at the next regular meeting of the Board of Health. The Board of Health by majority vote shall modify, withdraw or order compliance with said order.
- 40.15 SPECIAL PENALTY.** Any person who violates any of the provisions of this chapter may be prosecuted as a civil infraction under the provisions of the most current Iowa Code Section 331.307 and Madison County General Environmental Health Regulations Chapter 48.

TITLE IV- HEALTH REGULATIONS

CHAPTER 41

PRIVATE SEWAGE DISPOSAL SYSTEMS

<u>41.01</u>	Definitions	<u>41.06</u>	Variances
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<u>41.05</u>	Wells	<u>41.10</u>	Permit Requirements

41.01 **DEFINITIONS.** All terms defined in chapter 69 of Iowa Administrative Code 567 have the same definitions in this regulation. Additionally, the following terms are defined:

1. **“Board of Health”, “Board”.** Unless otherwise specified herein, all references herein to “Board of Health” refer to the Madison County, Iowa, Board of Health, or a subsequent district board of health for Madison County, as duly appointed and functioning pursuant to Chapter 137 of the Iowa Code.
2. **“County Sanitarian”** means the Madison County Environmental Health Officer.
3. **“Department”** means the Iowa Department of Natural Resources.
4. **“Failed System”** A failed system is one which by any deficiency, whether by design, operation, or maintenance, whether caused by abuse or interference of any nature or other reason, after receiving a permit to operate, subsequently fails to meet one or more of the criteria under which the permit was granted.
5. **“Nuisance”** means whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This includes all definitions in Section 657.2 of the Code of Iowa.
7. **“Registered professional engineer,” “engineer”.** Unless otherwise specified herein, all references herein to “Registered professional engineer” or “engineer” are to a person who, by education and degree obtained thereby, and by subsequent licensing has displayed his or her qualifications to make recommendations for the design of a private sewage disposal system.

8. **“Soil Scientist”**. An individual knowledgeable in evaluating the soil characteristics, such as color, texture, and structure, in order to determine an equivalent percolation or loading rate. Ability to demonstrate training and experience in soil morphology, such as testing absorption qualities of soil by the physical examination of the soils color, mottling, texture, structure, topography and hillslope position.

9. **“Surface discharging system”**. A “surface discharging system” is a private sewage disposal system that by approved design and approved installation is intended and does discharge effluent from the system to the surface of the ground or into a waterway.

10. **“Camp Ground”** is any property upon which a person(s) erects a tent or shelter of natural or synthetic material or places a sleeping bag or other bedding material on the ground or parks a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

11. **“Camp Ground Dump Station”** is a private sewage system that is located in a campground or that is otherwise provided for the use of those using the campground that uses a holding tank, the services of a septic pumper, and off-site treatment and disposal of the sewage generated.

All terms defined in Chapter 69. (2) of the Iowa Administrative Code 567 have the same definitions in this chapter.

41.02 GENERAL REQUIREMENTS.

1. **Discharge Restrictions.** It is prohibited for any household drainage and/or sewer to discharge to any ditch, stream, lake, pond, natural or artificial waterway, County drain tile, surface water drain tile or to the surface of the ground. Such waste material shall be disposed of in such a sanitary manner as is prescribed by this chapter.

2. **State Code Adopted.** All private sewage disposal systems located in the County, including corporate boundaries of incorporated cities and towns, shall be constructed and equipped in accordance with the specifications and requirements set forth by the Department in the most current edition of the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the Board of Health.

3. **Amendments to Chapter 69.** The following deletions, modifications, and/or amendments are hereby made to Chapter 69 of the Iowa Administrative Code 567:

A. The following is added to Section 69.1(3) Septic Tanks – General requirements: **Abandonment.** In addition to 69.1 (3d) requirements, any septic tank, which is abandoned, shall be pierced through the bottom and have the sides collapsed.

B. In addition to requirements for Surface discharging systems as outlined in IAC 567-69 all surface discharging systems shall be required to have testing performed as outlined in the Madison County General Environmental Health Regulations 41.03 paragraph 13.

4. **Permit Required.** No person shall begin construction or repair of any private sewage disposal system for any purpose in the County without first having obtained a permit as set out in this chapter. The permit for installation of the private sewage disposal system shall be obtained prior to the construction of, or addition to, any dwelling or building to be served by this system.
5. **Alteration Requires Compliance.** No person shall begin construction, reconstruction, alteration or repair of any private sewage disposal system until the owner has complied with all of the applicable regulations of the Board of Health and the Department.
6. **Connection to Public Sewer.** No private sewage disposal system shall be installed when a public sewer is reasonably accessible, as determined by the Department.
7. **Update of Failed Systems.** In the event a private sewage disposal system should fail, or otherwise be found to cause a nuisance, said system shall be made to conform to these regulations in addition to requirements in IAC 567-69. If subject system is not made to conform to the aforementioned regulations, habitation of the contributing structure shall be discontinued.
8. **Prohibited Wastes.** Septic tanks shall not be used for the disposal of any water, which is not considered “sewage wastewater” as defined in Chapter 69 I.A.C.
9. **System Verification Required.** No person shall begin construction of any building as defined in the Madison County Zoning Ordinance, without first having verified an existing compliant private sewage disposal system exists on the property where the construction is proposed. The verification of the private sewage disposal system shall be reviewed and approved by the Environmental Health Office.

41.03 PERMIT REQUIREMENTS.

- 1. Permit Application.** Any person desiring a permit must file with the Environmental Health Office, an application stating the owner's name, current mailing address, phone number and other information as required by the Board of Health on the most current application form. All applications must be accompanied by the appropriate fees.
- 2. Recommendation required.** Application for a permit to construct, reconstruct, or alter a private sewage disposal system, or any subsystem thereof, shall also include the recommendations of a certified registered professional engineer or Soil Scientist, which shall include the results of a professional soil analysis or soil percolation test. Such recommendation shall comply with preferences for certain systems as otherwise set forth in the Iowa State Code, the Iowa Administrative Code, and these regulations. If the proposed design is for a surface discharge onto or over another's property, the application shall contain a copy of the easement(s) required in the state code or administrative code.
- 3. Sketch Required.** The application must also include a sketch of the property with approximate dimensions showing the dwelling served, the location of any wells and ground source water on the property, the location of any wells and ground source water on neighboring property which might be affected by the system, the location of any streams, ponds and ravines, and the location of easements, if easement is required for discharge across another's property, as well as a sketch of the proposed system to be installed. Any deviation from the plans or specifications appearing on the application must be approved by the original design engineer, submitted in writing by amendment to the application and be approved in writing by the Environmental Health Officer pursuant to law and ordinances, as if an original application. Amendments do not require re-submitting the original permit fees, but may bear additional fees conforming to the type of system sought in the amendment. If the application is for a surface discharging system, the sketch shall annotate the location and distance to any Class A waterway within 1 miles of the proposed system.
- 4. Maintenance Contract Required.** Owners of Private Sewage Disposal Systems that are required by State Code or County Regulation to have a maintenance contract for such system shall maintain a valid contract at all times. Such maintenance contract shall provide for the required periodic maintenance of such system, together with the periodic testing required of such systems. The maintenance contractor shall perform the required maintenance and testing, reporting such testing and maintenance to the Environmental Health Officer. The maintenance contractor shall report any lapse in maintenance contract to the Environmental Health Officer. Failure to sustain a maintenance contract or failure

to have the required periodic maintenance performed shall cause the Environmental Health Officer to deem the system a failed system and take steps to abate the nuisance caused thereby. The Environmental Health Officer may, for good cause documented, waive the maintenance contract requirement for systems not required by State law to maintain a maintenance contract. The maintenance shall, at a minimum:

1. Periodically, as required, test the quality of the discharge effluent in accordance with provisions of Iowa Code 567-69 and the Madison County General Environmental Health Regulations.
 2. Ensure the level of sludge in the septic tank and the integrity of the tank are adequate to maintain the continued proper operation of the system.
 3. Ensure the operational integrity of any safety features on the system.
 4. Perform maintenance in conformity with all the manufacturer's instructions of all components of the wastewater treatment system, ensuring proper operation and maintenance of any and all components of the system, including in-line filters in the system. Perform any cleaning or pumping of the system that is appropriate. If sludge has collected in the tank to interfere with the operation of the system, the sludge shall be pumped out, reducing the level of sludge to a level that will ensure continuous proper operation.
 5. The entity performing the maintenance shall report to the Environmental Health Officer that the maintenance and testing was accomplished. The report shall include a description of deficiencies noted, corrective action taken, and notation of deficiencies not corrected at that maintenance visit.
 6. A copy of all maintenance contracts shall be provided to the Environmental Health Office within 30 days of expiration date. Any contract renewal not submitted within 30 days of the expiration date shall be referred to the County Attorney to be prosecuted as a civil infraction with a fine of not less than \$500.00 or more than the maximum fine as provided for by law.
5. **Environmental Health Office to maintain records.** The Environmental Health Officer shall maintain records of the maintenance contracts, sampling reports, and systems requiring such contracts or reports. The County shall maintain a system to enforce codes and ordinances, in consonance with the IDNR, upon those that fail to maintain maintenance contracts, and shall monitor the results of maintenance and tests to ensure that testing and proper maintenance visits are according to the requirements of the law.
6. **Manufacturer recommended safety devices.** All Manufacturer recommended safety devices which are a part of a private sewage disposal system shall be included and properly installed to ensure the safe or intended operation of the system in all respects, including environmental. The installation shall provide adequate visibility/audibility and function. Alarms shall be both audible and visible. All wiring for safety features must be underground rated or installed in conduit. Proper operation of safety devices shall be checked and ensured at each

maintenance visit or inspection and proven before an operational permit or occupancy permit is granted. Failure of an installed or recommended safety device is cause for declaration of a failed system.

7. Fee Requirement. Upon approval of the application by the Environmental Health Officer, the permit will be issued upon payment of the required applicable fees made payable to the County Treasurer’s Office.

8. Fees.

New & Replacement System Permit and Inspection	\$150.00
Sand filter (includes 2 inspection visits)	\$200.00
Revised System Permit and Inspection	\$100.00
System Repair Permit	\$100.00
Follow-up and re-inspections	\$ 75.00
Illegal or Failed System investigation	(up to) \$ 75.00
Annual Surface Discharging Fee	\$ 50.00

Private Sewage Disposal Systems that discharge effluent to the ground surface shall be subject to an annual fee of \$50. Properties with more than one discharging system will pay a fee of \$25.00 annually for each additional system. Fees not received within 30 days of due date shall be charged a late fee of \$5.00. If payment is not received within 60 days of due date, an additional late fee of \$25.00 shall be added. Owners of systems that are over 90 days delinquent on fees shall be referred to the Madison County Attorney and will be charged with a county infraction with a fine of no less than \$250.00.

9. Application Review. Upon a homeowner/contractor/developer application for a permit to install, construct, reconstruct, alter or repair a system, the Environmental Health Officer inspects the application, ensuring that:

- (1) Septic system Contractor information is complete
- (2) The system plan conforms to the Engineer’s/ Soil Scientist recommendations.
- (3) The system recommended by the Engineer/Soil Scientist conforms to IAC 567 Chapter 69 requirements including the best available treatment technology for secondary treatment as indicated by the code.
- (4) The system plan meets engineering requirements of the code, verifies soil loading rates are adequate for the plan, that the seasonal high groundwater table has adequate separation from the disposal system, the soil type and compaction (not in “fill” dirt) etc.
- (5) Application includes drawing, description, required information.

- (6) The required fees for the proposed system are attached (and valid).
- (7) Copies of any easements, if required, are attached.
- (8) Evaluates if the effluent from a proposed surface discharging system can reach a designated surface water of the state. Assists the system owner with filing a notice of intent for coverage under NPDES General permit #4 if applicable.
- (9) Verifies the plan to protect wells and potential for contamination of groundwater if present.
- (10) The Environmental Health Officer, if so deemed necessary, conducts a site evaluation, physically viewing the site and evaluating the permit against the actual topography of the site.
- (11) The Environmental Health Officer ensures that if the system is proposed as a surface discharging system to discharge over another's property that the requirements of easement are proven.
- (12) The Environmental Health Officer notifies the applicant that the proposal does or does not meet criteria for approval. If the proposal meets criteria for approval, the EHO issues a permit for the installation/repair/correction of the system. If the proposal does not meet the initial review criteria, the application is rejected. The EHO shall inform the applicant of the reason for rejection. A rejected application may be revised and resubmitted.

- 10. Permit Posted.** The permit must be maintained on the site before and during construction.
- 11. Valid Period.** Permits shall have validity for a maximum of one (1) year from the time of issuance, during which time the on-site wastewater treatment and disposal system shall be completed.
- 12. Prohibited Wastes.** Septic tanks shall not be used for the disposal of any water which is not considered "sewage wastewater" as defined in Chapter 69 I.A.C.
- 13. Testing of Surface Discharging Systems Effluent.** All Surface discharging systems in Madison County are required to have their effluent tested at least annually. Spring sampling starts March 1 with test results due by June 1. Fall sampling starts August 1 with Test results due by November 1.
 - a. Mechanical systems and open access sand filters will have their effluent tested twice per year. These systems will be sampled for CBOD5 and TSS in the spring and CBOD5 in the fall.
 - b. All other surface discharging systems in Madison County will be sampled and tested for CBOD5 and TSS once per year in the Spring.

c. Only qualified samplers as defined in the NPDES General Permit #4 may sample surface discharging systems that do not require a maintenance contract. On systems requiring a maintenance contract, only maintenance contractors certified by the system manufacturer and designated qualified samplers may perform sampling.

d. Systems requiring an NPDES General Permit #4 shall be tested in accordance with the sampling frequency and testing parameters of the NPDES General Permit #4. Testing results must be reported to the local administrative authority, (Environmental Health Office) and may be used to satisfy Madison County testing requirements if applicable.

Effluent quality limits are 25 mg/L for CBOD5 and TSS. If Effluent quality limits are exceeded owners must investigate possible causes of the problem under the direction of the Environmental Health Office. Additional sampling and corrective action may be required.

Owners of systems who do not submit Sample results to the Environmental Health Office within 30 days of due date, shall be referred to the County Attorney to be prosecuted as a civil infraction with a minimum penalty of \$200.00 and a maximum penalty as provided by law.

14. Discharging System Inspections.
- a. The Environmental Health Department may inspect and sample discharging systems for cause at any time.
 - b. The Environmental Health Department may conduct random annual inspections and sampling of a portion of the systems operating in the County at County expense.

41.04 INSTALLATION AND INSPECTIONS.

1. Installation

a. Work of any kind on an on-site wastewater treatment system may only be done by a qualified septic contractor unless other arrangements are made with the Environmental Health Office. For the purposes of pumping a septic system, or hauling sludge from a pumped septic system, a state of Iowa licensed contractor may perform such duties pursuant to State licensure.

b. The septic contractor shall install, construct, reconstruct, alter or repair the system to the specifications of the proposal as contained in the application.

c. Should the proposed system require amendment due to unforeseen circumstances, the septic contractor shall ensure that the amended proposal is approved by the original design engineer, is submitted in writing to the Environmental Health Officer and approval in writing is received prior to installation of the amendment to the proposal.

d. Systems requiring periodic inspection, sampling, maintenance, or testing shall be constructed with adequate inspection, sampling, maintenance, or observation access ports to readily allow these activities to take place.

2. Inspection.

- a.** The Environmental Health Officer shall be notified orally, by telephone or in person, not less than twenty-four hours before work is to be inspected.
- b.** Inspections occur Monday through Friday with the exception of County observed Holidays.
- c.** No part of the private sewage disposal system shall be covered prior to the mandatory inspection. The Environmental Health Officer inspects work to ensure that the system that is installed is as presented in the application, verifying the type of system, the depth of the installation, and ensuring that other engineering criteria are met (not in fill dirt, etc.)

41.05 WELLS If an on-site wastewater treatment and disposal system is to be constructed, reconstructed, altered or repaired and a well is located less than the minimum distance as set out in the Iowa Administrative Code 567, Chapter 69.3 (2), the well must be abandoned and properly plugged. The well must be plugged according to rules established in the Iowa Administrative Code 567, Chapter 39, "Requirements for Properly Plugging Abandoned Wells."

41.06 VARIANCES. Variances to these regulations may be granted by the Board of Health provided sufficient and proposed alternative information is afforded to substantiate the need and propriety for such action. Variances shall be requested in writing and addressed to the Board of Health. All decisions regarding this topic shall be issued in writing to the requester.

41.07 APPEAL. Any person who feels aggrieved by any notice or order made by the Environmental Health Officer or the Board of Health shall have the right to appeal to the Board of Health at the next regular meeting. The Board of Health, by majority vote, may modify, withdraw or order compliance with said notice or order.

41.08 SPECIAL PENALTY. Any person who violates any of the provisions of this chapter may be prosecuted as a civil infraction under the provisions of most current Iowa Code Section 331.307 and Madison County General Environmental Health Regulations Chapter 48.

41.09 CAMP GROUND DUMP STATIONS. Camp Ground Dump stations shall be permitted and approved by the Board of Health or their designee under the criteria listed in this section.

- 1) Applicability.** Camp ground dump stations shall only be approved for use in Madison County if the Environmental Health Officer determines that a conventional Private Sewage Disposal system is not a viable system for the type of wastewater that is being generated and a Public Sewer is not available.
- 2) Permitting .** No person shall begin construction or repair of a Camp Ground Dump Station in Madison County without first having obtained a new or replacement system permit from the Environmental Health Department. The

Environmental Health Department shall not grant a permit unless the camp ground has been approved by the Madison County Board of Adjustment.

41.10 PERMIT REQUIREMENTS.

- 1. Permit application.** Any person desiring a permit must file with the Environmental Health Officer, an application stating the owner's name, current mailing address, phone number and other information as required by the Board of Health on the most current application form available at the office of Environmental Health. All applications must be accompanied by the appropriate fees.
- 2. Detailed Plans.** Detailed plans for the Camp Ground Dump Station shall be submitted with the permit application. The plans shall include the following items:
 - a. Site Map** showing the orientation of the Camp Ground Dump Station to the overall site layout. It shall be noted that minimum distances in feet as set out in table 1 Iowa Administrative Code Chapter 567—69.3(2) are met. Items from the Minimum distances list that are located on the site map shall be noted by distance in feet on the map.
 - b. Protection from Unauthorized use.** The dump station shall be located inside the camp ground area so as to prevent unauthorized use. A statement shall be included with the site map describing how the location of the dump station prevents unauthorized use.
 - c. Clear span.** A distance of 5feet minimum shall be maintained around the tank and drain and shown in the plans.
 - d. Storm Water.** The Camp Ground dump station will be designed to prevent storm water intrusion into the holding tank. This will be identified in the plans.
- 3. Tank Capacity and Construction.** The Camp Ground dump station will have a minimum capacity of 2 days storage based on Estimates of Nonhousehold Domestic Sewage Flow Rates, Appendix A of the Iowa Administrative Code Chapter 567—69 as determined by the Environmental Health Office. The tank shall be a single compartmented tank. The tank shall meet all construction standards for a septic tank contained in Iowa Administrative Code Chapter 567—69.8(4-11)
- 4. Alarm System.** A visual and audible alarm system shall indicate when the tank has reached 75% capacity at which time the tank shall be pumped empty.
- 5. Pumping and Records.** The Camp Ground dump station shall be pumped by a state licensed septic tank pumper. Septage from the dump station will be disposed of at a public sewage treatment facility. Pumping records will be submitted monthly to the Environmental Health Office during the operating season. The dump station will be pumped and empty at the end of the operating season.
- 6. Camp Ground Modifications.** The applicant will sign an acknowledgement that any future modifications to the camp ground must be reviewed by the

Board of Health or their designee to evaluate the adequacy of the size and design of the dump station. Increases in occupancy, design or operation that cause daily sewage flow to exceed 1500 gallons per day shall cause the camp ground sewage disposal system to be regulated under the jurisdiction of the Iowa Department of Natural Resources.

TITLE IV-HEALTH REGULATIONS

CHAPTER 42

DANGEROUS BUILDINGS

42.01 Enforcement Officer	42.05 Conduct of Hearings
42.02 General Definition of Unsafe	42.06 Posting of Signs
42.03 Unsafe Building	42.07 Right to Demolish
42.04 Notice to Owner	42.08 Cost

42.01 ENFORCEMENT OFFICER. The Madison County Environmental Sanitarian shall be responsible for the enforcement of this chapter.

42.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, as specified in this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

42.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home specified in this chapter

- 1. Collapse of Member.** Whenever any portion or member or appurtenance thereof is to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- 2. Wind Resistance.** Whenever any portion of a building, or any member, appurtenance ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.
- 3. Material Deterioration.** Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. **Various Inadequacies.** Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
 5. **Manifestly Unsafe.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 6. **Exterior Walls.** Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
 7. **Damaged Structurally.** Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 8. **Inadequate Maintenance.** Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
 9. **Fire Hazard.** Whenever any building or structure because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.
 10. **Public Nuisance.** Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 11. **Abandoned.** Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- 42.04 NOTICE TO OWNER.** Whenever the enforcement officer finds a building or structure or portion thereof dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within

forty eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer. (Code of Iowa, Sec 331.384)

1. **Notice Served.** Such notice shall be served by Certified Mail to owner of record, according to Section 331,384 [2] of the Code of Iowa. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the notice is sent.
2. **Hearing.** Such notice shall also advise the owner that he may request a hearing before the Board of Health on the notice by filing a written request for hearing within the time provided in the notice.

42.05 CONDUCT OF HEARING. If requested, the Board of Health shall conduct a hearing in accordance with the following:

1. **Notice.** The owner shall be served with written notice specifying the day, time and place of hearing.
2. **Owner's Rights.** At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. **Determination.** The Board of Health shall make and record findings of fact and may issue such order as it deems appropriate.

42.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "*DO NOT ENTER. UNSAFE TO OCCUPY. COUNTY OF MADISON, IOWA.*" Such notice shall remain posted until the required repair, demolition, or removal is completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

42.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Board of Supervisors may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Board of Supervisors. (Code of Iowa, Sec. 331.384)

42.08 COST. Costs incurred under Section 3.07 shall be paid out of the County Treasury. Such costs shall be charged to the owner of the premises involved and levied as

special assessment against the land on which the building or structure is located and shall be certified to the County Treasurer for collection in the manner provided for other taxes. (Code of Iowa, Sec 331.384)

TITLE IV-HEALTH REGULATIONS

CHAPTER 44

APPLICATION AND DEFINITION OF CEMETARY LAW

44.01 Definitions

44.02 General Requirements

PURPOSE: With the exception of Iowa Code 523(I) and Iowa Administrative Rules Section 641.101 pertaining to cemeteries and burial of human remains, Iowa law is silent on the matter of private property burials. Based upon the absence of statutory prohibition and the limited guidance provided by the Iowa Code, Madison County takes the position that although it may not be unlawful, private property burial of human remains is prohibited. Cemeteries exist for a reason. Once legally dedicated to cemetery purposes, land so dedicated remains sacred and may not be used for any other purpose.

44.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. **"Cemetery"** means any land or structure in Madison County that is:
 - (1) used for, or intended to be used for; the interment, entombment, or inurnment of human remains.
2. **"Columbarium"** means a structure or room or space in a building or structure used or intended to be used for the inurnment of cremated human remains.
3. **"Cremation"** means;
 - (1) the incineration of:
 - (a) the body of a deceased individual; or
 - (b) a body part of a non-deceased individual; and
 - (2) the mechanical or manual reduction of identifiable bone fragments to unidentifiable bone fragments.
4. **"Crypt"** means a chamber in a mausoleum or garden crypt that is of sufficient size to entomb the un-cremated remains of a deceased individual.
5. **"Entombment"** means any lawful disposition of the remains of a deceased individual.
6. **"Garden crypt"** "Garden crypt" means a structure or building that is:
 - (1) used; or
 - (2) intended to be used for the entombment or inurnment of human remains in crypts, vaults, or niches, in which entombment or inurnment is done from the

exterior of the structure or building.

(a) The term includes a columbarium within a garden crypt.

7. **"Lawn crypt"** means a vault that is:
 - (1) preset into the earth; and
 - (2) sold as a part of the sale of the lot, plot, burial space, or grave
8. **"Lot", "plot", "burial space" or "section"** means any space in a cemetery that is:
 - (1) used; or
 - (2) intended to be used for interment, entombment or inurnment, irrespective of where the space is located.

(a) The term includes a crypt, a niche, and a grave space.
9. **"Time period for disposition"**

Sec. 1. Subject to the rights of transportation and removal of dead human bodies or other disposition of dead human bodies, as provided by law, the remains of all individuals who die in Madison County or are transported for inurnment into Madison County shall be deposited:

 - (1) in the earth in an established cemetery;
 - (2) in a mausoleum;
 - (3) in a crypt; or
 - (4) in a columbarium;

within time frame as ordered by the state department of health.
10. **"Vault"** means;
 - (1) an outer burial container that is designed for placement in a burial space or grave around a casket or alternative container; or
 - (2) the container that forms the chamber of a crypt.

(a) The term includes a burial vault, grave box, or grave liner.

44.02 GENERAL REQUIREMENTS.

1. Interment in places other than cemeteries. All interments, disinterment's and removals shall be made subject to the orders and laws of the properly constituted authorities of the county and state and to the provisions of this chapter and all applicable rules and regulations.
2. No interment, entombment or inurnment shall be made anywhere other than in a cemetery established in accordance with county ordinances and state laws.
3. For regulations regarding the scattering of cremated remains refer to the Iowa Administrative Code.

The adoption of this amendment shall repeal all other ordinances or resolutions in conflict herewith.

TITLE IV-HEALTH REGULATIONS

CHAPTER 45

TANNING

- 45.01 Title
- 45.02 Purpose
- 45.03 Rules
- 45.04 Inspections
- 45.05 Penalties
- 45.06 Severability Clause
- 45.07 Enforcement
- 45.08 Effective Date

**MINIMUM REQUIREMENTS FOR TANNING FACILITIES IN
MADISON COUNTY, IOWA**

- 45.01 TITLE:** Rules relating to minimum requirements for tanning facilities in Madison County, Iowa and providing penalties for violations thereof.
- 45.02 PURPOSE:** The purpose of this Ordinance is to adopt Chapter 641 46 of the Iowa Administrative Code and to disseminate other rules relating to tanning facilities and to provide for the enforcement thereof.
- 1) Chapter 641-46 of the Iowa Administrative Code entitled “Minimum Requirements for Tanning Facilities,” including any future amendments thereto, is hereby adopted and incorporated by this reference as if fully set forth herein.
- 45.03 RULES:** These rules are applicable only to tanning facilities located within Madison County, Iowa, and are required to obtain and maintain all applicable permits for their tanning beds.
- 45.04 INSPECTIONS:**
- 1) Inspections shall be conducted annually.
 - 2) Inspection Cost.
 - a) An inspection cost of \$35.00 per tanning device shall be billed to the permit holder up to a maximum of \$500.00 per facility.

- b) Inspection cost shall be due upon receipt of invoice.
 - c) Inspection cost not received within 45 days of the date of billing will be assessed a \$35.00 penalty for each month or fraction thereof that the bill is delinquent.
 - d) A penalty of \$35.00 per facility may be assessed for the following:
 - 1) Failure to respond to a notice of violation within 30 days of the date of inspection.
 - 2) Failure to correct violations cited during the inspection.
- 3) Inspections shall include the following areas: proper operation and maintenance of devices, review of required records and training documentation, operator understanding and competency, and the requirement of these rules.

45.05 PENALTIES: Any person, firm, partnership, corporation, landowner, or other entity who violates any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than \$625.00 or by imprisonment of not more than thirty (30) days and/or shall be guilty of a county infraction punishable by a civil penalty of not more than \$750.00 or if the infraction is a repeat offense by a civil penalty not to exceed \$1,000.00 for each repeat offense. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate offense.

45.06 SEVERABILITY CLAUSE: If any section, provision, or part of this Ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

45.07 ENFORCEMENT: This Ordinance shall be enforced in its entirety by the Madison County Board of Health or its designee.

45.08 EFFECTIVE DATE: This Ordinance shall be in full force and effect after its final passage, approval, and publication as provided for by the Code of Iowa.

TITLE IV-HEALTH REGULATIONS

CHAPTER 46

QUARANTINE AND ISOLATION

- 46.01 Purpose
- 46.02 Definitions
- 46.03 General Provision
- 46.04 Conditions and principles
- 46.05 Isolation or quarantine premises
- 46.06 Isolation and quarantine
- 46.07 Appeal from order imposing isolation or quarantine
- 46.08 Rights of individuals and groups of individuals subject to isolation or quarantine
- 46.09 Consolidation of claims
- 46.10 Implementation and enforcement of isolation and quarantine

46.01 PURPOSE. This regulation of the Madison County Board of Health is to implement and adopt Iowa Administrative Code 641—1.12(135,137,139A) Quarantine and isolation—model rule for local boards.

46.02 DEFINITIONS. The following terms are defined:

1. **“Board”** means Madison County Board of Health.
2. **“Department”** means the Iowa department of public health.
3. **“Isolation”** means the separation of persons or animals presumably or infected with a communicable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.
4. **“Quarantinable disease”** means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to

prevent its spread. “Quarantinable disease” includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean–Congo, South American, and others not yet isolated or named; and severe acute respiratory syndrome (SARS).

5. **“Quarantine”** means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease.

46.03 GENERAL PROVISIONS.

- a. **Voluntary confinement.** Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.
- b. **Quarantine and isolation.** The board is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the board. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation requires. Any quarantine or isolation imposed by the board shall be established and enforced in accordance with this rule.
- c. The local board of health shall notify, consult and work cooperatively with the Iowa department of agriculture and land stewardship and the state veterinarian office on issues relating to isolation and quarantine of animals.

46.04 CONDITIONS AND PRINCIPLES. The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

- a. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.
- b. Isolated individuals shall be confined separately from quarantined individuals.
- c. The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.
- d. If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.
- e. Isolated or quarantined individuals shall be immediately released when the board determines that the individuals pose no substantial risk of transmitting a communicable or possibly communicable disease.
- f. The needs of isolated or quarantined individuals shall be addressed in a systemic and competent fashion including, but not limited to, providing adequate food; clothing;

shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.

- g. The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.
- h. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

46.05 ISOLATION OR QUARANTINE PREMISES.

- a. Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building wherever access is possible.
- b. An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises.
- c. The department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.
- d. No individual, other than an individual authorized by the department or the board, shall enter isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.
- e. Any individual entering an isolation or quarantine premises with or without authorization of the department or the board may be isolated or quarantined pursuant to this rule.

46.06 ISOLATION AND QUARANTINE.

- a. Authority. The board may:
 - (1) Isolate individuals who are presumably or actually infected with a quarantinable disease;
 - (2) Quarantine individuals who have been exposed to a quarantinable disease;
 - (3) Establish and maintain places of isolation and quarantine; and
 - (4) Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.
- b. Isolation and quarantine undertaken by the board shall be accomplished in accordance with this rule.
- c. Temporary isolation and quarantine without notice. The board may temporarily isolate or quarantine an individual or groups of individuals through an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the board shall issue a written order as soon as

is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.

- d. Written order. The board may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this rule.

(1) The written order shall include all of the following:

1. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.
2. The premises subject to isolation or quarantine.
3. The date and time at which isolation or quarantine commences.
4. The suspected communicable disease.
5. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.
6. A statement of compliance with the conditions and principles for isolation and quarantine specified in subrule 46.04.
7. The legal authority under which the order is requested.
8. The medical basis upon which isolation or quarantine is justified.
9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to subrule 46.07 and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in subrule 46.08.
10. A copy of this rule and the relevant definitions.

(2) A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. If the order applies to a group or groups of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

46.07 APPEAL FROM ORDER IMPOSING ISOLATION OR QUARANTINE.

- a. Appeal.** The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to Madison County Board of Health, P.O. Box 152, Winterset, Iowa 50273. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.
- b. Proceeding.** The appeal proceeding shall be conducted in accordance with this rule. The proceeding shall be held as soon as is practicable, and in no case later

than ten days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary, to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

- c. **Judicial review.** The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.
- d. **Immediate judicial review of board order.** The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of a board order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

46.08 RIGHTS OF INDIVIDUALS AND GROUPS OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE. Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

- a. The right to be represented by legal counsel.
- b. The right to be provided with prior notice of the date, time, and location of any hearing.
- c. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary, to prevent additional exposure to the communicable or possibly communicable disease.
- d. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
- e. The right to cross-examine witnesses who testify against the individual.
- f. The right to view and copy all records in the possession of the board which relate to the subject of the written order.

46.09 CONSOLIDATION OF CLAIMS. In any proceeding brought pursuant to this rule, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if all of the following conditions exist:

- a. The number of individuals involved or to be affected is large enough that consolidation would be the best use of resources.
- b. There are questions of law or fact common to the individual claims or rights to be determined.
- c. The group claims or rights to be determined are typical of the affected individuals' claims or rights.
- d. The entire group will be adequately represented in the consolidation.

46.10 IMPLEMENTATION AND ENFORCEMENT OF ISOLATION AND QUARANTINE.

- a. **Jurisdictional issues.** The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multicounty, statewide, or interstate public health implications. If isolation or quarantine is imposed by the department, the board may not alter, amend, modify, or rescind the isolation or quarantine order.
- b. **Assistance of local boards of health and local health departments.** If isolation or quarantine is imposed by the department, the local boards of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.
- c. **Penalty.** Pursuant to Iowa Code sections [137.21](#) and [139A.25\(1\)](#), any individual who violates a lawful board order for isolation or quarantine, whether written or oral, shall be guilty of a simple misdemeanor. The court-ordered sentence may include a fine of up to \$500 and imprisonment not to exceed 30 days.
- d. **Enforcement action.** The board, through the office of the county attorney, may file a civil action in the appropriate district court to enforce a board order for isolation or quarantine. Such action shall be filed in accordance with Iowa Rules of Civil Procedure.

These rules are intended to implement Iowa Code Supplement sections [135.140](#), [135.144](#), and [139A.2](#) and Iowa Code sections [135.11\(4\)](#), [139A.3](#), [139A.4](#), [139A.5](#), [139A.9](#), [139A.21](#), [139A.31](#), [141A.1](#), [141A.2](#) and [141A.5](#).

TITLE IV-HEALTH REGULATIONS

CHAPTER 48

COUNTY INFRACTIONS

- 48.01 Definitions
- 48.02 Violations, Penalties and Alternative Relief
- 48.03 Civil Infractions

48.01 DEFINITIONS. The following terms are defined:

1. **“Civil Infraction”** A county infraction that is brought by the county in a civil proceeding, and upon which the possible sanctions are those allowed at civil law, but not including confinement, imprisonment or jail.
2. **“County Infraction”** A county infraction is a civil offense punishable by a civil penalty of not more than seven hundred fifty dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed one thousand dollars for each repeat offense, except for those provisions specifically provided for under state law as a felony, an aggravated misdemeanor, a serious misdemeanor or a simple misdemeanor under chapters 687 through 747 of the Code of Iowa, the commission of any act prohibited, or declared to be in violation, or an offense by this regulation, or any ordinances or amendments hereto, or the omission or failure to perform any act or duty herein required.
3. **“Repeat Offense”** means a recurring violation of the same section of these regulations. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

48.02 VIOLATIONS, PENALTIES AND ALTERNATIVE RELIEF. It shall be unlawful to violate any provisions, amendments or supplements to this regulation adopted by the Madison County Board of Supervisors. Any person, firm or corporation found in violation of any provisions, amendments or supplements to this regulation, shall be guilty of a county infraction and a civil proceeding (civil infraction) may be filed as provided by the Iowa Code, and herein.

48.03 CIVIL INFRACTIONS.

1. Any officer authorized by Madison County to enforce a county code or regulation may issue a civil citation to a person who commits a county infraction. The citation may be served in the manner as provided in rules of civil procedure. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - a) The name and address of the defendant.
 - b) The name or description of the infraction attested to by the officer issuing the citation.
 - c) The location and time of the infraction.
 - d) The amount of civil penalty to be assessed or the alternate relief sought, or both.
 - e) The manner, location, and time in which the penalty may be paid.
 - f) The time and place of court appearance.
 - g) The penalty for failure to appear in court.

2. In proceedings before the court for a county infraction:
 - a) The matter shall be tried before a magistrate or district associate judge in the same manner as a small claim.
 - b) The county has the burden of proof that the county infraction occurred and that the defendant committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.
 - c) The court shall ensure that the defendant has received a copy of the charges and that the defendant understands the charges. The defendant may question all witnesses who appear for the county and produce evidence or witnesses on the defendant's behalf.
 - d) The defendant may be represented by counsel of the defendant's own selection and at the defendant's own expense.
 - e) The defendant may answer by admitting or denying the infraction.
 - f) If a county infraction is proven, the court shall enter judgment against the defendant. If the infraction is not proven, the court shall dismiss it.

3. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

4. A person against whom judgment is entered, shall pay court costs and fees as in small claims under chapter 631. If the action is dismissed, the county is liable for the court costs and court fees. Where the action is disposed of without payment,

or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county.

5. Seeking a civil penalty as authorized in this section does not preclude a county from seeking alternative relief from the court in the same action.
6. When judgment has been entered against a defendant, the court may do any of the following:
 - a. Impose a civil penalty by entry of a personal judgment against the defendant.
 - b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.
 - c. Grant appropriate alternative relief ordering the defendant to abate or cease the violation.
 - d. Authorize the county to abate or correct the violation.
 - e. Order that the county's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the county seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

7. A defendant or the county may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.
8. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

9. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.