

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

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AN ORDINANCE ADOPTING THE HENRY COUNTY BOARD OF HEALTH RULES AND REGULATIONS GOVERNING ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

5-2-1 PURPOSE.

These rules and regulations are adopted as mandated by 455B.172, Code of Iowa and Iowa Administrative Code, Environmental Protection (567), Title IV, WASTEWATER TREATMENT AND DISPOSAL, to fix and enforce standards relating to the construction, reconstruction, repair and operation of wastewater treatment and disposal systems in Henry County, Iowa, in areas outside the geographic limits of cities.

5-2-2 ADOPTION OF STATE STANDARDS

The following are adopted by reference as the standards and definitions to be applied for purposes of construction and enforcement of this ordinance: Chapter 455B, Code of Iowa, and the rules and regulations of wastewater treatment and disposal of the Iowa State Environmental Protection Commission and Iowa State Department of Natural Resources, formerly the Iowa Department of Water, Air and Waste Management, which are now in effect as part of the Iowa Administrative Code, Environmental Commission (567), and any new rules and regulations that may later be adopted and become effective as part of the Iowa Code and Administrative Code, including but not limited to Title IV, WASTEWATER TREATMENT AND DISPOSAL, and the following chapters contained in Title IV: Chapter 62, effluent and pretreatment standards and Chapter 69, on-site wastewater treatment and disposal systems, Environmental Protection (567), Iowa Administrative Code.

5-2-3 DEFINITIONS.

The following terms shall have these designated meanings:

A. Disposal System Contractor: as used in this ordinance is hereby defined and shall be construed to mean any person, firm or corporation engaged in the business of installing, constructing, reconstructing, repairing, extending or alternating a waste water disposal system. (Amendment/ July 18, 2018)

B. Environmental Health Department: Established by the Board of Health for Henry County, Iowa pursuant to Chapter 137, Code of Iowa, or its authorized representative.

C. Environmental Health Officer: Person designated by the Health Department to serve as its authorized representative for purposes of enforcement and administration of the rules and regulations governing wastewater treatment disposal.

D. 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.

5-2-4 REQUIREMENTS.

A. All non-public on-site wastewater treatment and disposal systems, including private sewage disposal systems and semi-public sewage disposal systems, shall be constructed, reconstructed, altered or repaired, when located within Henry County, Iowa outside the geographic limits of a city, in accordance with Chapter 455B, Code of Iowa, and Chapter 69, Title IV, Environment Protection (567), Iowa Administrative Code, now in effect and any changes or new rules and regulations that may become effective in the future as part of the Iowa Code and Iowa Administrative Code concerning wastewater treatment and disposal.

B. No non-public on-site wastewater treatment and disposal system shall be constructed, reconstructed, altered or repaired when located within Henry County, Iowa in an area outside the geographic limits of a city without first obtaining a permit from the Health Department.

C. No permit by the Environmental Health Department shall be issued for the construction, reconstruction, alteration or repair of a disposal system which is not a private sewage disposal system, unless the plans and specification of the disposal system has been approved by the Director, Iowa State Department of Natural Resources, or a designee pursuant to Iowa Code 445B.174 and the applicant for the permit has obtained and holds a valid permit from the Director, Department of Natural Resources for the operation, installation, construction, addition to or modification of the disposal system.

D. No person, firm or corporation shall engage in the business of a "Disposal System Contractor" in the County without having first obtained a license therefore as herein required. Applications for such license shall be made to the Henry County Environmental Health, upon

forms furnished by said Department, setting forth such information therein as to identify the applicant and their background of training and experience. (Amendment/ July 18, 2018)

E. Before such Disposal System Contractor's license shall be issued, the applicant therefore shall file with the Henry County Environmental Health a surety company bond in the sum of at least Ten Thousand Dollars (\$10,000.00), which bond shall be conditioned that the principal therein shall properly observe all the ordinances of the County pertaining to the work of a Disposal System Contractor and all rules and regulations established by the County pertaining to such work, and shall further indemnify and save harmless the County and any and all persons therein for whom such licensee might work as a Disposal System Contractor against all losses and damages that may result by reason of inadequate, improper, or negligent workmanship by the Disposal System Contractor, servants, or employees of same, or by reason of furnishing unsatisfactory material by such licensee or their servants or employees in the performance of any work as a Disposal System Contractor; and a further condition of such bond shall state that the amount of said bond shall be and exist for the benefit of all persons injured or aggrieved by any violation of any ordinance of the County or any neglect to observe the provisions of any such ordinance or the rules and regulations established thereunder. Such bond may be renewable at the time the principal thereon shall renew their Disposal System Contractor license.

Upon failure or refusal of the applicant or licensee to furnish and maintain a bond as herein prescribed, their Disposal System Contractor license shall be revoked.

This bond may be cancelled as to future liability by the Surety upon thirty (30) days written notice to Henry County Environmental Health and the Disposal System Contractor sent by regular mail. The aggregate liability of the Surety to any and all persons, regardless of the number of claims made against this bond or the number of years this bond remains in force, shall in no event exceed the amount set forth above. Any revision of the bond amount shall not be cumulative. (Amendment/ July 18, 2018)

5-2-5 PERMITS.

A. Application for permits: Each person desiring to obtain a permit required under these regulations shall submit to the Environmental Health Department on application for a permit in the form as prescribed by resolution of the Environmental Health Department, 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.

B. Application fee: Before consideration of the application, the applicant shall pay an application fee in an amount set by the Henry County Board of Health by resolution. (Amendment/ July 18, 2018)

D. Site inspection: Each applicant for a permit shall consent to an inspection of the site of the proposed project by the Environmental 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 Environmental Health Officer: Upon approval of the application by the Environmental Health Officer, an on-site wastewater treatment and disposal system permit will be signed and issued. Permits shall expire and have no further validity if the construction or reconstruction or abandonment is uncompleted within a period of one year (six months if complaint based) from the date of issuance. To be valid, the permit shall be signed by the Environmental Health Officer upon initial authorization. No on-site wastewater treatment and disposal system shall be covered or so constructed to prevent final inspection and periodic monitoring by the Environmental Health Officer. A record shall be kept of final inspection results by the Environmental Health Officer. (Amendment/ July 18, 2018)

5-2-6 ENFORCEMENT.

A. 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 Five hundred dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed seven hundred fifty 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. (Amendment/ July 18, 2018)

B. Any licensee who shall (1) neglect or refuse to comply with the provisions of this ordinance or the rules and regulations established thereunder by County ordinance or rules and regulations, or with the conditions under which any permit shall be issued, or (2) who shall falsify any statements in their application for license, or (3) who shall violate any provisions of any ordinance of the County, or (4) who shall violate any provisions of the laws of the state shall be subject to have his license suspended or revoked. Any license herein authorized to be issued may be suspended by Henry County Environmental Health as hereinafter set forth. If such license is suspended, the license and all evidence thereof shall be surrendered by the licensee and shall be held by Henry County Environmental Health until the final disposition is made of such suspension. (Amendment/ July 18, 2018)

C. It shall be unlawful for the suspended licensee or any one working in their behalf to do any work as a Disposal System Contractor while such suspension continues to exist. (Amendment/ July 18, 2018)

D. In connection with the notice of suspension, a statement in writing shall be prepared by

Henry County Environmental Health suspending the license setting forth specifically the charges or grounds for which the license was suspended and the facts on which suspension is based, and such statement shall be served on the licensee at the same time the notice of suspension is served. (Amendment/ July 18, 2018)

E. In the event that a license issued under this ordinance is revoked, such person and all persons officially connected with such license shall be ineligible to obtain another Disposal System Contractor's license in the County for a period of one year from the date of such revocation. (Amendment/ July 18, 2018)

5-2-7 Appeal of Suspensions or Revocation of License

The Board of Supervisor shall hear and decide appeals from an order to suspend or revoke a license to do business as a Disposal System Contractor. Such appeal shall be taken within a period of not more than thirty (30) days by filing with the Environmental Health Officer and with the Board of Supervisors a notice of appeal specifying the grounds thereof. When notice of the appeal is filed, the Environmental Health Officer shall transmit all of his records or certified copies thereof regarding the appeal to the Board of Supervisors including a copy of the letter suspending or revoking the license to do business as a Disposal System Contractor. The Board of Supervisors shall take action upon this appeal within thirty (30) days. If said Board of Supervisors finds that the basis of suspension is substantiated by the facts, the license shall be revoked forthwith, but if the basis of suspension is not established by the evidence submitted, the license shall be reinstated. (Amendment/ July 18, 2018)

5-2-8 ALTERNATIVE OR INNOVATIVE ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS.

Proposals to use alternative or innovative on-site wastewater treatment and disposal systems shall be made and considered for approval by the Health Department as provided by Iowa Administrative Code, Environmental Protection (567), paragraph 567-69.15 (445B). The Environmental Health Department shall be empowered to refuse to grant a permit for an alternative or innovative system unless an enforceable agreement is obtained to require present and future owners to bring the system into compliance with rule requirements.

5-2-9 VARIANCES.

Variances to these rules may be granted by the Department of Natural Resources or in the case of private sewage disposal systems by the Henry County Board of Health 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. (Amendment/ July 18, 2018)

5-2-10 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.

5-2-11 EFFECTIVE DATE AND REPEALER.

This ordinance adopting the Henry County Board of Health rules and regulations governing on-site wastewater treatment and disposal systems shall be in effect after their final passage, approval, publication and public hearings as provided for by law for rules to be adopted by the Health Department and ordinances to be adopted by the Board of Supervisors for Henry County, Iowa. The Henry County ordinance passed by the Henry County Board of Supervisors December 7, 1979 effective upon its publication on January 14, 1980, entitled: "RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, USE, OPERATION AND MAINTENANCE OF DISPOSAL SYSTEMS, INCLUDING PRIVATE SEWAGE SYSTEMS, SEPTIC TANKS AND SANITARY PRIVIES WITHIN ANY AREA OF HENRY COUNTY, IOWA," hereinafter referred to as the "1980 Rules and Regulations," shall be and is hereby repealed one year from the effective date of this ordinance. Prosecutions for a violation of the 1980 Rules and Regulations are permitted if the violation occurred prior to the effective date of this ordinance. The 1980 Rules and Regulations shall apply only to the construction, reconstruction, alteration or repair of on-site wastewater treatment and disposal systems commenced prior to the effective date of this ordinance.