

## **JACKSON COUNTY ORDINANCE #250**

### **AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR THE INSTALLATION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS; AND PROVIDING FOR PERMITS AND FEES; AND PROVIDING FOR LICENSING OF INSTALLERS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF.**

SECTION I. PURPOSE. The purpose of this ordinance is to protect the health of the public from hazards resulting from inadequate treatment of human waste and sewage.

SECTION II. DEFINITIONS. For use within this regulation the following terms are defined:

1. "Board of Health" means the Jackson County Board of Health.
2. "Effluent" means the liquid that flows out of a sewage treatment device (septic tank, aerobic tank, or sand filter).
3. "Health Department" means the personnel and property under the jurisdiction of the Jackson County Board of Health.
4. "Health Officer" means the chairperson of the Jackson County Board of Health or his/her authorized representative.
5. "Holding Tank," means a buried watertight tank used to hold sewage until it is removed for transport to an approved sewage treatment facility.
6. "Installer" means a person, firm or corporation who constructs, alters, or repairs a private sewage disposal system.
7. "Private Sewage Disposal System" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis. This includes domestic waste whether residential or nonresidential but does not include industrial waste of any flow rate.
8. "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic treatment system, or from a holding tank, when the system is cleaned or maintained.

### SECTION III. GENERAL REQUIREMENTS.

1. The provisions of Iowa Administrative Code 567-59, PRIVATE SEWAGE DISPOSAL SYSTEMS, or revisions thereof, and Iowa Administrative Code 567-68, COMMERCIAL SEPTIC TANK CLEANERS, or revisions thereof, are adopted by reference and made part of this ordinance.
2. All private sewage disposal systems shall be operated and maintained so that no public health hazard is created. Public health hazards include, but are not limited to, failure of the system to drain sewage from a building and seepage of sewage to the surface of the ground or into any surface or subsurface drainage or groundwater system before receiving adequate secondary treatment.

3. No private sewage disposal system hereafter installed shall serve more than one dwelling unit.
4. All private sewage disposal systems in existence before the effective date of this ordinance shall be made to comply with the requirements of this ordinance when any of the following occur:
  - A. The Board of Health determines that a health hazard exists;
  - B. A dwelling which has been unoccupied for twelve (12) consecutive months is re-occupied;
  - C. A mobile home, new or reconstructed dwelling, or other structure is connected to or is to be served by an existing private sewage disposal system.

The Health Officer may grant permits for use of existing systems in circumstances B and C above; provided that the applicant presents sufficient evidence that the system is adequately sized for the new structure, in good operating condition, and is not discharging to the surface of the ground.

SECTION IV. PERMIT REQUIREMENT. No person shall construct, alter, extend or repair a private sewage disposal system in Jackson County until a written permit has been obtained from the Health Officer.

1. Permits shall be displayed during system construction to be plainly visible from the public road.
2. Permits shall expire one year from the date of issuance. If the permitted work is not completed before the permit expires, the permit must be renewed before beginning or continuing the work.

SECTION V. PERMIT PROCEDURE.

1. Applications for permits shall be made to the Health Officer on forms provided. Applicants shall include all relevant information requested on the form and shall be accompanied by the current permit fee. Applications shall include a report of a percolation test conducted by an engineer registered in Iowa, or done by the Jackson County Health Officer or their representative. A design plan of the proposed system is also required.
2. The Health Officer, after a site evaluation, shall deny or approve the permit in writing based on the conformance with this ordinance and reasonable consideration for the public health. A denial shall state the grounds for denial and inform the applicant of the rights of appeal and the variance procedures.
3. No permit which requires as a precondition the granting of an easement or variance shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

SECTION VI. FINAL INSPECTION REQUIREMENT.

1. The installer must give notice of readiness for final inspection of all private sewage disposal system installations by the Health Officer at least seven (7) working hours in advance. No part of an installation may be covered or constructed so as to deny final inspection.
2. Installers of mounds, sand filters, and other non-conventional systems must comply with any additional inspection requirements specified on the permit by the Health Officer.

## SECTION VII. FEES.

1. Fees for private sewage disposal system permit applications, renewals of private sewage disposal system permits, septic system inspections, percolation tests performed by the Health Officer and septic system installer's licenses shall be set by rule of the Board of Health as prescribed in 2007 Code of Iowa, Chapter 137.7(4).
2. When application amendments require evaluation of additional sites, a separate evaluation fee shall be required for each site.
3. All fees are payable to the Jackson County Health Department.

## SECTION VIII. INSTALLER LICENSE REQUIRED.

1. It is unlawful for any person, firm or corporation to install an onsite wastewater treatment and disposal system without a current license issued by the Health Officer. A licensed person shall be onsite at all times during system installation.
2. Licenses shall be issued according to the following provisions:
  - A. Applicants shall apply to the Health Officer on forms supplied, and shall pay the required annual fee. If a firm or corporation licenses several persons, the fee shall be the same as if only one person were licensed.
  - B. Applicants shall have attended at least one training session sponsored by the Health Officer and updates as deemed necessary by the Board of Health and demonstrate an understanding of applicable codes.
  - C. Licenses shall expire March 1<sup>st</sup> of each year. Licenses granted after August 1<sup>st</sup> shall be one-half the annual fee.
  - D. Licenses may be revoked or suspended by the Board of Health upon conviction of one or more violations of this ordinance.

## SECTION IX. HOLDING TANKS

1. Holding tanks may be installed only to serve residences and structures existing on the effective date of this ordinance when other means of sewage disposal are determined to be unlawful, unfeasible, or not in the public interest.

SECTION X. RIGHT OF ENTRY. The Health Officer shall have the right during reasonable hours and upon consent of the occupant to enter any building or premises in the discharge of official duties to make any inspection, re-inspection, or test that is reasonably necessary to protect the public health, safety, and welfare. Where the building or premises is unoccupied the consent of the owner shall be obtained.

SECTION XI. REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the Health Officer to enter such place for the purpose of making such inspection.

SECTION XII. NOTICE. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been violation of any provision of this ordinance he shall give notice of such violation to the person or persons responsible. The notice of violation will:

1. Be in writing and cite the provision of the ordinance being violated.
2. State the location of the violation and the required corrective action to abate the violation.

3. Set a reasonable time period within which to correct the violation.
4. State that unless the condition described is corrected within the time frame specified, any permit issued under this ordinance may be suspended, revoked or court action may be initiated.

SECTION XIII. APPEAL. Any person aggrieved by any order made by the Health Officer shall have the right to appeal to the Board of Health by filing a written notice of appeal with the Board of Health within ten (10) days of that order. The Board of Health shall then set a time and place for a hearing within 15 (15) days of receiving the appeal and notify the party filing the appeal by certified mail. The Board of Health by majority vote shall modify, withdraw, or order compliance with the Health Officer's order. The aggrieved party may appeal any order of the Board of Health to the District Court of Jackson County, Iowa, within twenty (20) days of the date of such order.

SECTION XIV. JURISDICTION. The provisions of this ordinance shall apply throughout Jackson County, Iowa, including cities and towns therein.

SECTION XV. COUNTY INFRACTION. A violation of this Ordinance shall constitute a county infraction pursuant to 2007 Iowa Code Section 331.307. The penalties are as follows:


- A. A civil penalty of not more than seven hundred and fifty dollars (\$750.00) for each offense, and not to exceed one thousand dollars (\$1000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense. A person found guilty of a county infraction is also liable for court costs and fees.
- B. In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to 2007 Iowa Code Section 331.307

SECTION XVI. REPEALER. All ordinances and regulations in conflict with the provisions of this ordinance are hereby repealed. These include Jackson County Ordinance #61, approved by the Board of Supervisors July 18<sup>th</sup>, 1988. Jackson County Ordinance #73, approved June 26<sup>th</sup>, 1990. Amended Jackson County Ordinance #73, approved November 23<sup>rd</sup>, 1992 and the Amendment to Amended Jackson County Ordinance #73, approved April 26<sup>th</sup>, 1994.

SECTION XVII. SEVERABILITY. This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby.

SECTION XVIII. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSES AND APPROVED THIS 28 DAY OF April, 2009, TO BE EFFECTIVE UPON PUBLICATION.

  
John J. Willey, Chair  
Jackson County Supervisor

Attest:   
M. Joell Deppe, Auditor