

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

SECTION I. 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.

SECTION II. 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.

SECTION III. DEFINITIONS.

The following terms shall have these designated meanings:

- A. Health Department: The Board of Health for Henry County, Iowa established pursuant to Chapter 137, Code of Iowa, or its authorized representative.
- B. 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.
- C. Person: Any person, firm, association, organization, partnership, business, trust, corporation, company, trustee, syndicate, club, institution, agency, or entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

SECTION IV. 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 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.

SECTION V. PERMITS.

- A. Application for permits: Each person desiring to obtain a permit required under these regulations shall submit to the Health Department on application for a permit in the form as prescribed by resolution of the 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 Health Department by resolution. The current fee shall be fixed in the amount of \$25.00, which fee may be changed by the Health Department by resolution. (Permit fee increased to \$50.00 on 8-17-95 by resolution of Board of Health /s/ Carol McCulley)
- C. Plans and specification: Each person desiring to obtain a permit shall provide to the Health Officer sufficient plans and specifications and other desired information so that the Health Officer will be able to determine if the proposed project complies with standards required by these regulations.
- D. Site inspection: Each applicant for a permit shall consent to an inspection of the site of the proposed project by the Health Officer, before construction, during construction, and upon completion of construction to insure that the project conforms to standards required under these regulations.
- E. Approval by Health Officer: Upon approval of the application by the Health Officer, an on-site wastewater treatment and disposal system permit and permit warning card will be issued. Permits shall expire and have no further validity if the construction or reconstruction or abandonment is uncompleted within a period of six (6) months from the date of issuance. To be valid, the permit shall be signed by the 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 Health Officer. Permit warning cards shall be displayed during the entire construction period so as to be plainly visible. A record shall be kept of final inspection results by the Health Officer.

SECTION VI. ENFORCEMENT.

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

SECTION VII. 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 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.

SECTION VIII. VARIANCES.

Variations to these rules may be granted by the Department of Natural Resources or in the case of private sewage disposal systems by the Health Department 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.

SECTION IX. SAVINGS CLAUSE.

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

SECTION X. 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.

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

WHEREAS a public hearing was scheduled and held on the 2nd day of August, 1988 at 10:00 A.M. at the Board Room of the Supervisors for Henry County at the Henry County Courthouse, Mt. Pleasant, Iowa, for purposes of considering adoption of the ordinance entitled: An Ordinance Adopting the Henry County Board of Health Rules and Regulations Governing On-Site Wastewater Treatment and Disposal Systems, for which notice of hearing was published in the Mt. Pleasant News, on the 28th day of July, 1988.

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

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

THEREFORE, BE IT RESOLVED that the foregoing ordinance entitled: An Ordinance Adopting the Henry County Board of Health Rules and Regulations Governing on-Site Wastewater Treatment and Disposal Systems be and is hereby approved and adopted, pursuant to Iowa Code 331.302 and 137.6. This ordinance shall be effective when published in a paper having general circulation in Henry County, Iowa. The Henry County Auditor shall cause the ordinance and certificate of publication to be recorded with the Henry County Recorder following its publication.

Dated this 2nd day of August, 1988.

HENRY COUNTY BOARD OF SUPERVISORS

/s/ Sheldon Kongable _____

/s/ Fred Strothman _____

/s/ Roger Tweedy _____

Attest:

/s/ Doris Sharp
Doris Sharp
Henry County Auditor

STATE OF IOWA
SS
HENRY COUNTY

I, Doris A. Sharp, County Auditor of Henry County, Iowa, do hereby certify that the above document is a true copy of an Ordinance adopted by the Henry County Board of Supervisors on "Rules and Regulations Governing On-Site Wastewater Treatment and Disposal Systems", on the 2nd day of August, 1988.

/s/ Doris A Sharp
Doris A. Sharp, Henry County Auditor
And Commissioner of Elections

Subscribed and sworn to before me, a Notary Public, in and for Henry County, Iowa, this 29th day of August, 1988.

/s/ Elaine Ingwersen
Notary Public in and for Henry County,
Iowa