

CHAPTER 5
THE PRIVATE SEWAGE DISPOSAL SYSTEMS RULES
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. PURPOSE.

It is the purpose of this chapter to adopt rules and regulations for private sewage disposal systems in Jones County, Iowa; thereby promoting the public health of our residents and providing penalties for violation of the provisions hereof.

SECTION 2. STATE GUIDELINES.

- A. Chapter 69 of [567] of the Iowa Administrative Code (Private Sewage Disposal Systems), in its entirety, shall henceforth be a part of the Private Sewage Disposal Systems Rules of Jones County, Iowa.
- B. Approved Contractors: As of March 1, 2007, it is unlawful for any person, firm or corporation to install a private sewage disposal system without a current license issued by the Jones County Environmental Office. Percolation testing shall be conducted only by a licensed person and a licensed person shall be onsite at all times during installation.
- C. Licenses shall be issued according to the following provisions:
 - 1. Applicants shall apply to the Jones County Environmental Office on forms supplied by the Office 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.
 - 2. Applicants shall have attended at least one training session per year sponsored by the Environmental Office and any future updates as deemed necessary by the Board of Health and demonstrates an understanding of applicable codes and techniques for percolation testing, system design and installation.
 - 3. Licenses shall expire March 1 of each year. Fees for a license granted in mid-year shall be the full annual fee.
 - 4. Licenses may be revoked or suspended by the Board of Health upon conviction of one or more violations of this ordinance. Revocation or suspension of the license of any member, partner, officer or employee of a firm or corporation shall automatically extend to all members, partners, officers or employees of the firm or corporation.
- D. Permit Requirement: No work shall commence on any construction, reconstruction, or alteration of any on-site wastewater treatment and disposal system until the permit application has been approved, and the permit has been issued by the Jones County Environmental Office. All work must commence in accordance with the provisions of the permit and SECTION 2, CHAPTER 5, THE PRIVATE SEWAGE DISPOSAL SYSTEMS RULES, of TITLE V

- PUBLIC ORDER, SAFETY & HEALTH, of the Jones County Code of Ordinances.

- E. Septic Repairs: An application for septic repair must be completed and the repair permit fee paid prior to repairing a septic system. A permit will be issued after the application and fee are submitted. Repairs that require a permit include:
1. Replacing the septic tank
 2. Changing the line between the house and the septic tank
 3. Changing the line between the septic tank and the box
 4. Adding or changing one or two septic field lines
 5. Replacing the distribution box
 6. Adding cleanouts

SECTION 3. DEFINITION.

The "Administrative Authority" is the Jones County Environmental Sanitarian or an agent designated by the Jones County Board of Health.

SECTION 4. FEES.

- A. The fee for a permit to construct, alter or repair a private sewage disposal system shall be determined by the Board of Health and be made payable to the Jones County Treasurer at the time of application.
- B. No permit fees are refundable after percolation tests and site evaluations have been completed.
- C. A permit application, percolation test and permit fee must be submitted to the Jones County Environmental Office prior to issuance of a permit. The permit application will not be approved until the fee is paid, nor may any work commence toward construction of the system until the required fee is paid and the permit is issued.

SECTION 5. REAL ESTATE TRANSFER INSPECTIONS.

- A. Private sewage disposal systems in Jones County will require inspection for compliance with the regulations contained in Chapter 69 of [567] Iowa Administrative Code (Private Sewage Disposal Systems) beginning July 1, 2009, prior to any transfer of ownership. These inspections shall be conducted by a certified Time of Transfer Inspector. Prior to July 1, 2009 said inspection shall be conducted upon request from the buyer, seller, real estate agent and/or loan company involved in the real estate transfer.
- B. If the private sewage disposal system inspection is performed by the County Environmental Sanitarian, the fee for the inspection shall be determined by the Board of Health. Payment shall be made payable to the Jones County Treasurer, and submitted to the Jones County Environmental Health Office upon receipt of the application for inspection services.

SECTION 6. ENFORCEMENT PROCEDURES.

It shall be the duty and responsibility of the Board of Health to enforce the provisions of this regulation, however, this duty may be delegated to an authorized representative.

- A. REFUSAL OF ADMITTANCE. In the event the Administrative Authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath at the District Court in the County and said Court thereupon issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset, accompanied by the Administrative Authority, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

- B. NOTICE. Whenever the Administrative Authority determines that there are reasonable grounds to believe there has been a violation of any provisions of this regulation, he/she shall give notice of such alleged violation to the person or persons responsible, as thereof provided. Such notice shall:
 - 1. Be in writing.
 - 2. Include a statement of the reasons why it is being used.
 - 3. Allow reasonable time for performance of any act it requires.
 - 4. Be served upon the owner or his/her agent of occupant, as the case may require. Such notice shall be deemed to be properly served upon him/her personally, or if a copy is sent by certified mail to his/her last known address, or if he/she is served with such notice by any other method authorized or required by the laws of the state.Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this regulation. This provision is not meant to limit the Administrative Authority right of entry during his/her investigation.

- C. HEARINGS. In the event any person is aggrieved by any order made by the Administrative Authority, he/she may within twenty (20) days of the date of such order, appeal to the Board of Health and in writing state his/her reasons for requesting to be rescinded or modified. The Board of Health shall review the action of the Administrative Authority, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the Board of Supervisors. Appeal from the Board of Supervisors may be taken within twenty (20) days to the District Court of Jones County, Iowa.

- D. PENALTIES. Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in

violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

- E. COURT ORDER. Whenever in the judgment of the Board of Health or the Administrative Authority any person that has engaged or is about to engage, in any acts or practices which constitutes or will constitute a violation of this ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation, or both.

SECTION 7. SEVERABILITY.

Should any section or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, that provision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 8. REGULATION EFFECTIVE UPON PUBLICATION.

This ordinance, and any amendments thereof, being deemed essential and imperative for the preservation of the public health, shall be in force and effect from and after its passage and publication as provided by law.

Passed and approved April 3, 1990
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