

IOWA COUNTY ORDINANCE NO. 37

ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM AND WELL PERMITS ORDINANCE

SECTION 1. Purpose. It is the Purpose of this chapter to adopt rules and regulations for on-site wastewater treatment and disposal systems in Iowa County, Iowa, and to provide for well permits; all promoting the public health of our residents and providing penalties for violations of the provisions hereof.

SECTION 2. State Guidelines. All Iowa Administrative Code regulations regarding on-site wastewater and disposal systems, wells, well plugging, and well construction contained in Chapters 38, 39, 49, and 69 of Section 567 of the Iowa Administrative Rules are adopted in its entirety and shall be considered part of the on-site wastewater rules and well plugging and well construction rules of Iowa County, Iowa.

SECTION 3. Definitions. For use in this ordinance, the following terms or words shall be interpreted as follows:

“Administrative Authority” shall be the Iowa County Board of Supervisors, or any individual designated by the Board, to act in its name in implementing these regulations.

“Department” shall mean the Iowa Department of Natural Resources.

“Director” shall mean the Iowa County Environmental Director or their designee.

“On-site wastewater treatment and disposal system” shall mean all equipment and devices necessary for the proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facilities serving the equivalent of ten (10) persons or less.

SECTION 4. General Requirement. In addition to the rules set forth in Chapter 69 of the Iowa Administrative Code, those instances in which an individual is required to install an onsite private sewage disposal system shall include, but not be limited to the following:

The construction of a new home by building or transporting a home to a site in Iowa County, Iowa, which does not currently have a properly functioning or approved on-site wastewater treatment and disposal system or any other construction of a building, or existing structure that would require a private onsite sewage disposal system.

The upgrade of an existing septic system at the time of the deed changing ownership in which a Time of Transfer inspection was performed and failed. This means replacing one or more parts of an existing septic system in Iowa County, Iowa. This also could mean installing a completely new private onsite sewage disposal system.

The submission of a complaint form signed by an individual to the Iowa County Environmental Health office, detailing the discharge of untreated sewage to the surface in Iowa County, Iowa, when said signed complaint is determined to be valid, a violation of the ordinance is deemed to have occurred, and installation of or repaired to a private sewage disposal system is ordered by Iowa County Sanitarian. Determining the validity of a signed complaint will be at the discretion of the Iowa County Sanitarian.

Rules: These rules are applicable only to private sewage disposal systems. Contractors performing work on private sewage disposal systems that are located within Iowa County, are required to either obtain and maintain all applicable permits for their customer's private sewage disposal system or obtain proof from the customer that such permits were secured before work on said system begins. Any updates or repairs shall require a permit.

SECTION 5. Permit Procedures:

Applications: Any person, firm, partnership, corporation, landowner, contractor, or other entity desiring a permit must have the landowner and contractors name, the property address, and other pertinent information as may be required by the sanitarian. Fees for the permit will be paid at this time. If a new home or structure is being built, a pre-construction permit will need to be filled out and complete before any private sewage disposal system can be installed.

Validity: Permits shall be valid for One year from date of issuance.

Soil Analysis: All sites that are candidates for conventional lateral system, will be required to have a soil analysis performed by an Engineer or Certified Soil Scientist. A report of the results will be sent to the Iowa County Sanitarian for review. The contractor will contact the Sanitarian regarding the results and a system will be decided on at that time.

Notifications: Iowa County Sanitarian shall be notified at least one workday prior to the start of the system and the completion of the job, to allow the sanitarian time to schedule a final inspection.

Inspections: Any contractor installing a private sewage disposal system must ensure that all inspections, including, but not limited to, a presite evaluation, a bottom inspection, a final inspection, and any other inspection deemed necessary by Iowa County Sanitarian are performed and completed by the Sanitarian. The contractor is to verify that all black and grey lines coming out of the building or house are going to the private sewage disposal system.

Repair Permits: The repair to any private sewage disposal system shall be evaluated on the following items, 1) the oldest part of the system. 2) alteration of the original

system design. 3) the requirements of Iowa Administrative Code, and at the discretion of the Environmental Health Officer. Permits must be obtained from the Environmental Health Department before any repairs or work is performed on the system.

Maintenance Contracts: Upon the completion of installation of a mechanical or alternative system in Iowa County a “Maintenance Contract” shall be provided to the Iowa County Environmental Office, verifying that a contract for the proper monitoring and servicing of the entire treatment system, has been entered into between the landowner and a certified technician for the life of the system. This also includes any property sale to a new homeowner, in which they will have to continue the maintenance on the system. An updated contract for monitoring and servicing of the treatment system between the landowner and a certified technician shall be filed annually with Iowa County Environmental Health. A copy of the maintenance report will need to be sent by the technician to the Environmental Health office every year. If maintenance is not completed yearly, the homeowner will be assessed a fine of \$100. Fines will accumulate each month until the maintenance is completed.

Grease Trap: Any person, firm, partnership, corporation, landowner, or other entity who plans to open a restaurant, event center, or any structure serving the public in Iowa County, where a new private sewage disposal system is to be installed, they shall ensure that a 1,000-gallon grease trap is also installed. If an existing restaurant, event center, structure with kitchen serving the public, then buyer shall install a grease trap per Iowa County requirements.

Contractor Requirements: Contractors installing or repairing a private wastewater sewage system must have a \$20,000 bond with the county, registration with Iowa Workforce Development and proof of CIOWTS (Certified Installer of Onsite Wastewater Treatment Systems) Certification. The purpose of this section is to promote and encourage quality public health and sanitation and good engineering practices within Iowa County. Iowa County does not guarantee the workmanship and quality of any work a private contractor performs on any system. Iowa County recognizes the need for properly permitted private sewage disposal systems that are approved and certified by trained professionals. Iowa County Board of Health and Iowa County Supervisors will establish and enforce compliance with this ordinance and Chapter 567-69 of the Iowa Administrative Code.

The Bond will be kept on file with the Environmental Health Office and renewed every year. A contractor who fails to renew the bond or let CIOWTS certifications expire shall cease all work on private sewage disposal systems until the bond and certifications are renewed.

It is the responsibility of the contractor to verify the number of bedrooms, property lines, easements if needed, and all lines coming out of the house.

If a contractor fails to obtain proof or ensure that the required permits have been secured, fails to renew his/her bond annually, improperly installs, repairs, maintains or alters a private sewage disposal system or violates this Ordinance, Iowa County

Environmental Health may elect to forfeit the contractor's bond. Contractor shall be notified in person or by certified mail. The contractor may appeal Environmental Health's decision by speaking to the Iowa County Board of Health within 30 days of being notified. If there is an appeal, then the contractor's bond is good until the Board of Health renders a decision. Any contractor who performs work in Iowa County without a permit, will be suspended from performing work in Iowa County for up to 1 year.

Time of Transfer:

Future Inspection: In the event weather or other temporary physical conditions prevent a certified inspection from being conducted, the buyer shall execute a Time of Transfer Inspection Agreement-Binding Agreement (542-0062) and have a certified inspection conducted at the earliest possible time and shall be responsible for any required modifications identified by the inspection. The Time of Transfer Fee shall be assessed at the time of issuing the Binding Agreement. The Binding Agreement for Future Inspection shall be valid for 90 days unless otherwise noted.

Building Demolition: The time of Transfer Permit associated with a Time of Transfer Waiver-Binding Agreement for Building Demolition (542-0063) shall be valid for 90 days from the date of issuance unless otherwise noted. If owner is going to use the building for storage, all the fixtures must be removed, the line capped and the tank pumped out and crushed. The permit fee will be assessed at the time of issuing the Binding Agreement.

Future Installation: In the event both the seller and buyer involved agree the existing private sewage disposal system will not pass a time of transfer inspection, the buyer may forgo the time of transfer inspection and shall execute a Time of Transfer Inspection Waiver-Binding Agreement for Future Installation (542-0064). The permit will be assessed at the time of issuing the Binding Agreement. The Binding Agreement/Permit shall be valid for 90 days unless otherwise noted.

Waiver: Any person, firm, partnership, corporation, landowner, or other entity desiring a future installation/future inspection waiver or future demolition request, shall request such via phone or email at least 5 days prior to the closing date. The request shall include the names of the seller and buyer, property address, number of bedrooms and the closing date. The seller must be present at the time of the inspection to let the inspector inside the residence.

Holding Tank: No Holding Tanks allowed in Iowa County.

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 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.

SECTION 6. Repealer. This Ordinance repeals Iowa County Ordinance No. 13 (old Ordinance No. 15) and any amendments to said Ordinance.

Effective date: January 12, 2022.