

AN ORDINANCE RELATED TO PRIVATE SEWAGE DISPOSAL SYSTEMS IN DAVIS COUNTY, IOWA

- I) **Title:** Rules relating to private sewage disposal systems in Davis County, Iowa and providing penalties for violations thereof.
- II) **Purpose:** The purpose of this Ordinance is to adopt Chapter 567-69 of the Iowa Administrative Code and to promulgate other rules relating to private sewage disposal systems and to provide for the enforcement thereof.
- a) Chapter 567-69 of the Iowa Administrative Code entitled "Private Sewage Disposal Systems", including any future amendments thereto, is hereby adopted and incorporated by this reference as if fully set forth herein.
 - b) 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 on-site private sewage disposal system shall include, but not be limited to the following:
 - 1. The construction of a new home by building or transporting a home to a site in Davis County, Iowa, that does not currently have a properly functioning or approved on-site wastewater treatment and disposal system.
 - 2. The upgrade of an existing septic system. This means replacing one or more of the parts (septic tank, sand filter, tile line, etc.) of an existing septic system in Davis County, Iowa.
 - 3. The submission of a complaint form signed by an individual to the ADLM Counties Environmental Public Health Agency (hereinafter "ADLM"), detailing the discharge of untreated sewage to the surface in Davis County, Iowa, when said signed complaint is determined to be valid, a violation of this Ordinance is deemed to have occurred, and installation of or repair to a private sewage disposal system is ordered by an ADLM Sanitarian. Determining the validity of a signed complaint will be at the discretion of an ADLM Environmental Health Officer.
- III) **Rules:** These rules are applicable only to private sewage disposal systems. Contractors performing work on private sewage disposal systems that are located within Davis County, Iowa, 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 by the owner before work on said system begins. Any update or repairs shall require a permit.

IV) **Permit Procedures:**

- a) **Applications:** Any person, firm, partnership, corporation, landowner, contractor, or other entity desiring a permit to install or repair a private sewage disposal system within Davis County, Iowa, must file an application with ADLM. The application shall state the landowner and contractor's name, the property location, and other pertinent information as may be required by ADLM. An applicant who desires a permit for a lateral absorption system shall also include a Soil Scientist Report with the application.
- b) **Upon Approval:** A permit shall be issued to the landowner or contractor upon the approval of ADLM of a filed application and the payment of the required fees.
- c) **Validity:** Permits shall be valid for a maximum of twelve (12) months from the date of issuance during which time, installation of a private sewage disposal system shall be completed.
- d) **Notification:** ADLM shall be notified verbally at least one (1) work day prior to the completion of any work on a private sewage disposal system, to allow ADLM time to schedule a final inspection or testing.
- e) **Inspections:** Any contractor who plans to install or who does install a private sewage disposal system in Davis County, Iowa, shall ensure that all inspections, including, but not limited to, a site evaluation, a bottom pipe inspection, a final inspection, and any other inspection deemed necessary by ADLM, are performed by an ADLM Environmental Health Officer. No part of any private sewage disposal system shall be used, covered or so constructed as to deny inspection by an ADLM Environmental Health Officer.
- f) **Repair Permits:** The repair to any private sewage disposal system located in Davis County, Iowa, shall be evaluated on the oldest part of the permitted system, alternation of the original system design, the requirements of Chapter 567-69 of the Iowa Administrative Code, and the discretion of an Environmental Health Officer.
- g) **Maintenance Contracts:** Upon the completion of installation of a peat moss bio filter system, recirculating textile filter system, or other approved maintenance system in Davis County, Iowa, a Maintenance Contract shall be provided to ADLM, 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. An updated contract for monitoring and servicing of the treatment system

between the landowner and a certified technician shall be filed annually with the ADLM.

- h) **Grease Trap:** Any person, firm, partnership, corporation, landowner, or other entity who plans to open a new restaurant located in Davis County, Iowa, on property where a new private sewage disposal system will be installed, shall ensure that a 1,000 gallon grease trap is also installed on the property. Any person, firm, corporation, or landowner who purchases an existing restaurant located in Davis County, Iowa, shall ensure that a 1,000 gallon grease trap is installed on the property at the time of transfer.

V) **Contractor Requirements:** Contractors installing or repairing private sewage disposal systems must have an Iowa State Contractors License and provide the required bond or letter of credit to ADLM. The purpose of this section is to promote and encourage quality public health and sanitation and good engineering practices within Davis County, Iowa. ADLM does not guarantee the workmanship and quality of any work a private contractor performs on any private sewage disposal system located within Davis County, Iowa. Rather, ADLM recognizes the need for properly permitted private sewage disposal systems that are approved and certified by trained personnel from ADLM and, to that end, Davis County, Iowa, including the Davis Board of Health and Board of Supervisors, will establish and enforce such rules necessary to ensure compliance with this Ordinance and Chapter 567-69 of the Iowa Administrative Code.

- a) **Bond or Letter of Credit and Iowa State Contractor License:** A performance bond or letter of credit and Iowa State Contractors License shall be required for any contractor that installs, repairs or alters a private sewage disposal systems within Davis County, Iowa. The bond or letter of credit is required to ensure that no contractor performs any work on a private sewage disposal system within said Counties without either obtaining for the customer the proper and necessary permits or obtaining proof that the proper and necessary permits were secured by the owner of the private sewage disposal system. Additionally, the bond or letter of credit is to ensure that the contractor has installed an approved system in accordance with Chapter 567-69 of the Iowa Administrative Code.
- b) Any contractor who installs, repairs or alters a private sewage disposal systems within Davis County, Iowa, shall have the required bond or letter of credit made payable to ADLM and shall place said bond or letter of credit on file with ADLM. The bond or letter of credit shall be renewed annually. A Contractor who fails to renew the bond or letter of credit on an annual basis, shall cease all work on private sewage disposal systems within Davis County, Iowa, until the bond or letter of credit is renewed.
- c) If a contractor fails to obtain proof or ensure that the required permits have been secured, fails to renew his/her bond or letter of credit annually, improperly installs, repairs, maintains or alters a private sewage disposal system within Davis County, Iowa, or violates this Ordinance, the ADLM Director, may elect to forfeit the contractor's bond or letter of credit. The

ADLM Director shall notify the contractor of the Director's decision to forfeit his/her bond or letter of credit by sending a letter via certified mail to the contractor at his/her last known address. The contractor may appeal the Director's election to forfeit his/her bond or letter of credit to the ADLM Commission by filing a written appeal with the ADLM Commission within twenty (20) days from the postmark date of the Director's letter. If the contractor does not appeal the Director's election to forfeit his/her bond or letter of credit in accordance with the above, the contractor's bond or letter of credit shall be forfeited by ADLM. If the contractor appeals to the ADLM Commission in accordance with the above, then the forfeiture of the bond or letter of credit shall be stayed until the ADLM Commission has reached a decision on the appeal. If the ADLM Commission decides, by majority vote, that the contractor had good/cause for his/her failure, then the bond or letter of credit shall not be forfeited. The contractor may appeal the ADLM Commission's decision to uphold the Director's election to forfeit his/her bond or letter of credit to the Davis County Board of Health by filing a written appeal with the Davis County Board of Health within twenty (20) days from the date of the ADLM Commission's decision. If the contractor does not appeal the decision of the ADLM Commission in accordance with the above, the contractor's bond or letter of credit shall be forfeited by ADLM. If the contractor appeals to the Davis County Board of Health in accordance with the above, then the forfeiture of the bond or letter of credit shall be stayed until the Davis County Board of Health has reached a decision on the appeal. If the Davis County Board of Health decides, by majority vote, that the contractor had good/cause for his/her failure, then the bond or letter of credit shall not be forfeited.

VI) Connection to a Managed Community Sewer Required:

- a) **Definitions:** All terms for this ordinance shall have the same meanings as those assigned to them in Iowa Code Administrative Code Section 69.1(2). Additionally, the terms described below, shall have the following meanings:
1. "Unsewered Unincorporated Communities" shall mean those unincorporated portions of the County, where five (5) or more inhabitable structures and/or commercial buildings are located within an area bounded by a 660 ft. radius.
 2. "Managed Community Sewer" shall mean Private Sewage Disposal Systems when owned and maintained by county-approved public entities or other county-approved Utility Management Organizations.
 3. "Non-Compliant Private Sewage Disposal System" shall mean those private sewage disposal systems which are failing to ensure effective wastewater treatment, are otherwise functioning improperly, or are not in compliance with any applicable

ordinances and/or regulations.

4. "County" shall mean Davis County, Iowa, and its designated representatives.
- b) At such time as a Managed Community Sewer becomes available to a property served by a Non-Compliant Private Sewage Disposal System located within an Unsewered Unincorporated Community in Davis County, Iowa, a direct connection shall be made to the Managed Community Sewer, and any Non-Compliant Private Sewage Disposal Systems shall be abandoned, unless a specific variance is granted by the ADLM Commission.
- c) The owner of all houses, buildings, or properties used for human occupancy, employment, or recreation in Davis County, Iowa, must connect such facilities to the Managed Community Sewer in accordance with this ordinance and the rules adopted to effectuate this ordinance, within one hundred eighty (180) days after date of official notice to do so. Billing for such service will begin on the date of official notice to connect to the Managed Community Sewer.
- d) ADLM may adopt rules, regulations and specifications for the construction, connection, use, maintenance and inspection of Managed Community Sewer.

VII) Time of Transfer:

- a) **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 with ADLM and have a certified inspection of the private sewage disposal system conducted at the earliest possible time and shall be responsible for any required modifications identified by the certified inspection. The Time of Transfer Permit and processing fee shall be assessed at the time of issuing the Time of Transfer Inspection Agreement-Binding Agreement. The Time of Transfer Permit associated with a Time of Transfer Inspection Agreement-Binding Agreement for Future Inspection (542-0062) will be valid for 90 days from the date of issuance unless otherwise noted.
- b) **Building Demolition:** The Time of Transfer Permit associated with a Time of Transfer Inspection Waiver-Binding Agreement for Building Demolition (542-0063) shall be valid for 90 days from the date of issuance unless otherwise noted. If a landowner is going to use the building for storage, all of the fixtures must be removed, the line capped and the tank pumped and crushed. The permit fee will be assessed at the time of issuing the Binding Agreement.

- c) **Future Installation:** In the event both the seller(s) and buyer(s) involved in a land transaction agree the existing private sewage disposal system will not pass a certified time of transfer inspection, the buyer may forego the certified time of transfer inspection and shall execute a Time of Transfer Inspection Waiver-Binding Agreement for Future Installation with ADLM. The permit fee will be assessed at the time of issuing the Time of Transfer Inspection Waiver-Binding Agreement for Future Installation.
- d) **Waiver:** Any person, firm, partnership, corporation, landowner, or other entity desiring a future installation/future inspection waiver or future demolition request within Davis County, Iowa, shall request such via phone/fax/email at least five (5) business days prior to the closing date. The request shall include the names of the seller(s) and buyer(s), property address, number of bedrooms of the residence on the property, and the closing date.
- e) **Holding Tank:** Any property that is being used as a primary residence in Davis County, Iowa, that has a holding tank at the time of transfer shall install an approved system.

- VIII) **Subsurface Soil Absorption Systems:** A Subsurface Soil Absorption Systems, meaning a system of perforated conduits connected to distribution system, forming a series of subsurface, water-carrying channels into which the primary treated effluent is discharged for direct absorption into the soil (referred to as part of the open portion of The treatment system), is the best available treatment technology and shall always be used where possible as a private sewage disposal system.
- IX) **Motor Homes, Campers and Fifth-Wheel Travel Trailers:** Motor homes, campers and fifth-wheel travel trailers shall only be used as an individual's residence on a seasonal or temporary basis. If motor homes, campers and fifth-wheel travel trailers are used more than seasonally or temporarily as an individual's residence or are used as an individual's primary residence, then a private sewage disposal system shall be installed and the use of holding tank shall not permissible.
- X) **Cabins:** If cabins and other buildings and/or structures are used as an individual's primary residence, then a private sewage disposal system shall be installed and the use of a holding tank shall not be permissible.
- XI) **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 thirty (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.

XII) Severability Clause: If any section, provision, or part of this Ordinance shall be judge invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

XIII) Enforcement: This Ordinance shall be enforced in its entirety by ADLM.

XIV) Effective Date: This Ordinance shall be in full force and effect after its final passage, approval, and publication as provided for by the Code of Iowa.

PASSED AND ADOPTED by the Davis County Board of Supervisors this 1th day of March, 2016.

DAVIS COUNTY BOARD OF SUPERVISORS

Matt Grana
Chairperson

Dale Taylor
Vice-Chairperson

Bill
Member

ATTEST:

Linda Humphrey
Davis County Auditor

