

POWESHIEK COUNTY BOARD OF HEALTH RULES

Chapter 137 of the 1975 Code of Iowa provides in part: Section 6.
Local boards shall have the following powers:

1. Enforce state health laws and rules and lawful orders of the State Department (of Health).
2. Make and enforce such reasonable rules and regulations not inconsistent with law or with the rules of the State Board (of Health), as may be necessary for the protection and improvement of public health.

Pursuant to the above authority, these rules and regulations have been promulgated in accordance with state law by the Poweshiek County Board of Health, and shall become effective upon approval and publication as required by law.

CHAPTER I DEFINITIONS AND GENERAL REGULATIONS

1. Board of Health-Poweshiek County Board of Health
2. Clivis Multurm-a self contained system for the treatment of organic household waste; it places toilet and kitchen wastes into an environment where they decompose slowly by composting, producing a humus which can be directly returned to the soil.
3. Install, Construct, or Reconstruct-as used in Chapter II includes but is not limited to:
 - (a) The ordinary, everyday usage of said terms.
 - (b) Any repair or remodeling, or excavation, or digging up of any portion of a sewage system except for the purpose of:
 - (1) diagnostic inspection or observation or
 - (2) cleaning of a portion of the sewage system or
 - (3) replacement of the lid to either a septic tank or distribution box;
 - (c) Any connection or hook up to an existing sewer system.
4. Laboratory Analysis-means analyzed by a laboratory certified by the State Board of Health.
5. Nuisance-means that which is defined as a nuisance by Iowa law (to include but not limited to Chapter 657 of the Code of Iowa).
6. Poweshiek County Health Services-the agency made up of all employees of the Poweshiek County Board of Health.
7. Poweshiek County Sanitarian (or County Sanitarian)-that individual designated and appointed by the Poweshiek County Board of Health to act in its name in implementing these rules and State Health Laws and State Health Department Rules; plus any designated and appointed substitute or assistant County Sanitarian.
8. Private Water System-means a system for the provision of piped water for human consumption, if such system has both less than 15 service connections used by year-round residents and also regularly serves less than 25 year-round residents.
9. Sewage System (or individual private sewage disposal system)-all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of sewage from the inside of an outside wall of a dwelling or other facility serving the equivalent of fifteen persons or less; included within the scope of this definition are building sewers, septic tanks, absorption fields, leaching or seepage pits, subsurface sand filters, and privy vaults all as defined by State Health Department Rules and clivus multurm (as defined by these rules).
10. System-means any sewage system or private water system as defined herein.
11. Variance-a waiver of any one or more of these rules or, as allowed by law of State Health Department Rules; a variance is granted by written order of the Board of Health only.
12. See the State of Iowa Health Department Rules for definitions not contained herein.

GENERAL REGULATIONS

1. Appeal-Unless otherwise provided by these rules, appeal from any rule, finding or decision of the County Sanitarian must be made within 30 days of said rule, finding or decision, to the Board of Health, who shall hold a hearing using as basic procedures, those set out in Chapter III (a), (b), (c), and (d) of these rules.
2. Enforcement-The present Chapter 137 of the Code of Iowa makes violation of these rules a

Revised July 1, 2004

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misdeemeanor with punishment being by a fine not to exceed \$100 or by imprisonment in the County Jail for not more than 30 days; any actions, remedies and penalties provided for by the law of the State of Iowa may be used to enforce these rules.

3. Peace Officers To Assist-Peace Officers when called upon by the Board of Health or the County Sanitarian shall assist in the enforcement of the rules, regulations and lawful orders of said Board.

4. Interference With Enforcement- No person shall interfere with members of the Board of Health or County Sanitarian in the discharge of any duty imposed by State Law, State Health Department Rules, these rules, or other lawful rules or orders of the Board of Health.

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

6. These rules shall be in full force effect in Poweshiek County after passage, approval, and publication as provided by law.

7. (a) All sewage disposal systems and wells and water systems existing in Poweshiek County shall comply with the Iowa Administrative Code Chapter 49, Nonpublic Water Wells and Chapter 69, On-Site Wastewater Treatment and Disposal Systems.

(b) Said systems will be inspected and analyzed for compliance prior to or during any change in ownership of land on which the system and/or home is located. The property holder selling the property shall obtain inspection reports on these two systems from the Poweshiek County Board of Health and present them to the buyer of his property prior to or during the negotiation of the sales transaction.

(c) A fee of \$150.00 shall be assessed for the inspection. Said fee shall be applied toward a permit fee if major repairs or renovation is required.

(d) Any well or sewage disposal system which was installed under County Permit or passed County Inspection within 2 years previous to sale or transfer is exempt from further inspection until next sale or transfer.

(e) Any money in exchange for property will require an inspection, unless the property is 100% inherited then the owner(s) will be exempt from an inspection.

CHAPTER II SEWAGE SYSTEMS

1. It shall be unlawful to install, construct, or reconstruct any sewage system in Poweshiek County until a permit has been obtained.

2. The above paragraph 1 is applicable to both individuals and corporations and includes, but is not limited to, owners, leases, contractors, engineers and builders of the proposed sewage system and their agents.

3. (a) Written application for a permit shall be made in duplicate on forms approved by the County Sanitarian, shall be filed in the office of the Poweshiek County Health Service and shall include such information as the County Sanitarian may reasonably require to determine whether a permit should be issued.

(b) Provided further, however, that application for a permit for a lateral absorption system shall be accompanied by a porosity test. Said test shall be taken by the contractor or homeowner and permit application signed before a permit can be approved.

(c) No permit shall be issued unless the health laws and rules of the State of Iowa and of Poweshiek county are complied with and the permit fee has been paid, except when a variance has been granted.

(d) Application for variance shall be made upon forms approved by the Poweshiek County Sanitarian; there shall be no charge for the application for a variance.

4. The cost of a permit (permit fee) for a sewage disposal system shall be \$150.00.

5. Permits for a system shall be valid for a maximum of 12 months from the date of issue; the proposed work shall be completed within said time.

6. The permit shall be posted by the applicant for the permit on the construction site so as to face the nearest public street, road, or highway during the construction period of any system.

7. (a) County Sanitarian shall be notified orally, by phone or in writing, not less than six working hours before a system is to receive it's mandatory final inspection; said notification shall be made

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between 7:30 a.m. to 4:00 p.m. on weekdays; 7:30 a.m. to 4:00 p.m. are the said working hours.

(b) No part of any system shall be covered or used prior to a mandatory final inspection by the County Sanitarian.

8. All sewage disposal systems installed in Poweshiek County shall comply with the rules as set forth in Chapter 69, of the Iowa Administrative Code #567, "On-site Wastewater Treatment and Disposal Systems".

9. Every septic tank shall have a minimum capacity as determined and required by State Health Department Rules, but a septic tank serving more than a five bedroom house or its equivalent shall have a capacity and design as approved by the Poweshiek County Sanitarian.

10. All inlet and outlet connections of a septic tank shall be firmly packed with oakum or hemp and shall be secured with mortar.

11. No coil tubing or flexible tile shall be used in any lateral tile field; agricultural clay tile, perforated plastic and bituminous fiber pipe, which are non-metallic, can be used.

12. An effluent filter will be installed in outlet side of septic tank.

13. Any contractor who installs a septic system must be certified by said County.

CHAPTER III NUISANCE

1. Any person alleging a nuisance to exist in Poweshiek County shall make a complaint, sworn to before a Notary Public, of the alleged nuisance and deliver same to the County Sanitarian.

2. The County Sanitarian shall investigate an alleged nuisance within 3 days of receiving a complaint.

3. (a) If the County Sanitarian finds no nuisance to exist, notice of same shall be sent to the complaining party; the complaining party may appeal by following the procedure set out in Number 4 below.

(b) If the County Sanitarian finds a nuisance to exist, a written notice setting out an Order of Abatement shall be mailed to or served upon the "person(s) responsible" or if the "person(s) responsible" cannot be found then by posting the notice on the real estate involved ("person(s) responsible" shall include an individual(s) or Corporation(s) who is (are) owner, agent of owner, occupant, or one who is operating or maintaining the nuisance or may be any or all of these). The Order of Abatement shall set out a specific description of the property or real estate involved, the specific grounds for finding a nuisance and shall give the "person(s) responsible" a definite, reasonable time to abate or remove the nuisance which shall be no less than 24 hours no more than 15 days.

4. (a) The person(s) responsible may appeal prior to the time designated for the abatement or removal of the nuisance and the complaining party may appeal within eight days of the date of the County Sanitarian's notice to him.

(b) The hearings on said appeal shall be held within 15 days of the date the County Sanitarian received notice of appeal and shall be before a majority of the Board of Health.

(c) The party appealing shall have the burden of showing cause why the County Sanitarian's decision should not be upheld. Strict rules of evidence shall not apply at the hearing. The County Sanitarian and any witnesses the Sanitarian may present. The County Sanitarian may present evidence and witnesses and both the Sanitarian and the appealing party will be entitled to the final statement. The Board of Health shall make a specific decision. If a nuisance is found, it shall then issue an Order of Abatement.

(d) The decision of the Board shall be mailed to all parties or posted and shall be final except that any party to the matter may appeal to the District Court of Iowa in and for Poweshiek County within 30 days of the decision of the Board of Health.

5. In the event of a health emergency, where the Board of Health determines that the public health and safety requires summary action, the Board of Health may order the abatement of a nuisance immediately; a majority of the entire Board, whether present and voting or not, shall be required. In such cases the notice and hearing provisions of these rules shall not apply.

6. The Board of Health or County Sanitarian may order the occupants to remove from the property or real estate involved and fix some reasonable time for compliance herewith. If the order or removal is not complied with, the Board of Health or County Sanitarian may cause the occupants to be forcibly removed and close the premises; said place shall not be occupied as a dwelling or place of

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business or otherwise without the written permission of the Board of Health or County Sanitarian.

7. The Board of Health, the County Sanitarian or their authorized representatives may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth or cause of sickness. If they are refused entry to any place, however, request may be made under oath to any Magistrate's Court or District Court sitting in Poweshiek County for the issuance of a search warrant for the purpose of entering into such place and examining any possible nuisance.

8. All expenses incurred by the Board of Health and the County Sanitarian in proceeding to abate or otherwise act upon a nuisance may be recovered by suit in the name of the Board of Health, or the Board of Health may certify the amount of said expense, together with a legal description of the property, to the County Auditor who shall enter the same upon the tax books against the real estate, and/or against the person causing or maintaining the nuisance, as costs for removing a nuisance and said amount shall be collected as other taxes.

CHAPTER IV PRIVATE WATER SYSTEM

1. It shall be unlawful to construct any well, cistern, surface water source or any other water source for a private water system until a permit has been obtained; nor may the said system be thereafter used until an analysis by a State Board of Health certified laboratory has confirmed the purity of the water and said results have been submitted to the County Sanitarian.

2. The above Paragraph 1 is applicable to both individuals and corporations and includes, but is not limited to, owners, leasees, contractors, engineers and builders of the proposed private water system and their agents.

3. The rules and procedures set out in Chapter II, 3 (a), (c), (d), 4, 5, 6 and 7 (a), (b) of these rules are by this reference incorporated into this chapter and shall be followed as though set out here.

4. Abandonment of Wells - any well found to be contaminated beyond reclamation or are in such poor condition that continued use is unsafe or impractical shall be plugged in accordance with the rules set forth in Chapter 39 and Chapter 49, of the Iowa Administrative Code #567 and procedures outlined by the Poweshiek County Board of Health.