

POWESHIEK COUNTY ORDINANCE # 23

AEROBIC TREATMENT UNIT REQUIREMENTS (MECHANICAL SEPTIC SYSTEMS)

_____.**01 PURPOSE.** The purpose of this Ordinance is to comply with the requirements of the Code of Iowa and the Iowa Administrative Rules pertaining to aerobic treatment units (ATU). Poweshiek County recognizes the importance of maintaining clean water sources, which promote healthy and safe communities.

_____.**02 INSTALLATION AND MAINTENANCE OF AEROBIC TREATMENT UNITS.** Prior to the installation of an ATU, the property owner must enter into a maintenance contract for the property monitoring and servicing of the treatment system. The contract must be with a certified technician and is required for the life of the system. ATUs shall be inspected twice a year at six (6) month intervals by the certified technician and in accordance with the requirements of the State of Iowa.

_____.**03 EFFLUENT SAMPLING OF AEROBIC TREATMENT UNITS.** Any ATU with an open discharge shall be sampled in accordance with the requirements of the State of Iowa. Effluent samples shall be sent to the Poweshiek County Sanitarian's Office within 30 days of signing the initial maintenance contract on any system previously out of compliance. Results shall be reported within 30 days on all tests taken thereafter. Any test over 25 mg/L will require corrective action to bring the system within the regulations.

_____.**04 ENFORCEMENT.** Any property owner found to not be in compliance with this Ordinance may be assessed a penalty of \$100 per month beginning fifteen (15) days after notification of the non-compliance pursuant to the procedure set forth below, and continuing until the non-compliance has been remedied.

_____.**05 PROCEDURE FOR ENFORCEMENT.** Upon determination that there is a lapse in a maintenance contract, or that a property owner is otherwise in non-compliance under this Ordinance, the Poweshiek County Sanitarian shall send a letter advising of the non-compliance via certified mail return receipt requested to the last known address of the property owner. The letter shall notify the property owner of the location of the non-compliance and advise the property owner that he/she must provide proof of an existing maintenance contract or proof of establishment of a maintenance contract within fifteen (15) days of receipt of the letter. The letter must also notify the property owner that if he/she fails to comply with the requirements, Poweshiek County will assess a penalty of \$100 per month against the property beginning fifteen (15) days after receipt of the letter. The monthly penalty will continue to be assessed until the property owner provides proof of an existing maintenance contract or proof of establishment of a maintenance contract. If the property owner fails to pay the penalty, the penalty will be assessed as a lien on the property.

If the property owner fails to sign for the certified letter, the Poweshiek County Sanitarian may attempt personal service to the property owner through the Poweshiek County Sheriff or other civil process server. The additional costs associated with personal service to the property owner will be assessed to

the property owner. If the property owner fails to pay the costs, they may be assessed as a lien on the property.

_____.**06 REPEALER.** Any Ordinance or parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

_____.**07 SEVERABILITY.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Passed and approved this 5th day of May 2014.

Poweshiek County Board of Supervisors




Trevor White, Chairman



Lamoyne Gaard, Vice-Chairman



Larry Wilson, Member



Attest: Diana Dawley, County Auditor