

## CHAPTER 65

### INSPECTION OF ON-SITE WASTEWATER TREATMENT SYSTEM

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**65.01 PURPOSE.** The purpose of this chapter and its regulations is to protect the public health, safety, and welfare by following the provisions outlined in Iowa Administrative Code 567-69 at the time an on-site wastewater and disposal system is inspected in the County.

**65.02 DEFINITIONS.** For purposes of this chapter, the following terms are defined.

1. “On-site wastewater treatment and disposal system” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis which does not discharge into the waters of the State. Included within the scope of this definition are house drains, house sewers, septic tanks, leaching or seepage pits, privy vaults, subsurface filters, or any other device that will properly conduct, collect, store, treat, or dispose of sewage or human waste.
2. “Health Department” means the personnel and property under the jurisdiction of the Board of Health.
3. “Health Administrator” means the Chairperson of the Board of Health or their authorized representative.
4. “Septic tank” means a watertight tank constructed of concrete or other approved non-corrodible material used for the purpose of receiving sewage and provides for the separation of suspended solids in such sewage and for the partial treatment by anaerobic bacteria on the solids so separated.
5. “Subsurface absorption system” or “Leach field” means an open-jointed or perforated system of pipes into which the primary treated effluent from the distribution box is discharged for direct absorption into the soil, referred to as part of the open portion of the treatment system.

**65.03 GENERAL REQUIREMENTS.**

1. All private sewage disposal systems hereafter inspected shall be operated and maintained in such a manner that no public health hazard is continued or created. Public health hazards include, but are not limited to; failure of the system to drain sewage from a building, disposal of sewage to the surface of the ground, or seepage of sewage into any surface or subsurface drainage or groundwater system before receiving adequate secondary treatment.
2. When a private sewage disposal system is inspected by the Health Administrator, the inspection shall include the following:
  - A. Unearthing, emptying, and inspection of the septic tank and at the discretion of the Health Administrator, may include unearthing and inspection of the distribution box. The tank shall be unearthed and cleaned no more than 24 hours prior to the scheduled inspection.
  - B. Introduction of water from a pressurized source into the outlet baffle of the septic tank for a period of time which the Health Administrator deems necessary to reasonably assess the capability of the leach field to accept effluent.
  - C. If upon inspection the system is found to be in violation, the system must be brought into compliance with standards set forth in Iowa Administrative Code 567-69.
3. An inspection fee with the amount to be determined annually by the Board of Health, shall be paid by the party requesting the inspection at the time the inspection request is made.
4. All fees are payable to the Health Department and are non-refundable.

5. An inspection report will be submitted to the party requesting the inspection by the Health Administrator within 14 days following the inspection. The inspection report is based on the information collected by the Health Administrator at the time of inspection and does not constitute any warranty, actual or implied, of the general working condition of the inspected system.
6. Any violation noted and abatement order given in the inspection report will be brought into compliance following the written requirements of compliance outlined in the final inspection report within a reasonable length of time.

**65.04 RIGHT OF ENTRY.** The Health Administrator shall have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises in the discharge of official duties and make any inspection, re-inspection, or test that is reasonably necessary to protect public health, safety, and welfare. Where the building or premises is unoccupied, the consent of the owner shall be obtained.

**65.05 REFUSAL OF ADMITTANCE.** In the event the Health Administrator, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this chapter, is refused entry, a complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the Health Administrator to enter such place for the purpose of making such inspection.

**65.06 APPEAL.** Any person aggrieved by any abatement order or notice of violation made by the Health Administrator, shall have the right to appeal to the Board of Health within 10 days of the date of such order. The notice of appeal shall be in writing and state the grounds for the appeal and the relief requested. When such notice of appeal is filed, the Board of Health shall set a time and place for a hearing, and notify the party that has filed the appeal of the time and place for hearing by certified mail. The date of the hearing shall not be more than 30 days after the date the notice of appeal was filed. The Board of Health, by majority vote, shall modify, withdraw, or order compliance with the abatement order. The aggrieved party may appeal any order of the Board of Health to the district court of the County, within 20 days of the date of such order.

**65.07 JURISDICTION.** The provisions of this chapter shall apply throughout the County, including cities and towns therein.

**65.08 SEPARATE OFFENSES.** The owners of any property or other persons who commit, participate in, assist in, or maintains a violation, each may be charged with a separate offense and upon conviction suffer the penalties herein provided.

**65.09 PENALTY.** Anyone violating this chapter shall be subject to the provisions of Chapter 3.