

TITLE V PUBLIC ORDER, SAFETY, AND HEALTH

CHAPTER 3 STANDARDS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS

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5-3-1 PURPOSE. The purpose of this ordinance is to protect the health of the public from hazards resulting from inadequate treatment of human waste and sewage.

5-3-2 DEFINITIONS. For use within this regulation, the following terms are defined:

1. "Board of Health" means the Sac County Board of Health.
2. "Board of Supervisors" means the Sac County Board of Supervisors
3. "Drop Box" means a watertight device for distribution of wastewater which requires each trench to stand full before allowing wastewater to flow to successive trenches.
4. "Effluent" means the liquid that flows out of a sewage treatment device (septic tank, aerobic tank, or sand filter).
5. "Health Department" means the personnel and property under the jurisdiction of the Sac County Board of Health.
6. "Health Officer" or "Sanitarian" or "Sanitation Officer" shall mean the person appointed as such by the Board of Health and the Board of Supervisors.
7. "Holding Tank" means a buried watertight tank used to hold sewage until it is remove for transport to an approved sewage treatment facility.
8. "Installer" means a person, firm, or corporation who constructs, alters, or repairs an on-site wastewater treatment and disposal system, whether on their own behalf or as agent for another.

9. "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 sixteen 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.

10. "Septage" means the contents of a septic tank, private aerobic sewage treatment tank, or holding tank.

11. "Septage hauling" means the business of pumping, transporting, and disposing of septage.

5-3-3 GENERAL REQUIREMENTS.

1. The provisions of Iowa Administrative Code 567-69, On-Site Wastewater Treatment and Disposal Systems, or revisions thereof, are adopted by reference and made a part of this ordinance.

**NOTE: Chapter 567-69 of the Iowa Administrative Code can be found in the addendums section of this document.

2. All private sewage disposal systems hereafter installed shall be operated and maintained so that no public health hazard is created. Public health hazards include, but are not limited to, failure of the system to drain sewage from a building, and seepage of sewage to the surface of the ground or onto any surface or subsurface drainage or groundwater system before receiving adequate secondary treatment.

3. No private sewage disposal system hereafter installed shall serve more than one dwelling unit or more than one structure.

4. All private sewage disposal systems, in existence before the effective date of this ordinance, shall be made to comply with the requirements of this ordinance when any of the following occur:

a. The Board of Health determines that health hazard exists;

b. A dwelling which has been unoccupied for twelve (12) consecutive months is re-occupied;

c. A mobile home, new or reconstructed dwelling, or other structure, is connected to or is to be served by an existing private sewage disposal system.

5-3-4 PERMIT REQUIREMENT. No person shall construct, alter, extend or repair a private sewage disposal system in Sac County until a written permit has been obtained from the Health officer.

1. Permits shall be displayed during system construction to be plainly visible from the public

road.

2. Permits shall expire one (1) year from the date of issuance. If the permitted work is not completed before the permit expires, the permit must be renewed before beginning or continuing the work.

5-3-5 PERMIT PROCEDURE.

1. Applications for permits shall be made to the Health Officer, on forms provided. Applicants shall include all relevant information requested on the form, and shall be accompanied by the current application fee. Applications shall include a report of a percolation test conducted on the site by a licensed installer, engineer, or other such firm or individual authorized to perform such a test in Iowa, and a proposed system design plan in sufficient detail to enable review for compliance.

2. The Health Officer, after a site evaluation, shall, within 30 days of receipt of the application, deny or approve the permit in writing based on conformance with this ordinance and reasonable consideration for the public health. A denial shall state the grounds for denial and inform the applicant of the rights of appeal and the variance procedures.

3. No permit, which requires as a precondition the granting of an easement or a variance, shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

5-3-6 EMERGENCY WORK. In the event of an emergency situation, work may be initiated without first obtaining a permit. However, an application for permit must be submitted at the first. All emergency work must be done in conformity with the provisions of this ordinance and shall be inspected by the Health Officer for full compliance.

5-3-7 FINAL INSPECTION REQUIREMENT.

1. Notice of readiness for final inspection of all private sewage disposal system installations by the Health Officer must be given by the installer at least seven (7) working hours in advance (for instance, by 9:00 a.m. for a 4:00 p.m. inspection on the same day). No part of an installation may be covered or constructed so as to deny final inspection.

2. Installers of mounds, sand filters, and other non-conventional systems must comply with any additional inspection requirements specified on the permit by the Health Officer.

5-3-8 FEES.

1. Fees, for private sewage disposal system permit applications, renewals of private sewage disposal system permits, site evaluations performed by the Health Officer, installers' licenses and septage hauling licenses, shall be set by rule of the Board of Health.

(Code of Iowa, Sec. 137.7)

2. When application amendments require evaluation of additional sites, a separate evaluation fee shall be required for each site.

3. All fees are payable to the Sac County Health Department.

5-3-9 SITE CRITERIA. All subsurface absorption systems shall be installed on sites which meet the following minimum standards unless compensatory design modifications are approved by the Health Officer:

1. Maximum slope is fifteen percent (15%).
2. The site must not be the center of a surface drainage area, nor subject to regular flooding.
3. Soil below the level of the proposed distribution pipe shall be undisturbed, unfilled soil.
4. No part of the soil profile, which contains more than fifty percent (50%) stone or rock by volume, shall be considered soil for the purposes of this section.

5-3-10 ADDITIONAL SUBSURFACE ABSORPTION SYSTEM. The following provisions are deemed appropriate to site and soil conditions in Sac County:

1. The bottom of each absorption trench shall be excavated level end-to-end.
2. Drop boxes may be used instead of distribution boxes to distribute septic tank effluent to trenches on sloping sites, with the approval of the Health Officer. Drop box design and installation shall conform to guidelines published by authorities in on-site sewage treatment, such as On-Site Domestic Sewage Disposal Handbook, First Edition, Midwest Plan Service, Ames, Iowa, or revision thereof. In no case may the top of an absorption trench pipe be installed at a lower elevation than the bottom of the drop box relief pipe.
3. A pre-cast concrete riser shall be used on all new septic tank installations or septic tank modifications allowing for final placement of the septic tank lid to be a maximum of six (6) inches below final grade.

5-3-11 INSTALLER LICENSE REQUIRED.

1. It is unlawful for any person, firm or corporation to install an on-site wastewater treatment and disposal system without current license issued by the Health Officer. Percolation testing shall be conducted only by a licensed person, and a licensed person shall be on-site at all times during system installation.

2. Licenses shall be issued according to the following provisions:

a. Applicants shall apply to the Health Officer on forms supplied, and shall pay the required annual fee as determined by the Board of Health. If a firm or corporation licenses several persons, the fee shall be the same as if only one person were licensed.

b. Applicants shall demonstrate an understanding of applicable codes and techniques for percolation testing, system design, and installation, and may be required to attend training sessions at the discretion of the Health Officer.

c. Each application for license shall be accompanied by a certificate of insurance indicating that the applicant has public liability insurance in effect for the duration of the license period for the following minimum amounts:

1. Bodily Injury: \$15,000 per person, \$30,000 per incident
2. Property Damage: \$15,000 per incident

d. Licenses shall be valid for a period of one year.

e. Licenses may be revoked or suspended by the Board of Health upon conviction of one or more violations of this ordinance. Revocation or suspension of the license of any member, partner, officer or employee of a firm or corporation shall automatically extend to all members, partners, officers or employees of the firm or corporation.

5-3-12 RESERVED.

5-3-13 DISPOSAL OF SEPTAGE. In addition to the rules of Iowa Administrative Code 567-69.14, the following provisions shall apply:

1. It is unlawful for any person, firm, or corporation to engage in septage hauling without a current license issued by the State of Iowa in accordance with the rules of Iowa Administrative Code 567-68.

2. Licenses for septage hauling shall be issued according to the following provisions:

a. Applicants shall apply to the Health Officer on forms supplied, shall provide the information requested, and shall pay the required fee.

b. Upon receipt of the completed application and fee, the Health Officer shall issue a license.

c. Licenses for septage hauling shall be valid for a period of one year.

3. All septage and all human wastes pumped from septic tanks, holding tanks, pit toilets, and portable toilets must be handled in a sanitary manner and disposed of in a manner approved by the Health Officer.

4. Owners of private sewage disposal systems, who have their tanks pumped by septage haulers not currently licensed, shall be in violation of this ordinance.

5-3-14 VARIANCES. Variances to these rules may be granted by the Board of Health upon written request. A variance may be justified where substantially equal protection of health shall be afforded by alternate means, or where the degree of variance from the rule is so small that no significant risk is incurred and the rule involved places a substantial and unreasonable burden on the applicant.

5-3-15 RIGHT OF ENTRY. The Health Officer 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 to make any inspection, re-inspection, or test that is reasonably necessary to protect the public health, safety, and welfare. Where the building or premises is unoccupied, the consent of the owner shall be obtained.

5-3-16 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be 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 Officer to enter such place for the purpose of making such inspection, pursuant to an administrative warrant.

5-3-17 NOTICE. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been violation of any provision of this ordinance, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons why it is being issued, citing the provisions of the ordinance involved.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or the owner's agent or the occupant, as the case may require; provided that such notice shall be deemed properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon the owner or agent personally; or if a copy thereof is sent by certified mail to the last known address; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if the owner or agent is served with such notice by any other method authorized or required under the laws of the State of Iowa.
5. State that unless a condition described is corrected within the time specified therein, any permit issued under this ordinance may be suspended, revoked, or court action initiated.

5-3-18 APPEAL. Any person, aggrieved by any order made by the Health Officer, shall have the right to appeal to the Board of Health by filing a written notice of such appeal with the Board of Health within ten (10) days of the date of such order. If such a notice is filed, the Board of Health shall set a time and place for a hearing, and notify the party that has filed the appeal. The date of the hearing shall not be more than fifteen (15) days after the date the notice of appeal was filed. The notice of the hearing shall be sent by certified mail. The Board of Health by majority vote shall

modify, withdraw, or order compliance with said order. The aggrieved party may appeal any order of the Board of Health to the District Court of Sac County, Iowa, within twenty (20) days of the date of such order.

5-3-19 JURISDICTION. The provisions of this ordinance shall apply throughout Sac County, Iowa, including cities and towns therein.

5-3-20 SEPARATE OFFENSES. The owners or tenant of any property and any installer or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties therein provided.

5-3-21 PENALTY. Anyone violating this chapter shall be subject to the provisions of Section 1-1-2 of the Sac County Code of Ordinances.

5-3-22 REPEALER. All ordinances and regulations in conflict with the provisions of this ordinance are hereby repealed. These include Sac County Ordinances #1 and 1A.

5-3-23 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.