

**TITLE V, ORDINANCE #9 - HEALTH REGULATIONS**

**ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**

I.	Definitions	VI.	Water Line
II.	General Requirements	VII.	Variances
III.	Permit Requirements	VIII.	Appeal
IV.	Inspection	IX.	Special Penalty
V.	Wells	X.	Separability of Provisions
		XI.	Supplemental Power

**Section I - Definitions**

For use in this chapter the following terms are defined:

1. **County Sanitarian** means the person appointed by the Butler County Board of Health to supervise on-site wastewater treatment and disposal systems.
2. **Department** means the Iowa Department of Natural Resources (IDNR).
3. **Nuisance** means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This shall include all definitions in Section **657.2** of the Code of Iowa.
4. **Public Sewer** means a wastewater treatment and disposal facility owned and operated by a corporate public entity such as a city or sanitary sewer district.
5. **On-site Wastewater Treatment and Disposal System** means all equipment and devices necessary for the proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving fifteen (15) persons or less.
6. All terms defined in the current issue of the Iowa Administrative Code 567 Chapter 69, shall be defined the same for these regulations.

**Section II - General Requirements**

1. Discharge Restrictions. It is prohibited for any household drainage and/or sewage, and any commercial or industrial liquid waste or wastewater to discharge to any ditch, stream, lake, pond, natural or artificial waterway, country drain tile, surface water drain tile, or to the surface of the ground. Such material shall be disposed of in such a sanitary manner as is prescribed by these regulations.
2. State Code Adopted. All on-site wastewater treatment and disposal systems located in the County, including the corporate boundaries of incorporated cities and towns, shall be constructed and equipped in accordance with the specifications and requirements set forth by the Department in the most current edition of the Iowa Administrative Code 567,

Chapter 69, and to such additional requirements as are prescribed by the regulations of the Board of Health.

3. **Permit Required.** No person shall begin construction or repair of any on-site wastewater treatment and disposal system for any purpose in the County without first having obtained a permit as set out in this chapter. The permit for installation of the on-site wastewater treatment and disposal system shall be obtained prior to the construction of or addition to any dwelling or building to be served by this system.
4. **Alteration Requires Compliance.** No person shall begin construction, reconstruction, alteration, or repair of any on-site wastewater treatment and disposal system until the owner has complied with all of the applicable regulations of the Board of Health and the Iowa state Department of Natural Resources.
5. **Connection to Public Sewer.** No on-site wastewater treatment and disposal system shall be installed when a public sewer is reasonably accessible, as determined by the Board of Health. In the event that any existing on-site wastewater treatment and disposal system should fail, or otherwise be found to cause a nuisance, a connection shall be made to a public sewer within thirty (30) days, when a public sewer is reasonably accessible.
6. **Update of Failed System.** In the event an on-site wastewater treatment and disposal system should fail, or otherwise be found to cause a nuisance, and a public sanitary sewer is not available or is not being utilized, said system shall be made to conform to these regulations. If subject system is not made to conform to the aforementioned regulations, habitation of the contributing structure shall be discontinued.
7. **No more than one dwelling will be allowed on any individual on-site wastewater treatment and disposal system without the approval of the Board of Health.** All additional buildings, shops, etc may be added if system size, soil and site analysis will support it.
8. **When a new dwelling is built in place of an older dwelling, a new on-site wastewater treatment and disposal system will be required unless the existing system meets the current requirements of the ordinance.**
9. **Gravelless systems as described in Iowa Administrative code 567 Chapter 69, will be allowed if the percolation tests results indicate a rate of 30 min/inch or faster.** Any soil requiring more than 30 minutes for a 1 inch drop of water will not be suitable for a gravelless system.

### **Section III - Permit Requirements**

1. **Permit Application.** Any person desiring a permit must file with the county Sanitarian an application stating the owner's name, current mailing address, phone number, and other information as required by the Board of Health on the most current application form available at the office of the County Sanitarian.

2. Percolation Test Required. Application for a permit to construct, reconstruct, alter, or repair a private sewage disposal system in the County shall also include the results of a soil percolation test on a form approved by the County Sanitarian. The percolation test must be performed in accordance with the procedure set out in the Iowa Administrative Code 567 Chapter 69 and by the Board of Health. A professional soil analysis as defined in Chapter 69 may be provided in lieu of the percolation tests.
3. Sketch Required. The application must also include a sketch of the property with approximate dimensions showing the dwelling served, the location of any wells on the property, the location of any wells on neighboring property which might be affected by the system, as well as a sketch of the proposed system to be installed. Any deviation from the plans or specifications appearing on the application must be approved by the Board of Health.
4. Fee Requirement. Upon approval of the application by the County Sanitarian, the permit will be issued upon payment of the required applicable fees made payable to the County Treasurer's office.
5. Fees. Fees will be set and revised after approval by the Board of Health and by Resolution by the Board of Supervisors.
6. Valid Period. Permits shall have validity for a maximum of twelve (12) months from the time of issuance, during which time the on-site wastewater treatment and disposal system shall be completed.

#### **Section IV - Inspection**

1. Notification. The County Sanitarian shall be notified by telephone, or in person, not less than twenty-four (24) hours, between the hours of 8:00 am and 4:30 pm, Monday through Friday, before work commences.
2. Inspection. No part of any private sewage disposal system shall be used, covered or constructed so as to deny inspection by the County Sanitarian. An on-site wastewater treatment and disposal system is considered ready for inspection when the house sewer, septic tank, distribution box, and lateral pipe are in place but not covered.
3. Drawing Required. When the on-site wastewater treatment and disposal system has been completed, a drawing must be submitted to the satisfaction of the County Sanitarian showing the exact layout of the septic tank, all distribution boxes, the secondary treatment system, and location of the structure to be served by the system. This drawing must have dimensions from two (2) fixed corners of the dwelling or structure to the center of the septic tank(s) and center of the distribution box(es). The location of all wells must also be shown.

#### **Section V - Wells**

If an on-site wastewater treatment and disposal system is to be constructed, reconstructed, altered, or repaired and a well is located less than the minimum distance as set out in the

Iowa Administrative Code 567 Chapter 69.3 (2), then the well must be abandoned and properly plugged. The well must be plugged according to rules established in the Iowa Administrative Code 567, Chapter 39, "Requirements for Properly Plugging Abandoned Wells.", unless a variance is granted by the Board of Health.

**Section VI - Water Line**

No house service water line shall be installed so as to interfere with and/or prohibit the installation of an on-site wastewater treatment and disposal system.

**Section VII - Variances**

Variances to these regulations may be granted by the Board of Health provided sufficient and proposed alternative information is afforded to substantiate the need and propriety for such action. Variances shall be requested in writing and addressed to the Board of Health. All decisions regarding this topic shall be issued in writing to the requester.

**Section VIII - Appeal**

Any person who feels aggrieved by any notice or order made by the County Sanitarian or the Board of Health shall have the right to appeal to the Board of Health at the next regular meeting. The Board of Health by majority vote may modify, withdraw, or order compliance with said notice or order.

**Section IX - Special Penalty**

Any person, firm, partnership or corporation, who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$100.00 per offense or by imprisonment of not more than 30 days. In addition thereto, such persons may be enjoined from continuing such violations. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the Board of Health shall constitute a separate offense.

**Section X - Separability of Provisions.**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section XI - Supplemental Power**

No section, clause or provision of this Ordinance shall limit the power of the Health Officer or Board of Health to obtain injunctive or other relief or to enforce Public Health Laws or Ordinances or standards in any other lawful manner.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Mitch Nordmeyer  
Chairman  
Butler County Board of Health

Attest: \_\_\_\_\_  
Jennifer Becker  
Director  
Butler County Public Health