

ORDINANCE 137

FLOYD COUNTY BOARD OF HEALTH

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GENERAL PROVISIONS

137.1 COUNTY BOARD. THE COUNTY BOARD OF HEALTH SHALL CONSIST OF FIVE MEMBERS, AT LEAST ONE OF WHOM SHALL BE LICENSED IN IOWA AS A DOCTOR OF MEDICINE AND SURGERY OR AS AN OSTEOPATHIC PHYSICIAN AND SURGEON AS DEFINED BY LAW.

137.2 APPOINTMENT-VACANCIES. ALL MEMBERS OF THE COUNTY BOARD SHALL BE APPOINTED BY THE COUNTY BOARD OF SUPERVISORS AND SHALL SERVE FOR A PERIOD OF THREE YEARS. VACANCIES DUE TO DEATH, RESIGNATION, OR OTHER CAUSE SHALL BE FILLED AS SOON AS POSSIBLE AFTER THE VACANCY EXISTS BY APPOINTMENT OF THE BOARD OF SUPERVISORS FOR THE UNEXPIRED TERM OF THE ORIGINAL APPOINTMENT.

137.3 COUNTY HEALTH OFFICER. THE COUNTY BOARD OF HEALTH SHALL, SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS, APPOINT A COUNTY HEALTH OFFICER WHO SHALL ENFORCE STATE AND LOCAL REGULATIONS NECESSARY FOR THE PROTECTION AND IMPROVEMENTS OF THE PUBLIC HEALTH; AND SHALL CARRY OUT THE LAWFUL ORDERS OF THE COUNTY BOARD OF HEALTH.

MISCELLANEOUS PROVISIONS

137.4 RIGHT OF ENTRY THE COUNTY HEALTH OFFICER, HIS AUTHORIZED DESIGNEE, OR THE COUNTY BOARD OF HEALTH MAY ENTER AND INSPECT PROPERTIES AT ANY REASONABLE TIME FOR OFFICIAL INVESTIGATION AND TO ENFORCE THE PROVISIONS OF THIS CHAPTER. ANYONE WHO WILLFULLY RESISTS OR INTERFERES WITH THE COUNTY HEALTH OFFICER, OR AUTHORIZED AGENTS, IN CARRYING OUT OF ANY DUTY SHALL BE GUILTY OF A SIMPLE MISDEMEANOR.

137.5 UNSANITARY CONDITIONS. NO PERSON SHALL HAVE ANY BUILDING OR PREMISES WITH RODENT OR INSECT INFESTATION OR OTHER UNSANITARY CONDITIONS WHICH ARE FOUND BY THE COUNTY BOARD OF HEALTH TO CONSTITUTE A HEALTH HAZARD. THE COUNTY BOARD OF HEALTH SHALL CONDUCT AN INVESTIGATION AND RENDER A FINDING THAT A HEALTH HAZARD DOES INDEED EXIST BEFORE ANY ACTION OR PROCEEDING MAY BE UNDERTAKEN BY THE BOARD. ANYONE WHO KNOWINGLY ALLOWS A HEALTH HAZARD TO EXIST AFTER NOTIFICATION BY THE COUNTY BOARD OF HEALTH THAT THE HEALTH HAZARD SHOULD BE CORRECTED, SHALL BE GUILTY OF A SIMPLE MISDEMEANOR.

137.6 POINT SOURCE OF POLLUTION. ANY POINT SOURCE OF POLLUTANTS INTO SURFACE OR SUBSURFACE WATERS WHICH MAY CONSTITUTE A HEALTH HAZARD IS HEREBY PROHIBITED. HEALTH HAZARDS CAUSED BY POINT SOURCES WHICH THE COUNTY BOARD OF HEALTH FINDS TO BE SERIOUS MAY BE ABATED IN THE MANNER PROVIDED ELSEWHERE IN THIS CODE FOR THE ABATEMENT OF NUISANCES. POINT SOURCE SHALL INCLUDE, BUT NOT BE LIMITED TO SINKHOLES, DRAINAGE WELLS AND FIELD TILE OUTLETS.

PRIVATE SEWAGE SYSTEMS

137.7 PERMIT REQUIRED. NO PRIVATE SEWAGE DISPOSAL SYSTEM FOR CONDUCTION, COLLECTION, STORAGE, TREATMENT OR DISPOSAL OF SEWAGE FROM A DWELLING OR OTHER FACILITY SERVING THE EQUIVALENT OF 15 PERSONS OR LESS SHALL BE INSTALLED, ALTERED OR REPAIRED UNTIL AN APPLICATION FOR A PERMIT HAS BEEN FILED AND A PERMIT HAS BEEN ISSUED BY THE COUNTY HEALTH OFFICER. PUBLIC SEWER SYSTEMS, AND PRIVATE SEWAGE SYSTEMS OVER 15 PERSONS EQUIVALENT ARE SUBJECT TO STATE PERMIT AND REGULATION PROVISIONS.

ANY PERSON, FIRM OR CORPORATION DESIRING TO CONSTRUCT, ALTER OR REPAIR A PRIVATE SEWAGE SYSTEM SHALL FILE AN APPLICATION WITH THE COUNTY HEALTH OFFICER, ON FORMS PROVIDED BY THE COUNTY BOARD OF HEALTH STATING NAME AND BUSINESS ADDRESS OF THE PERSON, FIRM OR CORPORATION THAT IS TO DO THE WORK, THE NAME OF THE PROPERTY OWNER, THE NAME OF THE OCCUPANT, A DESCRIPTION OF THE WORK TO BE PERFORMED, AND A DESCRIPTION OF THE PROPERTY WHERE THE WORK IS TO BE DONE. IN ADDITION, IF THE PERMIT IS SOUGHT TO CONSTRUCT OR ALTER A PRIVATE SEWAGE SYSTEM, THE APPLICATION SHALL BE ACCOMPANIED BY PLANS AND SPECIFICATIONS SHOWING ACCURATELY THE SIZE, MATERIALS AND LOCATION OF ALL PROPOSED CONSTRUCTION OR ALTERATION OF SAID SEWAGE SYSTEM. A SOIL POROSITY (PERCOLATION) TEST AND A FEE AS SET BY THE BOARD OF SUPERVISORS MUST ACCOMPANY EACH APPLICATION. NO FEES CAN BE REFUNDED AS PER THIS ORDINANCE..

137.8 CONTRACTOR'S LICENSE REQUIRED. NO PERSON OR FIRM SHALL CONSTRUCT OR ALTER ANY PRIVATE SEWAGE SYSTEM FOR ANOTHER PERSON OR FIRM, WITHOUT FIRST HAVING OBTAINED A LICENSE FROM THE COUNTY HEALTH OFFICER. THE FEE FOR SUCH LICENSE SHALL BE SET BY THE BOARD OF SUPERVISORS AND THE LICENSE WILL BE RENEWABLE BY JANUARY 1 EACH YEAR UNLESS REVOKED. EACH APPLICATION FOR LICENSE SHALL BE ACCOMPANIED BY A SEWAGE CONTRACTOR'S BOND IN THE PENAL SUM DETERMINED BY THE BOARD OF SUPERVISORS IN A FORM APPROVED BY THE COUNTY HEALTH OFFICER. EACH APPLICANT SHALL AGREE TO PROTECT AND INDEMNIFY AND SAVE HARMLESS FLOYD COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL LOSS, COSTS, DAMAGE AND EXPENSES OCCASIONED BY, OR ARISING OUT OF, ANY ACCIDENT OR OTHER OCCURRENCE CAUSING OR INFLECTING INJURY AND/OR DAMAGE TO ANY PERSON OR PROPERTY IN CONNECTION WITH CONSTRUCTION, ALTERING OR REPAIRING ANY PRIVATE SEWAGE SYSTEM. ANY LICENSE ISSUED MAY BE REVOKED BY THE COUNTY BOARD OF HEALTH IF THE LICENSE HOLDER IS FOUND TO BE IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR THE SANITARY STANDARDS FOR PRIVATE WATER WELLS ADOPTED BY THE COUNTY BOARD OF HEALTH. AN APPLICATION FOR LICENSE MAY BE DENIED IF THE APPLICANT HAS PREVIOUSLY VIOLATED THE PROVISIONS OF THIS CHAPTER OR THE SANITARY STANDARDS THEREIN.

137.9 STANDARDS FOR SYSTEMS. THE BOARD OF HEALTH SHALL ADOPT CHAPTER 567-69 OF THE IOWA ADMINISTRATIVE CODE AS THE STANDARDS FOR SEWAGE SYSTEMS.

137.10 APPROVAL OF PERMITS. THE COUNTY HEALTH OFFICER SHALL, UPON RECEIVING THE APPLICATION FOR A PERMIT, AS SOON AS POSSIBLE, BUT NOT MORE THAN THIRTY (30) DAYS THEREAFTER, CONSIDER SAID APPLICATION, NEGOTIATE WITH THE APPLICANT ON CHANGES DEEMED ADVISABLE FOR THE KIND AND EXTENT OF CONSTRUCTION OR RECONSTRUCTION TO BE ENGAGED BY HIM, AND APPROVE THE APPLICATION AS ORIGINALLY SUBMITTED OR MODIFIED, OR MAY DENY THE APPLICATION. IN THE EVENT THAT THE APPLICATION IS DENIED BY THE COUNTY HEALTH OFFICER, SUCH DENIAL SHALL SPELL OUT IN WRITING WHY THE APPLICATION HAS BEEN DENIED, THE APPLICANT MAY THEN APPEAL TO THE BOARD OF HEALTH, AND THE BOARD OF HEALTH'S DECISION SHALL BE FINAL.

137.11 COMPLIANCE WITH PERMIT. ALL CONSTRUCTION OR ALTERATIONS OF SEWAGE SYSTEMS SHALL BE COMPLETED ACCORDING TO THE PLANS AND SPECIFICATIONS APPROVED AS PART OF THE PERMIT. IN THE EVENT THAT IN THE COURSE OF WORK, IT IS FOUND NECESSARY TO MAKE ANY CHANGE FROM THE APPROVED PLANS AND SPECIFICATIONS ON WHICH A PERMIT WAS ISSUED, PROPOSED REVISIONS SHALL BE SUBMITTED TO THE HEALTH OFFICER FOR APPROVAL. ALL REPAIRS OF SEWAGE SYSTEMS SHALL BE COMPLETED ACCORDING TO THE DESCRIPTION OF THE PROPOSED REPAIR APPROVED AS PART OF THE PERMIT. IN THE EVENT THAT IN THE COURSE OF THE WORK, IT IS FOUND NECESSARY TO MAKE ANY CHANGE FROM THE APPROVED REPAIR FOR WHICH THE PERMIT WAS ISSUED, PROPOSED REVISIONS SHALL BE SUBMITTED TO THE HEALTH OFFICER FOR APPROVAL.

137.12 EMERGENCY WORK. IN THE EVENT OF AN EMERGENCY SITUATION, WORK MAY BE INITIATED WITHOUT FIRST OBTAINING A PERMIT. HOWEVER, A PERMIT MUST BE OBTAINED WITHIN A REASONABLE TIME. ALL EMERGENCY WORK MUST BE DONE IN CONFORMITY WITH THE ADOPTED STANDARDS AND THE REQUIREMENTS OF THIS CHAPTER AND SHALL BE INSPECTED BY THE COUNTY HEALTH OFFICE FOR FULL COMPLIANCE.

137.13 DISCHARGE RESTRICTIONS. IT SHALL BE PROHIBITED TO DISCHARGE ANY LIQUID WASTES OR SEWAGE SYSTEMS TO ANY DITCH, STREAM, POND, LAKE OR SURFACE OF THE GROUND. THE COUNTY HEALTH OFFICER MAY ISSUE WRITTEN APPROVAL FOR THE DISCHARGE OF EFFLUENTS WHICH HAVE RECEIVED ACCEPTABLE SECONDARY TREATMENT. UNDER NO CIRCUMSTANCES SHALL EFFLUENT FROM PRIVATE SYSTEMS OR LIQUID WASTES BE DISCHARGED TO ANY ABANDONED WELL, DRAINAGE WELL, FIELD TILE LINE, OR SINKHOLE.

137.14 INSPECTION. NO CONSTRUCTION, ALTERATION, OR REPAIR OF ANY PRIVATE SEWAGE SYSTEM SHALL BE COVERED UNTIL IT HAS BEEN INSPECTED AND APPROVED BY THE COUNTY HEALTH OFFICER. THE PERMIT HOLDER SHALL NOTIFY THE HEALTH OFFICER WHEN THE SYSTEM IS READY TO BE INSPECTED AND THE HEALTH OFFICER SHALL CONDUCT HIS INSPECTION AS SOON THEREAFTER AS PRACTICABLE. IF THE INSPECTOR FINDS THE WORK TO BE IN CONFORMITY WITH THE PROVISIONS OF THIS CHAPTER, HE SHALL ISSUE THE PERMIT HOLDER A CERTIFICATE OF APPROVAL OR ENDORSE HIS APPROVAL ON THE PERMIT.

PRIVATE WATER WELLS

137.15 PERMIT REQUIRED. NO PRIVATE WATER WELL SHALL BE INSTALLED OR MAJOR REPAIRS MADE THERETO UNTIL AN APPLICATION FOR A PERMIT HAS BEEN FILED AND A PERMIT HAS BEEN ISSUED BY THE COUNTY HEALTH OFFICER. EACH APPLICATION SHALL BE ACCOMPANIED BY A FEE SET BY THE BOARD OF SUPERVISORS. NO FEES CAN BE REFUNDED.

137.16 CONTRACTOR'S LICENSE REQUIRED. NO PERSON OR FIRM SHALL CONSTRUCT OR REPAIR ANY PRIVATE WATER WELL FOR ANY OTHER PERSON, WITHOUT FIRST HAVING OBTAINED A CONTRACTOR'S LICENSE FROM THE COUNTY HEALTH OFFICER. THE FEE FOR SUCH LICENSE SHALL BE SET BY THE SUPERVISORS AND THE LICENSE WILL BE RENEWABLE BY JANUARY 1 OF EACH YEAR UNLESS REVOKED. EACH APPLICATION FOR LICENSE SHALL BE ACCOMPANIED BY A PRIVATE WATER WELL CONTRACTOR'S BOND IN THE AMOUNT SET BY THE BOARD OF SUPERVISORS IN A FORM APPROVED BY THE COUNTY HEALTH OFFICER. EACH APPLICANT SHALL AGREE TO PROTECT AND INDEMNIFY AND SAVE HARMLESS FLOYD COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY LOSS, COSTS, DAMAGE AND EXPENSES OCCASIONED BY, OR ARISING OUT OF, ANY ACCIDENT OR OTHER OCCURRENCE CAUSING OR INFLECTING INJURY AND/OR DAMAGE TO ANY PERSON OR PROPERTY IN CONNECTION WITH INSTALLING OR REPAIRING ANY PRIVATE WATER WELLS. ANY LICENSE ISSUED MAY BE REVOKED BY THE COUNTY BOARD OF HEALTH IF THE LICENSE HOLDER IS FOUND TO BE IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR THE SANITARY STANDARDS FOR PRIVATE WATER WELLS ADOPTED BY THE COUNTY BOARD OF HEALTH. AN APPLICATION FOR LICENSE MAY BE DENIED IF THE APPLICANT HAS PREVIOUSLY VIOLATED THE PROVISIONS OF THIS CHAPTER OR THE SANITARY STANDARDS THEREIN.

137.17 NONPUBLIC WATER WELL CONSTRUCTION RULES. CHAPTER 567-49 OF IOWA ADMINISTRATIVE CODE IN ITS ENTIRETY SHALL HENCEFORTH BE THE NONPUBLIC WATER WELL CONSTRUCTION RULES OF FLOYD COUNTY, IOWA.

137.18 PRIVATE WATER WELL CONSTRUCTION PERMIT RULES. CHAPTER 567-38 OF THE IOWA ADMINISTRATIVE CODE IN ITS ENTIRETY SHALL HENCEFORTH BE THE PRIVATE WATER WELL CONSTRUCTION PERMIT RULES OF FLOYD COUNTY, IOWA.

137.19 REQUIREMENTS FOR PLUGGING ABANDONED WELLS CHAPTER 567-39 OF THE IOWA ADMINISTRATIVE CODE IN ITS ENTIRETY SHALL HENCEFORTH BE THE RULES FOR PROPERLY PLUGGING ABANDONED WELLS IN FLOYD COUNTY.

SEVERABILITY CLAUSE

137.20 SEVERABILITY CLAUSE. IF ANY SECTION, PROVISIONS OR PART OF THIS CHAPTER SHALL BE ADJUDGED INVALID OR UNCONSTITUTIONAL, SUCH ADJUDICATION SHALL NOT AFFECT THE VALIDITY OF THE CHAPTER AS A WHOLE OR ANY SECTION, PROVISION OR PART THEREOF NOT ADJUDGED INVALID UNCONSTITUTIONAL.

VIOLATION-PENALTY

137.21 VIOLATION-PENALTY. UNLESS SPECIFIC PENALTY IS PROVIDED IN THIS CODE, ANYONE VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL, UPON CONVICTION, BE SUBJECT TO A FINE OF UP TO \$100.00 OR IMPRISONMENT NOT TO EXCEED THIRTY(30) DAYS. EACH DAY THAT A VIOLATION CONTINUES TO EXIST, AFTER DUE NOTICE OF VIOLATION BY THE COUNTY HEALTH OFFICER , SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 2. ORDINANCES AND RESOLUTIONS AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

