

CHAPTER 5
THE PRIVATE AND PUBLIC SEWAGE DISPOSAL SYSTEMS RULES
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. PURPOSE.

It is the purpose of this chapter to adopt rules and regulations for private and public sewage disposal systems in Jones County, Iowa; thereby promoting the public health of our residents and providing penalties for violation of the provisions hereof.

SECTION 2. DEFINITION.

The "Administrative Authority" is the Jones County Environmental Sanitarian or an agent designated by the Jones County Board of Health.

SECTION 3. STATE GUIDELINES.

- A. Chapter 69 of [567] of the Iowa Administrative Code (Private Sewage Disposal Systems), in its entirety, shall henceforth be a part of the Private and Public Sewage Disposal Systems Rules of Jones County, Iowa.
- B. Approved Contractors: As of March 1, 2018, it is unlawful for any person, firm or corporation to install a private sewage disposal system without the certification required by the Jones County Environmental Office.
- C. Required Certification: All private sewage disposal systems in Jones County shall be installed by a certified contractor approved by the Administrative Authority. Contractors seeking approval must submit the following documentation:
 - 1. Proof of certification by the National Environmental Health Association (NEHA) as a Certified Installer of Onsite Wastewater Systems (CIOWTS) at either Basic or Advanced Level, or
 - 2. Proof of certification in good standing with the Iowa On-Site Wastewater Association (IOWWA) as a Certified Installer of Private Sewage Disposal Systems, either Basic or Advanced Level.
- D. Soil testing: Soil testing procedures (i.e.: percolation tests) shall be conducted by approved contractors or by licensed professional engineers or by a person approved by the Administrative Authority to conduct a professional soil analysis. Contractors shall not conduct soil evaluations on property which they own.
- E. Insurance: Any contractor desiring to construct, reconstruct, alter or repair any private sewage disposal system within Jones County shall file with the Jones County Environmental Office a certificate of insurance indicating that the contractor is carrying liability insurance and that the contractor and his/her agents and/or employees are covered while carrying out actions governed by this ordinance; and Jones County Environmental shall be named as Certificate Holder. The policy shall also provide for at least ten (10) working days advance

notice by the insurer to the Jones County Environmental Office of termination of the policy by the insured, or the insurer. The contractor liability insurance limits shall be set by the Board of Health.

- F. Certifications 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 certificate 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.
- G. Permit Requirement: No work shall commence on any construction, reconstruction, or alteration of any private sewage disposal system until the permit application has been approved, and the permit has been issued by the Jones County Environmental Office. No permit for any private sewage disposal system shall be issued if the property is located within 200 feet of a public sewer. Properties required to connect to the public sewer shall connect in accordance to the public sewer's owner/operator's conditions and specifications. All work must commence in accordance with the provisions of the permit and SECTION 2, CHAPTER 5, THE PRIVATE AND PUBLIC SEWAGE DISPOSAL SYSTEMS RULES, of TITLE V - PUBLIC ORDER, SAFETY & HEALTH, of the Jones County Code of Ordinances or in accordance to the conditions and specifications of the owner/operator of the public sewer.
- H. Repair Notifications: Repair of existing septic components that does not change the treatment or disposal of the waste must be submitted to the Jones County Environmental Office within 14 days of completion. This information shall be submitted on the Repair Notification forms approved by the Jones County Environmental Office. Repairs that do NOT require a Septic Permit but require a Septic Notification include:
 - Baffle replacements
 - Changes or additions to the building sewer
 - A new distribution box

Any other type of work that affects or changes the treatment portion of the system requires a Septic Permit, such as replacing a septic tank, an absorption field trench, or any changes that effect the treatment process.

SECTION 4. FEES.

- A. The fee for a permit to construct, alter a private sewage disposal system shall be determined by the Board of Health and be made payable to the Jones County Treasurer at the time of application.
- B. No permit fees for a private sewage disposal system are refundable after percolation tests and site evaluations have been completed.

- C. A permit application, percolation test and permit fee for a private sewage disposal system must be submitted to the Jones County Environmental Office prior to issuance of a permit. The permit application for a private sewage disposal system will not be approved until the fee is paid, nor may any work commence toward construction of the system until the required fee is paid and the permit is issued.
- D. All fees for application, connection, and service for the public sewer are determined by the relevant owner/operator of the public sewer.
- E. The owner, lessee or tenant of a premises served by a public sewer that is organized by Jones County pursuant to Chapter 28E of the Iowa Code, shall be jointly and severally liable for sewer rates and charges to the premises. Pursuant to Chapter 28F.5 of the Iowa Code, sewer rates and charges unpaid and delinquent after 60 days shall constitute a lien upon the premises served and shall be certified by the Jones County Board of Supervisors to the Jones County Treasurer for collection in the same manner as property taxes. All costs incurred by Jones County in the collection of delinquent rates and charges shall be included in the total amount due and owing and shall be included in the amount of the lien. Furthermore, pursuant to Iowa Code section 331.553(4), the Jones County Treasurer shall charge an administrative fee that shall be added to the amount of the lien.

SECTION 5. PUBLIC SEWAGE DISPOSAL SYSTEM USER RATES.

- A. Sewer Rates and Other Charges for the Fairview Community Public Sewage Disposal System:
 - 1. The minimum charge shall be \$80.00 per household or business building per billing month as of the October, 2019 billing. A \$1.00 discount will be awarded for use of "Auto Pay."
 - 2. Service to establishments with more than the normal household use will have rates based upon multiples of household usage. The following specific rates are hereby established:
 - a. Convenience Store - \$240.00(3 equivalents) as of the October, 2019 billing.
 - b. Fairview Terrace Mobile Home Park (FTMHP): The monthly rate for the FTMHP \$1,523.90 per billing month as of the October, 2019 billing.
 - 3. There shall be an additional charge of \$10.00 per household or business per billing month for use of a grinder pump. Such funds to be set aside for repair and replacement of the pumps.
- B. Sewer Rates and Other Charges for the Center Junction Community Public Sewage Disposal System:
 - 1. Sewer rates in Center Junction shall be based upon water usage.

2. The first 3,000 gallons per month shall be charged \$48.00 per month beginning with the July, 2019 billing.
3. All gallons over 3,000 gallons per month shall be charged \$3.00 per 1,000 gallons of water.
4. The minimum charge shall be \$48.00 per household or business building per billing month.
5. Service to industrial establishments may be by contract, if the EIRUSS deems this to be in its best interest.
6. Users with premises that have a private water system shall pay a sewer bill in proportion to the water used and determined by EIRUSS either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in this section.

SECTION 6. REAL ESTATE TRANSFER INSPECTIONS - TIME OF TRANSFER INSPECTION.

Private sewage disposal systems in Jones County will require inspection for compliance with the regulations contained in Chapter 69 of [567] Iowa Administrative Code (Private Sewage Disposal Systems) beginning July 1, 2009, prior to any transfer of ownership. These inspections shall be conducted by a certified Time of Transfer Inspector. Prior to July 1, 2009 said inspection shall be conducted upon request from the buyer, seller, real estate agent and/or loan company involved in the real estate transfer.

SECTION 7. ENFORCEMENT PROCEDURES.

It shall be the duty and responsibility of the Board of Health to enforce the provisions of this regulation, however, this duty may be delegated to an authorized representative.

- A. REFUSAL OF ADMITTANCE. In the event the Administrative Authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath at the District Court in the County and said Court thereupon issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset, accompanied by the Administrative Authority, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.
- B. NOTICE. Whenever the Administrative Authority determines that there are reasonable grounds to believe there has been a violation of any provisions of this regulation, he/she shall give notice of such alleged violation to the person or persons responsible, as thereof provided. Such notice shall:
 1. Be in writing.
 2. Include a statement of the reasons why it is being used.
 3. Allow reasonable time for performance of any act it requires.
 4. Be served upon the owner or his/her agent of occupant, as the case may require. Such notice shall be deemed to be properly served upon him/her personally, or if a copy is sent by certified mail to his/her last known address, or if he/she is served with such notice by any other method authorized or required by the laws of the state.

Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this regulation. This provision is not meant to limit the Administrative Authority right of entry during his/her investigation.

- C. HEARINGS. In the event any person is aggrieved by any order made by the Administrative Authority, he/she may within twenty (20) days of the date of such order, appeal to the Board of Health and in writing state his/her reasons for requesting to be rescinded or modified. The Board of Health shall review the action of the Administrative Authority, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the Board of Supervisors. Appeal from the Board of Supervisors may be taken within twenty (20) days to the District Court of Jones County, Iowa.
- D. PENALTIES. Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.
- E. COURT ORDER. Whenever in the judgment of the Board of Health or the Administrative Authority any person that has engaged or is about to engage, in any acts or practices which constitutes or will constitute a violation of this ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation, or both.

SECTION 8. SEVERABILITY.

Should any section or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, that provision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 9. REGULATION EFFECTIVE UPON PUBLICATION.

This ordinance, and any amendments thereof, being deemed essential and imperative for the preservation of the public health, shall be in force and effect from and after its passage and publication as provided by law.

Passed and approved April 3, 1990
Published April 19, 1990

Replaced March 26, 1991
Published April 10, 11, and 18, 1991

Amended February 2, 1999
Published February 17, 18, and 19, 1999

Replaced March 5, 2002
Published March 20, 21, and 22, 2002

Amended November 4, 2003
Published November 14, 19, and 20, 2003

Amended December 2, 2003
Published December 12, 17, and 18, 2003

Amended February 13, 2007
Published February 23 and 28, and March 1, 2007

Replaced March 10, 2009
Published March 25, 26, and 27, 2009

Replaced January 31, 2012
Published February 10, 15 and 16, 2012

Amended October 22, 2013
Published November 1, 6, and 7, 2013

Amended November 10, 2016
[As Ordinance 2016-09]
Published November 23, 24, and 25, 2016

Amended February 20, 2018
[As Ordinance 2018-01]
Published March 7, and 8, 2018

Amended March 20, 2018
[As Ordinance 2018-02]
Published April 4, and 5, 2018

Amended June 26, 2018
[As Ordinance 2018-04]
Published July 11, and 12, 2018

Amended May 21, 2019
[As Ordinance 2019-03]
Published June 5, and 6, 2019

Amended September 10, 2019
[As Ordinance 2019-06]
Published September 25, and 26, 2019