

TITLE IV – HEALTH ORDINANCES (Chapters 30-37)

CHAPTER 31**ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**

31.01	Purpose.	31.07	Variances.
31.02	Definitions.	31.08	Compliance is Mandatory.
31.03	General Requirements.	31.09	Property Owner Appeal Process.
31.04	Permit Requirements.	31.10	Penalties
31.05	Inspection.	31.11	Severability Clause.
31.06	Registered Contractor.		

31.01 PURPOSE.

To protect the health of residents of Warren County, to prevent increased health risks due to on-site wastewater treatment systems and to implement on-site treatment standards in compliance with Iowa Administrative Code 567 Chapter 69 (2020).

31.02 DEFINITIONS.

For use in this chapter, certain terms or words used herein shall be interpreted or defined as follows:

1. “Alteration” means any change, addition, or physical modification in construction.
2. “Construction” means the action of making or forming by combining parts, i.e., the new act of building.
3. “Department” means the Iowa Department of Natural Resources.
4. “Repair” means the change or the fix or the renewal of any part of an existing system for the purpose of its maintenance. Repairs include but are not limited to replacements of distribution boxes, peat moss biofilters media, and free access sand filters media.
5. “Reconstruction” means the action of refurbishing, i.e., the act of constructing again; re-establishing; reassembling.
6. “Soil Scientist” means an individual whom practices investigating and evaluating the interactions between water, soil minerals, plants and other living organisms that are used to prepare soil scientists’ reports for: subsurface ground absorption systems, including infiltration galleries; land application of residuals such as sludge, septage, and other wastes; spray irrigation of wastewater; soil remediation at conventional rates; land application of agricultural products; processing residues, bioremediation, and volatilization; soil erodibility and sedimentation; and identification of hydric soil and redoximorphic features.

7. All terms defined in Chapter 69.1(2) of the Iowa Administrative Code 567 shall be adopted for these regulations.

31.03 GENERAL REQUIREMENTS.

1. State Code Adopted. Warren County has adopted Iowa Administrative Code 567, Chapter 69, in its entirety with the modifications stated below. 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.
2. In conjunction with Iowa Administrative Code 567, Chapter 69, the Warren County Board of Health and the Warren County Board of Supervisors adopt the provisions of Iowa Administrative Code 567, Chapter 69.13(2)(b) and 69.13(3)(a)(2) Intermittent Sand Filters (2020). Schedule 40 plastic pipe or EPS aggregate is required.

31.04 PERMIT REQUIREMENTS.

1. Percolation Test or Soil Analysis. Percolation tests or Soil Analysis shall be valid for one year after being conducted.

Warren County follows Iowa Administrative Code Section 567 Chapter 69.9(1) and Appendix B “Percolation Test Procedure” with the following exceptions:

- a. The percolation test or soil analysis shall be certified by a registered professional engineer or soil scientist.
 - b. Warren County requires a four-hole percolation test so as to be more representative of the proposed lateral field.
 - c. The lateral field shall be installed within no more than ten feet beyond the perimeter connecting the soil borings or four percolation test holes.
 - d. Individual percolation test holes or soil boring holes shall be marked with a flag, lath or in another conspicuous manner.
3. Permit Application. Any person desiring a permit shall file with Environmental Health Staff an application stating the owner’s name, property address, phone number, and other information as required by the Board of Health on the most current application form available at the office of Warren County Health Services.

4. Maintenance Agreements. Septic systems identified in Iowa Administrative Code Section 567 Chapter 69 that require a maintenance agreement or contract shall submit a valid maintenance contract to Warren County Health Services prior to the permit being issued for the system.
5. Fee Requirement. Upon approval of the application by Warren County Health Services, the signed permit shall be issued upon payment of the required applicable fees made payable to Warren County Health Services
5. Permit Fees. Fees for the following shall be set by the Board of Health by separate resolution:
 - a. Installation of any type system by a certified contractor.
 - b. Repair, Alteration, or Reconstruction.
 - c. Extension permit.
6. Valid Period. Permits shall be valid for a maximum of twelve (12) months from the date of issuance, during which time the on-site wastewater treatment and disposal system shall be completed.

31.05 INSPECTION.

1. Inspection. No part of any newly constructed, reconstructed, repaired, or altered private sewage disposal system shall be used, covered, or constructed to deny the mandatory 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 secondary treatment are in place but not covered.
2. Inspection of Repair or Alteration to Existing Systems. If an existing on-site wastewater treatment and disposal system is being repaired, altered, reconstructed, or a new system is being installed to replace an existing system, the building to be served by this system shall be connected to the building sewer before final approval is given.

31.06 REGISTERED CONTRACTOR.

Any individual or firm who installs, repairs, reconstructs, or alters a private septic system in Warren County shall be required to be certified through Iowa Onsite Wastewater Association (IOWWA) as a Certified Installer of Onsite Wastewater Treatment Systems (CIOWTS), either Basic or Advanced levels.

31.07 VARIANCES.

Variances to these regulations may be granted by the Board of Health provided sufficient information is provided 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 requestor/property owner.

For a variance request, a fee that shall be set by the Board of Health by separate resolution will be charged. If Environmental Health staff recommends a variance to the Board of Health, the fee will be waived.

31.08 COMPLIANCE IS MANDATORY.

Every Warren County residence or building that produces wastewater must have an on-site wastewater treatment and disposal system that meets Iowa Administrative Code and Warren County Code requirements or be connected to a publicly owned treatment works. The Warren County Board of Health enforces the provisions of this ordinance, and compliance is mandatory. The Board of Health has delegated investigation and assessment to Warren County Environmental Health.

1. Warren County Environmental Health Works with Property Owners. Environmental Health works with any property owner in Warren County, who is unable to connect to a publicly owned treatment works system, regarding existing and new construction of any dwelling or building that will have or has wastewater (houses, buildings, etc.). Environmental Health also works with property owners to assess the condition of a property owner's existing on-site wastewater treatment and disposal system – and whether the system meets ordinance requirements – during installation of a new system, or in bringing a non-functioning or non-compliant system into compliance.
2. Noncompliant Systems and Notice to Property Owner. Warren County assumes that there are noncompliant systems existing in the County. When Environmental Health is made aware of a noncompliant system, and determines that there are reasonable grounds to believe there has been a violation of Chapter 31 of the Warren County Code of Ordinances, Environmental Health will provide notice to the property owner in the following manner:
 - a. A written letter of Notice detailing the alleged violation will be mailed via certified U.S. Post to the property owner at the mailing address listed in the Warren County Assessor's records.
 - b. The letter shall contain a statement of the reasons violation of the ordinance is alleged.
 - c. The letter shall include an outline of remedial action, which if taken by the property owner, will bring the system into compliance with Chapter 31 of the Warren County Code of Ordinances and Iowa Administrative Code 567, Chapter 69.

- d. The letter shall include a statement allowing a reasonable time for the property owner to comply with Chapter 31 of the Warren County Code of Ordinances and Iowa Administrative Code 567, Chapter 69.
 - e. This notice will not prevent Environmental Health from investigating the noncompliant system.
3. If the property owner refuses to allow the County personnel to inspect or investigate a potentially noncompliant system, pursuant to the Iowa Code Environmental Health will obtain an administrative warrant from Warren County District Court to investigate, assess and test the system. Law enforcement will accompany Environmental Health personnel to serve the warrant and be present during the investigation and testing of the system.
4. From the date Environmental Health serves notice to the property owner, the property owner has 10 days to respond to Environmental Health and develop a plan to comply with Environmental Health's recommendations regarding the on-site wastewater treatment and disposal system.
 - a. If the property owner does not comply with Environmental Health's recommendation for compliance, Environmental Health may request a hearing before the Warren County Board of Health.
 - b. The Board of Health shall set a public hearing and notice of the date and time of the hearing shall be mailed to the property owner at least seven days before the hearing. During the hearing, the Board will hear from the property owner and Environmental Health, and will review Environmental Health's assessment and recommendation. The Board will issue a written decision, modifying, withdrawing, or ordering compliance with Environmental Health's recommendation. The property owner may appeal the Board of Health's decision to Warren County District Court within 20 days.

31.09 PROPERTY OWNER APPEAL PROCESS.

If the property owner disagrees with Environmental Health's decision, assessment and recommendations for compliance, the property owner may appeal within 20 days of receipt of the notice from Environmental Health. The appeal must be in writing to the Warren County Board of Health (address appeal to Warren County Board of Health, Health Services, 301 N. Buxton, Suite 203, Indianola, Iowa 50125), and it must state the reasons why the property owner is unwilling to take the steps necessary to comply with Chapter 31, Warren County Code of Ordinances, or why he or she believes the property is in compliance.

The Board will set a public hearing, and the property owner shall be given notice of the hearing at least seven days before the hearing is to be held. During the hearing, the Board will hear from the property owner and Environmental Health, and will review Environmental Health's assessment and recommendation. The Board will issue a written decision, modifying, withdrawing, or ordering compliance with Environmental Health's recommendation. The

property owner may appeal the Board of Health's decision to Warren County District Court within 20 days.

31.10 PENALTIES.

Any property owner violating Chapter 31 herein shall be subject to civil penalties set forth in Chapter 2, County Infractions, Warren County Code of Ordinances.

31.11 SEVERABILITY CLAUSE.

If any section, provision, 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 or unconstitutional.