

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 5 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

5-5-1	Enactment	5-5-3	Penalties
5-5-2	Enforcement	5-5-4	Elvira

5-5-1 ENACTMENT. That pursuant to Iowa Code section 331.302 Chapter 69, "On-Site Wastewater Treatment and Disposal Systems" of the Iowa Administrative Code 567 (Environmental Protection) be adopted by reference in its entirety as part of this ordinance.

5-5-2 ENFORCEMENT. This ordinance shall be enforced by the Clinton County Board of Health as required in the Code of Iowa 455B.172(4). The Board of Health or its agent shall be responsible for issuance of required permits. Fees shall be established by the Board of Health Policy.

5-5-3 PENALTIES. Any person violating any provision, section or paragraph of this ordinance shall be ordered to comply by the Clinton County Board of Health. Failure to comply constitutes a simple misdemeanor as authorized by Code of Iowa Chapter 137.21.
(Ord. 96-03, Passed July 17, 1996)

5-5-4 ELVIRA. It is the purpose of this section to adopt rules and regulation for the private sewage disposal systems located on attached map (Figure I) in Elvira, Iowa, of Clinton County; thereby promoting the public health of our residents and providing penalties for violation of the provisions hereof.

1. Definition. The "Administrative Authority" is the Clinton County Sanitarian or an agent designated by the Clinton County Board of Health.

2. Fees.

a. The fee for a permit to construct, alter or repair a private sewage disposal system shall be determined by the Board of Health and be made payable to the Clinton County Health Department at the time of application.

b. 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.

c. All fees for connection and service for the private sewer are determined by Eastern Iowa Regional Utility Service Systems (EIRUSS).

d. Sewer Rates and Other Charges for the Elvira Private Sewage Disposal System:

(1) Unless otherwise agreed to by the parties, EIRUSS shall establish rates or charges (the "User Fees") to consumers of the services of the Elvira sanitary sewer system sufficient in each year for the payment of the proper and reasonable expenses of the operation and maintenance of the sanitary sewer system and for the payment of principal and interest on any Obligations issued to pay for initial construction and subsequent improvements to the Project as the same fall due and to provide for the creation of reserves as required by said Obligations. Net revenues shall be maintained at a level sufficient to satisfy sound operations and borrowing practices and shall be determined and fixed solely in the discretion of EIRUSS.

e. The owner, lessee or tenant of a premises served by a private sewer that is organized by EIRUSS pursuant to Chapter 28E of the Iowa Code, shall be jointly and severally liable for sewer rates and charges to the premises. The County shall indemnify and reimburse EIRUSS for any User Fees which have been delinquent for sixty (60) days within thirty (30) days of receiving notice of such delinquency from EIRUSS. 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 Clinton County Board of Supervisors to the Clinton County Treasurer for collection in the same manner as property taxes. All costs incurred by Clinton 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 Clinton County Treasurer shall charge an administrative fee that shall be added to the amount of the lien.

3. 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.

3. 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 to 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 (20) days to the District Court of Clinton County, Iowa.

4. 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 (I.), 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 to a separate offense.

5. Court Order. Whenever in the judgement 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.

(Ord. 2018-03, Passed November 13, 2018)