

FRANKLIN COUNTY CODE OF ORDINANCES

**TITLE VII**

**SOCIAL AND HUMAN SERVICES**

Subject

Chapter

Board of Health Regulations

7.1

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**ORDINANCE NO. 7.1**

**AN ORDINANCE ADOPTING COUNTY BOARD OF HEALTH REGULATIONS**

Be It Enacted by the Board of Supervisors of Franklin County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to maintain the proper enforcement against duly constituted health hazards within Franklin County, pursuant to the authority of the Iowa Code, 2007, Section 455B.172.

**SECTION 2. County Board.** The County Board of Health shall consist of five (5) members, at least one (1) 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.

**SECTION 3. Appointment - Vacancies.** All members of the County Board of Health shall be appointed by the County Board of Supervisors and shall serve for a period of three (3) 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.

**SECTION 4. County Sanitarian.** The County Board of Health shall, subject to the approval of the Board of Supervisors, appoint a County Sanitarian 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.

**SECTION 5. Right of Entry.** The County Sanitarian, 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 offices, or authorized agents, in the carrying out of any duty shall be guilty of a simple misdemeanor.

**SECTION 6. 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.

**SECTION 7. 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 the Code for the abatement of nuisances. Point source shall

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include, but not be limited to, sinkholes, drainage wells and field tile outlets.

**SECTION 8. Private Sewage Systems.** The following are the regulations governing private sewage systems:

1. 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 fifteen (15) persons or less shall be installed or reconstructed until an application for a permit has been filed and a permit has been issued by the County Sanitarian.

Any person, firm or corporation desiring to construct or alter a private sewage system shall file an application with the County Sanitarian, 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, and a description of the property where the work is to be done. The application shall be accompanied by plans and specifications showing accurately the size, materials and location of all proposed construction, alteration, extension or repair of said sewage system after a site inspection is made by the County Sanitarian. A soil porosity (percolation) test or a site investigation by a person trained in soils, along with a fee set by the Franklin County Board of Health must accompany each application. No fees will be refunded.

2. Contractor's License Required.

No person or firm shall construct or alter any private sewage system for another person or firm, or engage in the business of cleaning privy vaults, cesspools or septic tanks without first having obtained a license from the County Sanitarian. The fee for such license shall be twenty-five dollars (\$25.00) and the license will be valid for a period of one (1) year unless revoked. Each application for license shall be accompanied by a certificate of insurance indicating that the applicant has public liability insurance in effect for the duration of the license period for the following minimum amounts:

Bodily Injury	\$25,000 per person/ \$50,000 per accident
Property Damage	\$10,000 per accident

Any license issued may be revoked by the Board of Health if the license holder is found to be in violation of the provisions of this chapter or the standards for construction adopted by the Board of Health. An application for license may be denied if the applicant has previously violated the provisions of this chapter.

3. Standards for Systems.

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The Franklin County Board of Health adopts the provisions of Chapter 567-69 of the State Administrative Code - On-Site Waste Water Treatment and Disposal Systems.

4. Approval of Permits.

The County Sanitarian shall, upon receipt of 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 of denial of application by the County Sanitarian, such denial shall spell out in writing why the application is not approvable, the applicant may then appeal to the Board of Health, and the Board of Health's decision shall be final.

5. 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 the permit was issued, proposed revisions shall be submitted to the Sanitarian for approval.

6. Emergency Work.

In the event of an emergency situation, work may be initiated without first obtaining a permit, after contacting the County Sanitarian. 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 Sanitarian for full compliance.

7. 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 Sanitarian may issue written approval for the discharge of effluent which has received acceptable secondary treatment. Under no circumstances shall effluent from private sewage systems or liquid wastes be discharged to any abandoned well, drainage well or field tile line.

8. Inspection.

No construction, alteration or repair of any private sewage system shall be

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covered until it has been inspected and approved by the County Sanitarian. The permit holder shall notify the Sanitarian when the system is ready to be inspected and the Sanitarian shall conduct his inspection as soon thereafter as practical. 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.

**SECTION 9. Private Water Wells.** The following are the regulations governing private water wells:

1. Permit Required.

The provisions of Chapter 567-38 of the State Administrative Code - Private Well Construction Permits shall apply and be met for issuance of all well construction permits. 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 Board of Supervisors or their designee. Each application shall be accompanied by a fee set by the Franklin County Board of Health. No fees will be refunded.

2. 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 Sanitarian. The fee for such license shall be set by the Franklin County Board of Health, and the license will be valid for a period of one (1) year unless revoked. Each application for license shall be accompanied by a certificate of insurance indicating that the applicant has public liability insurance in effect for the duration of the license period for the following minimum amounts:

Bodily Injury	\$25,000 per person/\$50,000 per accident
Property Damage	\$10,000 per accident

Any license issued may be revoked by the 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 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.

3. Well Construction Standards.

The provisions of Chapter 567-49 of the State Administrative Code - Non Public Water Wells shall be met for all construction and repair in Franklin County. The County Board of Health shall adopt from time to time, additional standards for

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private water wells. These standards will be adopted and amended by resolution of the County Board of Health and will have the same force and effect as if fully set forth herein.

### 4. Well Closures.

The provisions of Chapter 567-39 of the State Administrative Code - Requirements for Properly Plugging Abandoned Wells shall apply and be met by all well closures in Franklin County.

**SECTION 10. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 11. Severability Clause.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 12. Violation - Penalty.** Unless specific penalty is otherwise provided in this Code, anyone violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of up to one hundred dollars (\$100.00) or imprisonment no to exceed thirty (30) days. Each day that a violation continues to exist, after due notice of violation by the County Sanitarian, shall constitute a separate offense.