

BUENA VISTA COUNTY ORDINANCE NO. 5.3

Title: AN ORDINANCE TO PROVIDE PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR REGULATIONS.

Be it enacted by the Board of Supervisors of Buena Vista County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to impose rules upon the contractors of private sewage disposal systems in addition to those imposed by Buena Vista County Ordinance 5.2, Iowa Administrative Code 567-69, the Code of Iowa, and to provide penalties for violations thereof.

SECTION 2. Definitions. The definitions contained in Chapter 69 of the Iowa Administrative Code 567 (Environmental Protection Commission) are hereby adopted with the following changes and additions.

1. "Administrative Authority" means Buena Vista County Board of Health.
2. "Authorized Agent" means any person who has been designated by the local board of health to act in its name in implementing and enforcing these regulations.
3. "Department" means the Environmental Health Department of the Buena Vista County Board of Health.
4. "Local Board" means Buena Vista County Board of Health as authorized by Chapter 137 of the Code of Iowa.
5. "Private Sewage Disposal Installer" means any person meeting the qualifications established by this ordinance to install a System.
6. "System" means a private sewage disposal system or any part thereof.

SECTION 3. License Required: No person (including in that term any firm, corporation or other legal entity) shall install, reconstruct, alter or repair, or provide services assisting in the installation, reconstruction, alteration or repair of, any private disposal system, unless the person possesses a valid Private Disposal System Contractor's License.

An application form for a Private Disposal System Contractor's License may be obtained from the Department and must be returned fully completed and accompanied by a nonrefundable application fee payable to the Department in an amount as prescribed from time to time by resolution of the Local Board of Health.

Any person holding a NEHA CIOWTS (Certified Installer of Onsite Waste Water Treatment Systems) credential will satisfy Buena Vista County License requirement, provided an application is completed and proof of said credentialing is supplied to the Department.

The Department will issue a Contractor's License at such time as the Department is satisfied that the applicant is knowledgeable as to all relevant rules and regulations. Renewal of the license shall be considered after application is received accompanied by the application fee and proof of completion of three (3) hours of bi-annual continuing

education relevant to private sewage disposal systems. Renewals shall be effective the first day of April of each even-numbered year.

The Administrative Authority may revoke the license if it is found that the licensee has violated any rule in this Chapter or Iowa Administrative Code 567-69. A revocation or suspension may be appealed as set forth in Section 6 providing for appeal of an order by an Administrative Authority. No person or business in whose name a revoked license was issued shall be granted a new license within a period of twelve months after the effective date of the revocation except as approved of the Board of Health.

SECTION 4. Bond Required. No person shall begin the installation, construction, reconstruction, alteration or repair of any System within Buena Vista County unless that person has on file with the Department a bond in favor of Buena Vista County in the penal sum of ten thousand dollar (\$10,000) signed by the Contractor as principal and a surety or sureties approved by the Department, the terms of which bond guarantee the full compliance by the principal with the provisions of this ordinance and the faithful performance of all the duties imposed by this ordinance. The bond shall be in effect at the time of such installation, reconstruction, alteration, or repair and shall have an effective duration of one year.

The Bond shall further guarantee that no works on a private disposal system within Buena Vista County shall occur without either obtaining for the owner the proper and necessary permit or obtaining proof that the owner has secured the required permit prior to work beginning.

SECTION 5. Forfeiture of Bond. Any private disposal system Contractor who performs work on any such system in Buena Vista County and fails to comply with Iowa Administrative Code 567-69 or this chapter, shall forfeit the bond required by Section 4. The Local Board's Authorized Agent shall give written notice to the Private Disposal System Contractor who fails to comply with such provisions of the Local Board's intent to proceed with forfeiture of such bond. The written notice shall be hand-delivered or mailed by ordinary United States Postal Service mail, first class to the Contractor at least 14 days before the meeting of the Local Board at which the Local Board will take action to forfeit the bond. The written notice shall specify that such Contractor may avoid the forfeiture of such bond if, at such meeting, the Local Board is satisfied by compelling evidence that good cause exists for not forfeiting the bond.

SECTION 6. Revocation of License. Any private disposal system Contractor who performs work on any such system in Buena Vista County, and fails to comply with this Chapter and Iowa Administrative Code 567-69, shall have his/her/its Private Disposal System Contractor's License revoked. A revocation or suspension by an Authorized Agent may be appealed to the Administrative Authority. No person or business in whose name a revoked license was issued shall be issued a new license within a period of twelve months after the effective date of the revocation except as approved by the Administrative Authority.

To be effective, a revocation or suspension of a Private Disposal System Contractor's License shall be given in writing and either hand-delivered or mailed by first class US Mail, postage prepaid, to the Contractor no less than 14 days before the meeting in which action will be taken by the Local Board to revoke the license. The written notice shall specify that such Contractor may avoid the revocation of such License if at such

meeting the Administrative Authority is satisfied by compelling written evidence that Contractor's actions were correct and appropriate for the unique circumstances presented by the installation conditions at the property such that good cause exists refrain from taking the action appealed from.

SECTION 7. Inspection of Private Wastewater Systems.

A. The private disposal system Contractor shall notify the Authorized Agent no less than 24 hours before the start of the installation, construction, reconstruction, alteration or repair.

B. Contractor shall assure that Authorized Agent is at all reasonable times permitted access to the installation site to inspect for compliance with the terms of this Ordinance, Ordinance 5.2, IAC 567-69, and the Code of Iowa.

C. Before the mandatory inspection by the Authorized Agent no part of any System shall be covered.

SECTION 8. County Infraction. A violation of this ordinance shall be a county infraction pursuant to Iowa Code Section 331.307.

SECTION 9. Penalty. Any person found in violation of this ordinance shall be assessed a civil penalty of \$500.00 for each violation and a civil penalty of \$750.00 for each repeat violation.

SECTION 10. Repealer. Ordinances or parts of ordinances in conflict with 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, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

Buena Vista County Environmental Health and Zoning

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Courthouse
215 East 5th
P.O. Box 301
Storm Lake, IA 50588

ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS APPLICATION FOR CONTRACTOR'S LICENSE

Name of Applicant: _____

Address: _____

City: _____

Company Name: _____

Phone: _____ Email: _____

I HAVE KNOWLEDGE OF THE BUENA VISTA COUNTY RULES AND REGULATIONS PERTAINING TO ON-SITE, WASTE WATER TREATMENT AND DISPOSAL SYSTEMS AS FOUND IN ORDINANCE 5.3 OF BUENA VISTA CODE OF ORDINANCES. AND AGREE TO FOLLOW THE REQUIREMENTS SET FORTH IN THOSE RULES AND REGULATIONS.

Has any member of the crew taken the NEHA CIOWTS (Certified Installer of Onsite Waste Water Treatment Systems) exam? _____ If no, do you want information on how to take this exam and earn the credential? _____ All persons holding this credential will satisfy Buena Vista County License requirement.

A surety bond in the amount of \$10,000 must be submitted with this application. A final approval of registration letter will not be sent out until this has been received.

I HAVE REVIEWED AND UNDERSTAND THE AFOREMENTIONED REQUIREMENTS. I UNDERSTAND THIS IS JUST AN APPLICATION AND NOT A LICENSE. A LICENSE WILL BE FORTHCOMING UPON APPROVAL OF APPLICANT. I FURTHER UNDERSTAND THAT FAILURE TO COMPLY WITH THE REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF THE CONTRACTORS LICENSE

LICENSE FEE: \$30.00 Make check payable and include completed application to Buena Vista County Environmental Health Department.

DATE: _____	APPLICANT SIGNATURE: _____
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