ORDINANCE NO. 6361

AN ORDINANCE TO AMEND CHAPTER 4.32 "PRIVATE SEWAGE DISPOSAL SYSTEMS" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING SECTIONS 4.32.010 THROUGH 4.32.170.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.32 "Private Sewage Disposal Systems" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 4.32.010 through 4.32.170 as follows:

~~4.32.010 - Adoption by reference.~~
~~Department of Natural Resources 567 IAC Chapter 69 "Onsite Wastewater Treatment and Disposal Systems" is adopted by reference subject to additions and amendments as hereinafter set forth in this chapter after the effective date of the ordinance codified in this chapter.~~

~~4.32.020 - Definitions.~~
~~Except as otherwise defined in Section 4.32.010, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" as used in this chapter is mandatory and not merely directory.~~

~~(1) "Private sewage disposal system" means a sewage disposal system, other than one which is operated by a governmental subdivision which receives either human excreta or liquid waste, or both, from one or more premises. (2) "Permit" means a written permit issued by the city of Council Bluffs board of health, permitting the construction or modification of a private sewage disposal system under these regulations. (3) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (4) "Public sewage disposal system" means a sewage disposal system operated by a government subdivision. (5) "Sanitation requirements for private sewage disposal systems." In order to protect the general health, safety, and welfare of the people of Council Bluffs, Iowa, and of the general public, private sewage disposal systems shall be constructed, operated, used and maintained in accordance with the following standards and requirements to insure that waste discharged therein shall not: (a) Contaminate any drinking water supply; (b) Be accessible to insects, rodents or other possible carriers of disease which may come into contact with food or drinking water; (c) Pollute or contaminate the waters of any bathing beach or stream used for public or domestic water supply purposes or for recreational purposes; (d) Be a health hazard or accessible to children; (e) Be a nuisance; (f) Violate any other laws or regulations governing water pollution or sewage disposal.~~

~~4.32.030 - Scope.~~
~~The provisions of this regulation shall apply to all private sewage disposal systems in Council Bluffs, Iowa; including but not limited to new construction of a private sewage disposal system and modifications of existing private sewage disposal systems.~~

~~4.32.040 - Construction requirements for private sewage disposal systems.~~

In addition to the sanitation requirements for private sewage disposal systems, the referenced regulations, specifications and requirements shall be complied with in the construction of private sewage disposal systems.

4.32.050 - Approval of plans and specifications—Permit required.
Prior to the construction, major repair or modification of private sewage disposal systems in Council Bluffs, Iowa, plans and specifications shall be approved by the city board of health, and a permit obtained. Plans and specifications shall be submitted on the sewage disposal application forms furnished by the city board of health.

4.32.060 - Inspection before backfilling.
After construction is complete, but before the private sewage disposal system is backfilled, and the city board of health shall be notified in order that an inspection can be made. No part of the sewage disposal system shall be backfilled until such part has been inspected and approved; provided, that the city board of health must make such inspection within twenty-four (24) hours after the city board of health has been notified that construction is completed and ready for inspection; provided further, that in computing the twenty-four (24) hour period, Sundays and holidays shall be excepted.

4.32.070 - Capacity for other than single residence dwelling.
The capacity for a septic tank for any structure other than a single residence dwelling shall be determined on the basis of the estimated quantities of sewage flow. The "Manual of Septic Tank Practice" of the United States Public Health Service shall be used as the guide in these determinations.

4.32.080 - Construction cannot be started until grades are finished.
Construction of the private sewage disposal system shall not be begun until the grades of the area in which the system is to be situated are finished.

4.32.090 - Cesspools prohibited.
The use of cesspools is prohibited.

4.32.100 - Permits.
It is unlawful for any person to construct, alter or extend private sewage disposal systems in Council Bluffs, Iowa, unless he/she holds a valid permit issued by the city board of health in the name of such person for the specific construction, alteration or extension proposed. The permit issued by the city board of health shall be in addition to the building permit or any other permit required and shall be obtained prior to construction, alteration and extension of the residence or facility to be served.

4.32.110 - Application for permit—Issuance or denial.
All applications for permits for the construction of private sewage disposal systems shall be made to the city board of health which is authorized to issue a permit therefor upon compliance by the applicant with all the provisions of this regulation and any other pertinent regulations. A permit for the construction of a private sewage disposal system may be denied where public sewerage systems are within two hundred (200) feet by gravity flow of the structure to be served.

4.32.120 - Contents of application.
Applications for permits shall be in writing, shall be signed by the applicant, and shall include the following:

~~(a) Name and address of the applicant. Legal description of property on which construction, alteration, or extension is proposed; (b) Complete plan of the proposed disposal facility, with substantiating date if necessary, attesting to its compliance with the minimum standards of the health department.~~

~~4.32.130 - Drawn plan required.~~
~~A complete plan drawn to scale for the purpose of obtaining a permit to be issued by the city board of health shall include:~~

~~(a) The number, location and size of all sewage disposal facilities to be constructed, altered or extended; (b) The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings, and adjacent lot lines; (c) Plans of the proposed sewage disposal facilities to be constructed, altered or extended; (d) The number and type of plumbing fixtures to be installed in the building; (e) The number of bedrooms of a dwelling and the number of people to be served by the facility if other than a dwelling; (f) The results of a percolation test at the proposed site; (g) The types of soil(s) and soil conditions determined from six feet deep test hole; (h) The average groundwater depth as determined by engineering or geological survey studies.~~

~~4.32.140 - Fees.~~
~~The fee for a permit to construct, alter or extend a private sewage disposal system shall be as set forth in Section 2.08.040, designated as 4.32.146, of the prevailing schedule of fees as most recently adopted by the city council of Council Bluffs, Iowa.~~

~~4.32.150 - Inspections.~~
~~The city board of health or its agents are authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this regulation. It shall be the duty of the owner or occupant of a property to give the city board of health free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this regulation and regulations promulgated under this section.~~

~~4.32.160 - Conflict.~~
~~In any case where a provision of this regulation is found to be in conflict with any other regulation pertaining to zoning, building, plumbing, fire, safety or health existing on the effective date of this regulation, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this regulation is found to be in conflict with any other regulation existing on the effective date of this regulation which establishes a lower standard for the promotion of the health and safety of the people, the provisions of this regulation shall prevail.~~

~~4.32.170 - Penalty for violation.~~
~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.~~

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND October 22, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____