

Amended and added chapters to the 2005 Jefferson County Code of Ordinances.

Additions:

2-13 – Quarantine and Isolation.

2-50 – Keg Registration and Documentation.

9-15 – School Infra-structure Local Option Sales and Services Tax within Jefferson County.

Amendments:

3-10 – Disposal Systems. (Time of Sale).

Chapter 2-13. QUARANTINE AND ISOLATION.

SECTION 1. Adoption of Rule. Iowa Administrative Code 641-1.12, “Quarantine and isolation – model rule for local boards,” and all future amendments is adopted by reference.

Chapter 2-50. KEG REGISTRATION AND DOCUMENTATION.

SECTION 1. Purpose. The identification of purchasers and providers of keg alcoholic beverage for consumption by underage persons is a major law enforcement concern in Jefferson County, Iowa. When keg alcohol is found where underage persons are present it is necessary to readily identify those responsible. The investigation of crimes involving the furnishing of alcohol to minors and related crimes involving keg alcoholic beverages is inhibited by the inability to identify who purchased the keg alcohol. Registration and identification information must be available on all keg alcohol beverage in Jefferson County, Iowa. Individual identification number, purchaser and retail seller identity information will better enable law enforcement to identify providers of keg alcoholic beverages to underage persons. Therefore, it is in the public interest to establish reasonable keg registration and identification rules as set forth in this ordinance.

SECTION 2. Registration/Return Procedure. All retail sales/purchases of alcoholic beverage by keg container of 2 gallon volume or more in Jefferson County, Iowa for off site consumption at a location which does not hold a liquor license shall comply with the following registration, documentation and labeling requirements and restrictions:

1. Purchasers shall provide a current government issued photo identification with the purchasers name, address, and individual identification number to the seller who shall then record and document that information in a log. The log shall also contain the individual keg identification number assigned to the keg by the seller. The log shall also include the date of sale, specify the return date of the keg by the purchaser to the seller, and indicate that the photo identification that was produced was matched to the purchaser. The log shall also identify the person who sold the keg. This information shall

be kept by the seller for a minimum period of six months from the date of sale;

2. Sellers shall assign, record and attach to each retail keg sold for off site consumption an individual keg identification sticker, at or before the time of sale to the purchaser. The sticker shall include the individual keg identification number assigned to the keg by the seller, and the sticker shall also include a prominent warning that it is illegal to alter, damage or remove the sticker from the keg;

3. Sellers of keg alcohol shall obtain the individual keg identification stickers from the Jefferson County Auditor's office which shall record to whom the stickers are distributed and shall restrict the distribution of the stickers to licensed alcoholic beverage retailers. The Jefferson County Auditor shall keep the record of distribution for one year;

4. Purchasers shall return kegs to the retail seller where it was purchased with the individual keg identification sticker attached, intact and legible on or before the return date specified on the keg registration form;

5. Sellers shall record the date on which the keg is returned, who returned the keg and indicate whether the keg identification sticker is present or absent by notation on the log;

6. Sellers shall remove the individual keg identification stickers from the kegs when they are returned. The old stickers shall be destroyed;

7. Sellers shall produce keg registration logs to law enforcement upon request.

8. This ordinance does not apply to keg sales to liquor license permittees.

SECTION 3. Keg Possession Requirements/Restrictions. No person shall possess a keg container of alcoholic beverage of 2 gallons or more which was purchased in Jefferson County, Iowa, after the effective date of this ordinance, without an intact and legible individual keg identification sticker attached (except for retail sellers of keg alcohol and liquor license permittees).

SECTION 4. Keg Sticker Prohibitions. No person shall alter, damage, destroy or remove the individual keg sticker which is required by this ordinance after it has been attached to the keg (except retail sellers of keg alcohol).

SECTION 5. Violation and Penalty. A seller or purchaser or other person who violates this ordinance shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

Chapter 9-15. SCHOOL INFRA-STRUCTURE LOCAL OPTION SALES AND SERVICES TAX WITHIN JEFFERSON COUNTY.

SECTION 1. School Infra-Structure Local Option Sales and Services Tax. There is imposed a School Infra-Structure local option sales and services tax applicable to transactions within Jefferson County.

The rate of the tax shall be 1(one) percent upon the gross receipts taxed under Iowa Code chapter 423E-School Local Option Tax, in the following Fairfield, Pekin, Cardinal, WACO, Washington and Mt. Pleasant Community School Districts of Jefferson County.

The School Infra-Structure local sales services tax is imposed on transactions occurring on or after January 1, 2006, within Jefferson County. All persons required to collect state gross receipts taxes shall collect the tax pursuant to Iowa Code section 423E.5 for school infrastructure local option sales and services tax.

All applicable provisions of the appropriate sections of Chapter 423, Division IV, of the Iowa Code are adopted by reference.

Chapter 3-10. DISPOSAL SYSTEMS.

SECTION 1. Definitions: All terms defined in Chapter 69.1(2) and Chapter 69.3(1) of the Iowa Administrative Code 567, shall be defined the same for this ordinance. In addition, the following terms shall be defined as follows:

1. “Alter” means to change or make different, to modify.
2. “Construct” means to form by assembling parts; build; erect; to create.
3. “Extend” means to expand, enlarge, or increase the size of the system.
4. “Install” means to set in position and connect or adjust for use.
5. “Nuisance” means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property. This shall include all definitions in Section 657.2 of the Code of Iowa.
6. “Reconstruct” means to construct again or redo.
7. “Repair” means to restore to sound condition after injury, damage, or use or to fix.

SECTION 2. Purpose: These rules and regulations are adopted as mandated by Section 455B.172 of the 1999 Code of Iowa. Pursuant to the authority granted the Jefferson County Board of Health under Chapter 137 of the 1999 Code of Iowa, the Jefferson County Board of Health will enforce the rules adopted by this ordinance. These rules are to promote the public health and welfare of the citizens of Jefferson County, and for the public good.

SECTION 3. Specific Requirements Reference: All rules and regulations, as amended, of the Iowa Department of Natural Resources or other appropriate agency pertaining to sewage, commercial wastes, and excreta disposal, more specifically, Chapter 69 of the Iowa Administrative Code, 567-69 (1999 or as thereafter amended) as well as the provisions of Iowa Administrative Code, 567-39(1999 or as thereafter amended)(pertaining to requirements for properly plugging abandoned wells) and Iowa Administrative Code 567-49 (1999 or as thereafter amended)(pertaining to nonpublic water supply wells) shall apply in Jefferson County, Iowa effective after proper publication, notice, public hearing, and acceptance by the Jefferson County Board of Health and the Jefferson County Board of Supervisors, of these rules. These rules do apply to all sanitary disposal systems, used for any purpose, if through poor construction, operation, upkeep or maintenance such sanitary disposal systems do allow significant

contamination to enter ground water.

SECTION 4. Permits:

A. No person shall build a structure requiring installation or construction of a new disposal system, or reconstruct, repair, extend, or alter an existing disposal system for any person within Jefferson County, Iowa without first obtaining a permit from the health officer. A person means any person, firm, association, partnership, business, trust, corporation, company, or other entity recognized by law. This section applies to the owner of the property, owner's agent, occupant, or to any contractor hired by owner, owner's agent, or occupant.

B. The application for a permit to install, construct, reconstruct, repair, extend, or alter a disposal system shall be submitted to the health officer. The application shall include such information as the legal description of the property, property owner of record, soil profile description, the type of system desired, and any other pertinent information for the disposal system as may be required by the health officer. Each application form submitted for permit shall be accompanied with the required fee as set by the Jefferson County Board of Health, with checks made payable to the: Jefferson County Public Health along with form "General Discharge Permit #4". No application for permit fee shall be refundable or permit transferable. After all the requirements for the permit have been met and conditions for construction complied with design limitations, the health officer may issue the permit to the property owner of record.

C. No disposal system shall be installed where a public sewer is available within two hundred and fifty feet, unless specific variance is granted.

D. No disposal system shall be covered or so constructed as to prevent a thorough final inspection and periodic monitoring by the health department. If a system is so covered as to prevent a final inspection by the health officer, the health officer may require the disposal system to be uncovered or modified so that an inspection may occur.

E. Permits shall expire and have no further validity if the installation, construction, reconstruction, repair, extension, or alteration is not completed within eighteen (18) months from the date the permit is first issued. A new application and fee will be required in such cases.

F. The permit shall be signed by the health officer upon initial authorization and final inspection.

G. Municipal disposal system permits are required by some incorporated municipalities in Jefferson County. Where such municipal permits is required in addition to the county permit, the health department will aid the applicant to expedite the process.

SECTION 5. Fees: All fees are payable to the administrative authority. The fees set herein may be changed by the Board of Health from time to time as deemed necessary by the Board of Health. The current fees are:

1. One hundred dollars for septic tank, subsurface absorption field, or sand filter or other alternative on-site wastewater treatment and disposal system inspections. This includes permits

for installation or repair.

However, if a system fails at the time of inspection, the one hundred dollar inspection fee will be applied to the cost of the construction permit necessary to replace or repair the failed system.

2. Forty dollars for inspection of any system or well at the time of sale of a property.
3. Seventy five dollars for effluent test inspection.
4. Fifty dollars for any well water quality test.

SECTION 6. Enforcement: The administrative authority shall enforce these rules.

SECTION 7. Inspections:

A. Whenever the Health Officer has reasonable grounds to believe that a violation of these rules exist, he may enter upon and make an inspection of such premises, property, building or place to gather necessary information, data, measurements, or necessary specimens for the purpose of laboratory analysis. The owner, or occupants of such premises shall permit the Health Officer to enter such premises and to make such inspection, and to obtain such samples, at the request of the Health Officer.

B. Such inspection shall be made at any reasonable time and at other times, with the consent of the occupant, or in case of emergency.

C. The provisions of this section shall apply to all premises, property, or building, vacant or occupied.

D. The Health Officer may make as many additional inspections of such premises as are deemed necessary. Every occupant of a dwelling unit shall give the owner thereof, or his agent, or employee access to any part of such premises or property or disposal system, at all reasonable times for the purpose of making such alterations as are necessary to affect compliance with the provisions of these rules or with any lawful regulation adopted or any lawful order issued pursuant to the provisions of these rules.

E. All on-site waste water treatment and disposal systems in Jefferson County shall be inspected and analyzed for compliance with this Ordinance and Chapter 69 of the Iowa Administrative Code 567, prior to or during any change in ownership of the land on which the system and/or building served is located. The property holder transferring the property or the transferor of the property shall obtain the inspection report from the Jefferson County Board of Health or its designee and present it to the buyer or transferee of the property prior to, or during the negotiation of the sale or the transfer of ownership.

F. If the system has a surface discharge that is confirmed to be something other than water, the effluent shall be tested for limits required in IAC 567 Chapter 69. For the purpose of this test, the residence must be occupied for the past six months. The inspection shall include the emptying

and inspection of the septic tank. The distribution box may also be inspected as determined by the inspector.

G. Any waste water treatment and disposal system which was installed under county permit within two years previous to sale or transfer, or passed County inspection within two years previous to sale or transfer, is exempt from time of sale or transfer inspection until the next transfer or sale of the property.

H. If the original owner or transferor fails to have the property inspected as required, the buyer or transferee shall assume this responsibility along with any renovation costs.

I. Any system, or part of a system, deemed to be inadequate, illegal, or non-functional for secondary wastewater treatment shall be updated and brought into compliance with the minimum standards set forth in this Ordinance and Iowa Administrative Code 567 Chapter 69. The Work shall be done within 60 days, or a reasonable time period determined by the county.

J. Any renovation costs incurred to update the system to minimum standards of this Ordinance and Iowa Administrative Code 567, Chapter 69, shall be negotiable between the parties and the county shall be informed who is taking responsibility.

K. The administrative authority may contract with approved contractors to perform the inspections.

SECTION 8. Refusal of Admittance: In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of these rules, shall be refused entry, a complaint may be made under oath to any magistrate of the county and said magistrate shall thereupon issue his warrant directed to some peace officer of the county commanding him during some reasonable time, accompanied by the Health Officer, to enter upon such premises and to make such inspection, and to obtain such information, data, and samples as may be required to carry out the provisions of these rules, which order shall be executed by said peace officer accompanied by the Health Officer.

SECTION 9. Notice: Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of these rules or any regulation adopted pursuant to these rules, or that a nuisance condition or health hazard exists, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

1. Be in writing.
2. Be served upon the owner, owners agent, or occupant as the case may require; provided that such notice shall be deemed to be properly served upon such owner, owners agent, or occupant if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if he or she is served with such notice by any other any method authorized or required under the laws or rules of civil procedure of this state.

3. Include a statement of the reasons why it is being issued.
4. Allow 2 weeks for the applicant to develop, with the Sanitarian, a plan of action to remedy the violation. Said plan of action shall establish a reasonable time for the performance of any action required.
5. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of these rules and with regulations adopted pursuant thereto.

SECTION 10. Suspension of Permits:

- A. A permit to own or operate, or manage, a disposal system may be suspended, if, upon inspection, the Health Officer considers the conditions are such as to warrant immediate closing of the disposal system until the provisions of these rules are met, and the owner, operator and/or manager shall be notified to prohibit any person from using the disposal system.
- B. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the Health Officer, and any cost of such correction, including, but not limited to, field work, laboratory work, consulting fees and legal fees shall be borne by the applicant for such reinstatement of such permit.
- C. When the Health Officer believes the owner, operator, and/or manager has met the provisions of these rules, he may, in writing, authorize the use of the disposal system again.

SECTION 11. Revocation of Permit:

- A. Any permit may be revoked by the Health Officer for failure to comply with these rules, or in cases where the permit was obtained by non-disclosure, misrepresentation, or misstatement of pertinent facts. Before a permit is revoked, the Health Officer shall give notice as outlined in SECTION 9 above.
- B. A revocation of permit is final.
- C. A person who wishes may reapply for a new permit following all the provisions of these rules.

SECTION 12. Hearing: In the event any person is aggrieved by any order made by the Health Officer, he may within twenty (20) days of the date of such order appeal to the Board of Health and in writing state his reasons for requesting such order to be rescinded or modified. The Board of Health shall review the actions of the Health Officer, and if reasonable grounds exist, shall modify, withdraw or order compliance with said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the District Court of Jefferson County.

SECTION 13. Penalty: Any person who violates any provisions of this ordinance, rules of the administrative authority, or Iowa Administrative Code 567-39, 567-49, or 567-69 or the rules of

the local Board of Health or any lawful order of said board, its officers, or authorized agents shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20. Each additional day of neglect or failure to comply with such provision, rule or lawful order after notice of violation by the local board shall constitute a separate offense. However, in no event shall the total fine subject to this provision exceed One Thousand Five Hundred Dollars (\$1,500.00).

SECTION 14. Authority and Effective Date: Upon adopting and public notice and hearing under the provisions of the 1999 Iowa Code, Chapter 137, all disposal systems in Jefferson County shall comply with the provisions of these rules including all new disposal systems, those disposal systems undergoing installation, repair, alteration, extension, or completion. The Health Officer shall have the authority to visit the disposal system during any reasonable time and to collect the necessary data, without prior notice. The Board of Health may also require the issuance of permits, the posting of performance bonds, the charging of fees, the submission of covenants, and other data necessary.

This Ordinance shall be effective 60 days after approval by the Jefferson County Board of Supervisors.