

SHELBY COUNTY ORDINANCE NO. 1994-1
ENVIRONMENTAL ASSESSMENT ORDINANCE
(AMENDS 1991-2)

AN ORDINANCE AMENDING SHELBY COUNTY ORDINANCE NO. 1991-2 ENVIRONMENTAL ASSESSMENT ORDINANCE.

WHEREAS, the Shelby County Board of Health has recommended an amendment to promote property transfer inspections in Shelby County;

WHEREAS, the amendment would be in the best interests of the County;

BE IT ENACTED by the Shelby County Board of Supervisors that Shelby County Ordinance No. 1991-2 is deleted in full and replaced with the following ordinance.

Section D – Property Transfer Inspection

1. All on-site waste water treatment and disposal systems in Shelby County shall be inspected and analyzed for compliance with Chapter 69 of the Iowa Administrative Code 567, (On-site waste water treatment and disposal systems) prior to or during any change in ownership of the land on which the system and/or building served is located. The property holder selling the property or the transferor of the property shall obtain the inspection report from the Shelby County Board of Health and present it to the buyer or transferee of the property prior to, or during, either the negotiation of the sale or the transfer of ownership.
2. The inspection may include, at the discretion of the administrative authority, unearthing, emptying, and inspection of the septic tank and the distribution box. All costs shall be the responsibility of the property owner or transferor.
3. 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.
4. All on-site waste water treatment and disposal systems not in compliance with the minimum standards set forth in the Iowa Administrative Code 567, Chapter 69, shall update the system at this time of sale or transfer.
5. Any waste water treatment and disposal system which was installed under County permit, or passed County inspections within two (2) years previous to sale or transfer, is exempt from further inspection until the next change of ownership.
6. Any renovation costs entailed with updating the system to minimum standards of the Iowa Administrative Code 567, Chapter 69, shall be the responsibility of the property owner or transferor.
7. An inspection fee shall be paid by the property owner or transferor after receipt of the inspection report. The inspection fee shall be set by the Shelby County Board of Health by resolution of said board.
8. Each well located on said property shall comply with the Iowa Administrative Code 567, Chapter 49, "Nonpublic Water Wells". Every well in operating condition shall have a water sample collected by the administrative authority and analyzed for coliform bacteria and nitrate contamination as a minimum. The property owner or transferor shall present the results of the water tests to the buyer or transferee of the property prior to or during the negotiation of the sale or transfer.
9. All abandoned wells located on the property being sold or transferred shall be properly plugged in accordance with the rules set forth in the Iowa Administrative Code 567, Chapter 39, and procedures set forth by the Shelby County Board of Health.

Section E – Severability

Each section, paragraph, sentence, clause and provision of these rules and regulations is separate and if any provision of these rules is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of these rules and regulations nor any part thereof other than that part affected by such decision.

Section F – Variances

Variances to these rules and regulations may be granted by the proper authority provided sufficient and proposed alternative information is afforded to substantiate the need and propriety for such action. Variances shall be requested in writing and addressed to the Shelby County Board of Health and the Iowa Department of Natural Resources, if necessary. All decisions regarding this topic shall be issued in writing to the requester.

Section G – Penalties

Chapter 137, Section 137.21 of the 1989 Code of Iowa specifies: “Any person who violates any provision of this Chapter or the rules and regulations of a local Board or any lawful order of said Board, its officers, or its authorized agent shall be guilty of a misdemeanor. 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”.

Section H – Appeal

Any person who feels aggrieved by any notice or order made by the Shelby County Board of Health or its authorized agent shall have the right to appeal to the Shelby County Board of Health at the next regular meeting. The Shelby County Board of Health, by majority vote, may modify, withdraw, or order compliance with said notice or order.

Passed and approved this 15th day of March, 1994.

SHELBY COUNTY BOARD OF SUPERVISORS

/s/ CHARLES M. EARLY
Chairman

/s/ GAYLE PETERSEN

/s/ LAVON CHRISTENSEN

ATTEST: /s/ MARSHA J. CARTER
SHELBY COUNTY AUDITOR