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FILE FOR RECORD
DES MOINES COUNTY, IOWA

ORDINANCE NO. 12

1985 JUL 30 PM 12:02

Ordinance
BOOK 1 PAGE 10 FEES No Fee

AN ORDINANCE TO ADOPT BY REFERENCE A COMPLETE WATER WELL AND WATER SUPPLY CODE REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, REMOVAL, CONVERSION, DEMOLITION, USE, OPERATION, MAINTENANCE AND ABANDONMENT OF NONPUBLIC WATER WELLS AND WATER SUPPLY SYSTEMS, INCLUDING PUMPING EQUIPMENT.

R A I ✓ C V
Marilyn Larson, Recorder

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF DES MOINES COUNTY, IOWA:

SECTION 1. SHORT TITLE. THIS ORDINANCE SHALL BE KNOWN AS THE DES MOINES COUNTY, IOWA, NONPUBLIC WATER WELL CODE, AND MAY BE CITED AS SUCH, AND WILL BE REFERRED TO HEREIN AS THIS ORDINANCE.

SECTION 2. ADOPTION OF STATE STANDARDS. PURSUANT TO PUBLIC NOTICE AND PUBLIC HEARING, AS REQUIRED BY LAW, THE RULES AND REGULATIONS PROMULGATED BY THE IOWA DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT FOR NONPUBLIC WATER WELLS AND PUBLISHED IN SECTION 900-49 OF THE IOWA ADMINISTRATIVE CODE, ARE HEREBY ADOPTED IN FULL EXCEPT FOR SUCH PORTIONS AS MAY HEREINAFTER BE DELETED, MODIFIED OR AMENDED.

AN OFFICIAL COPY OF THE AFOREMENTIONED RULES AND REGULATIONS FROM THE IOWA ADMINISTRATIVE CODE, AND A CERTIFIED COPY OF THIS ORDINANCE ARE ON FILE IN THE OFFICE OF THE DES MOINES COUNTY AUDITOR.

SECTION 3. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS TO THE RULES AND REGULATIONS OF THE IOWA DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT FOR NONPUBLIC WATER WELLS.

A. DEFINITIONS. FOR THE PURPOSE OF THESE RULES, CERTAIN WORDS ARE HEREBY DEFINED. WORDS USED IN THE PAST OR PRESENT TENSE SHALL INCLUDE THE FUTURE AND CONVERSELY; AND SINGULAR NUMBER SHALL INCLUDE FLURAL AND CONVERSELY; THE WORDS "SHALL" AND "WILL" ARE MANDATORY AND "MAY" AND "SHOULD" ARE PERMISSIVE; THE MASCULINE, FEMININE AND NEUTER IS INCLUDED IN ANY CIRCUMSTANCE.

1. HEALTH DEPARTMENT: DES MOINES COUNTY HEALTH DEPARTMENT AND THEIR APPROVED RULES.

2. HEALTH OFFICER: MEANS THE ADMINISTRATOR OF THE DES MOINES COUNTY HEALTH UNIT OR HIS AUTHORIZED REPRESENTATIVE.
3. PERSON: MEANS ANY PERSON, FIRM, ASSOCIATION, ORGANIZATION, PARTNERSHIP, BUSINESS TRUST, CORPORATION, COMPANY, TRUSTEE, SYNDICATE, CLUB, INSTITUTION, AGENCY, OR ENTITY RECOGNIZED BY LAW AS THE SUBJECT OF RIGHTS AND DUTIES. THE MASCULINE, FEMININE, SINGULAR OR PLURAL IS INCLUDED IN ANY CIRCUMSTANCE.

B. PERMITS.

1. NO PERSON SHALL BEGIN CONSTRUCTION OR MAJOR RECONSTRUCTION OF ANY NONPUBLIC SUPPLY SYSTEM OR WELL FOR ANY PURPOSE WITHIN THE AREA OF THE DES MOINES COUNTY, WITHOUT FIRST COMPLETING AN APPLICATION FOR PERMIT.
2. A PERMIT IS NECESSARY TO CONSTRUCT OR MAKE A MAJOR REPAIR TO ANY NONPUBLIC WATER SUPPLY SYSTEM OR WELL. AN APPLICANT MUST FILE AN APPLICATION WITH THE HEALTH OFFICER STATING THEREIN THE OWNER'S NAME, THE CORRECT STREET ADDRESS, OR ROAD, SECTION AND TOWNSHIP, THE TYPE OF SYSTEM DESIRED WITH OTHER PERTINENT INFORMATION AS MAY BE REQUIRED. NO PERMIT FEE SHALL BE REQUIRED.
3. UPON APPROVAL OF THE APPLICATION BY THE HEALTH OFFICER, A NONPUBLIC WATER SUPPLY SYSTEM OR WELL PERMIT AND PERMIT WARNING CARDS WILL BE ISSUED.
4. PERMITS SHALL EXPIRE AND HAVE NO FURTHER VALIDITY IF THE CONSTRUCTION OR RECONSTRUCTION IS UNCOMPLETED WITHIN A PERIOD OF SIX (6) MONTHS FROM THE DATE OF ISSUANCE.
5. THE PERMIT SHALL BE SIGNED BY THE HEALTH OFFICER UPON INITIAL AUTHORIZATION AND UPON FINAL INSPECTION APPROVAL. NO NON-PUBLIC WATER SUPPLY SYSTEM OR WELL SHALL BE COVERED OR SO CONSTRUCTED AS TO PREVENT IN ANY WAY A THOROUGH FINAL INSPECTION AND PERIODIC MONITORING BY THE HEALTH OFFICER.
6. PERMIT WARNING CARDS SHALL BE DISPLAYED DURING THE ENTIRE CONSTRUCTION PERIOD SO AS TO BE PLAINLY VISIBLE. PERMIT WARNING CARDS ARE AVAILABLE FROM THE HEALTH OFFICER.

7. WATER SYSTEM PERMITS ARE REQUIRED BY SOME GOVERNMENTAL ENTITIES. NO COUNTY PERMIT WILL BE APPROVED UNTIL ALL OTHER RULES AND REGULATIONS ARE MET.
8. A WELL LOG AND WELL LOG SKETCH SIGNED BY THE WELL DRILLER AND A PUMP AND EQUIPMENT INSTALLATION REPORT SIGNED BY THE PUMP AND EQUIPMENT INSTALLER, SHALL BE SUBMITTED TO THE HEALTH OFFICER PRIOR TO FINAL APPROVAL OF ANY NONPUBLIC WATER SUPPLY SYSTEM OR WELL CONSTRUCTION.
9. DURING THE INSTALLATION IF IT IS FOUND NECESSARY TO MAKE ANY SUBSTANTIAL CHANGE FROM THE PLAN ON WHICH A PERMIT WAS ISSUED PERMISSION WILL BE OBTAINED IN WRITING FROM THE HEALTH OFFICER, AND "AS BUILT" PLANS SHALL BE SUBMITTED UPON COMPLETION OF THE INSTALLATION.
10. "AS BUILT" PLANS, NONPUBLIC WELL CONSTRUCTION REPORTS AND/OR WATER WELL PUMP AND EQUIPMENT INSTALLATION REPORTS SHALL ALSO BE SUBMITTED TO THE HEALTH OFFICER UPON COMPLETION OF ANY MINOR CHANGE WHICH DO NOT NECESSITATE A FULL PERMIT.

C. VARIANCES.

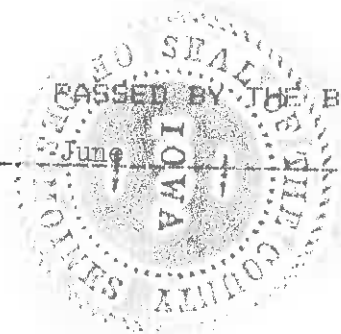
1. VARIANCES TO THESE RULES MAY BE GRANTED BY THE ADMINISTRATIVE AUTHORITY PROVIDED SUFFICIENT PROPOSED ALTERNATIVE INFORMATION IS PRESENTED TO SUBSTANTIATE THE NEED AND PROPRIETY OF SUCH VARIANCE. VARIANCES SHALL BE REQUESTED IN WRITING, AND ALL DECISIONS REGARDING SUCH VARIANCES SHALL BE ISSUED IN WRITING WITH SUFFICIENT COPIES TO ALL CONCERNED.

D. PENALTY.

1. ANY PERSON VIOLATING THESE RULES OR ANY PROVISIONS THEREOF, SHALL BE GUILTY OF A SIMPLE MISDEMEANOR AND UPON CONVICTION THEREOF MAY BE FINED NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) OR IMPRISONED IN JAIL FOR A PERIOD NOT TO EXCEED (30) DAYS. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE OFFENSE.

- SECTION 4. REPEALER. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.
- SECTION 5. SEVERABILITY CLAUSE. IF ANY SECTION, PROVISION OR PART OF THIS ORDINANCE SHOULD 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 6. EFFECTIVE DATE. THE ORDINANCE SHALL BE IN EFFECT AFTER ITS FINAL PASSAGE, APPROVAL AND PUBLICATION AS PROVIDED BY LAW.

PASSED BY THE BOARD OF SUPERVISORS THIS 3rd DAY OF June, 1985.



Joseph T. Beckman
 CHAIRMAN, BOARD OF SUPERVISORS

ATTEST: *Myranell Rockenduff*
 COUNTY AUDITOR

FIRST READING: May 6, 1985
 SECOND READING: June 3rd, 1985
 THIRD READING: Waived

1ST PUBLICATION April 11, 1985
 2ND PUBLICATION May 15, 1985
 ENTIRE PUBLICATION June 10th, 1985