172
DELAWARE COUNTY IOWA
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BOOK 1999 PAGE 172
DEBORAH L. HEYTON
DELAWARE COUNTY RECORDER
N/C

Instrument Preparer - Sharon McCrabb, Courthouse, Manchester, Iowa - (319) 927 4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #19, entitled "Delaware County On-Site Wastewater Treatment and Disposal Systems" by the Delaware County Board of Supervisors.

1. Copy of the Official Minutes of the Board of Supervisors, dated November 2nd, 1998 showing the ordinance approved for filing and the reading dates set.
2. Proof of Publication of the Public Notice of the first reading of the ordinance published November 10th, 1998 in The Manchester Press and November 11th, 1998 in the Delaware County Leader.
3. Copy of the Official Minutes of the Board of Supervisors, dated November 30th, 1998 showing the first reading of the ordinance.
4. Proof of Publication of the Public Notice of the final reading of the ordinance published November 17th in The Manchester Press and November 18th, 1998 in the Delaware County Leader.
5. Copy of the Board of Supervisors' Official Minutes of December 7th, 1998 showing the final reading and the adoption of the ordinance.
6. Proof of Publication of the full text of the ordinances published on December 15th, 1998 in The Manchester Press and on December 16th, 1998 in the Delaware County Leader.

I, Sharon McCrabb, County Auditor, do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 15 day of January, 1999.

Sharon McCrabb

Sharon McCrabb, Delaware County Auditor

STATE OF IOWA )
DELAWARE COUNTY ) SS:

Subscribed and sworn to before me, and in my presence by Sharon McCrabb, Delaware County Auditor, this 15 day of January, 1999.

CAROLYN A. WILSON NOTARIAL SEAL IOWA

Carolyn A. Wilson

Carolyn A. Wilson, Notary Public in and for the State of Iowa. My commission expires 12-17-01.

DELAWARE COUNTY ON-SITE WASTEWATER
TREATMENT AND DISPOSAL SYSTEMS
ORDINANCE NO. 19

1. That Delaware County on-site wastewater treatment and disposal systems, Ordinance No. 19, duly published on the 15 day of December, 1998, and the following shall be referred to as Delaware County Ordinance No. 19, and known as Delaware County on-site wastewater treatment and disposal systems.

2. That the Delaware County Ordinance No. 19 shall be effective following passage by the Board of Supervisors and publication as specified in section 331.302 (7) of the 1997 Code of Iowa.

3. APPLICATION OF RULES:
These rules are applicable only to on-site wastewater treatment and disposal systems. Contractors performing work on an on-site wastewater treatment and disposal system which is located within Delaware County are required to obtain proof from the customer that a permit has been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located prior to start of work on said system.

4. PERMIT PROCEDURE:
   A. Applications: Any person, firm or corporation desiring a permit for an on-site wastewater treatment and disposal system, must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner shall state such pertinent information as required.

   B. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

| | |
|---|---|
| Sewer permit | $75.00 |
| Alteration/repair permit | $75.00 |
| Repair of a previously approved, permitted system in service 10 years or less. | $ 0.00 |

   C. Permit: The permit must be readily available upon request by administrative authority (Board of Health).

D. Validity: Permits shall be valid for a maximum of twelve months from the date of issuance. If the system is not completed during this time frame, another permit is required.

E. Notification: The Sanitarian will be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

5. INSPECTIONS:

A. No part of any on-site wastewater treatment and disposal system shall be used, covered or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

B. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make an inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

C. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

D. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Health Department between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. FINANCIAL RESPONSIBILITY:
Proof of financial responsibility is required for contractors who construct, alter and/or repair on-site wastewater treatment and disposal systems within Delaware County.

A. Performance Bond/Letter of Credit. A performance bond or letter of credit is required for all contractors who construct, alter and or repair on-site wastewater treatment and disposal systems within Delaware County. This bond or letter of credit is required to ensure: (1) The contractor has obtained proof that the proper and necessary permits have been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located. (2) The contractor constructs, alters and or repairs on-site wastewater treatment and disposal systems in accordance with this ordinance.

B. A performance bond or letter of credit in the amount of $5,000.00 is required to be on file with the Delaware County Board of Supervisors. It is the contractors responsibility to ensure the performance bond or letter of credit is current.

C. Any contractor who performs work on an on-site wastewater treatment and disposal system located within Delaware County without first securing from the customer proof that the necessary and proper permits have been obtained, risks forfeiture of their bond or letter of credit to the Delaware County Board of Supervisors. However, an appeal can be made at the next regular meeting of the county Board of Supervisors. If the contractor can show good cause with compelling evidence why their bond or letter of credit should not be forfeited and the county Board of Supervisors finds by a vote of the members that such evidence does exist, then said bond or letter of credit shall not be forfeited.

D. Property owners may construct, alter, and or repair their own on-site wastewater treatment and disposal system without a performance bond or letter of credit. All other rules apply.

7. PURPOSE:
The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any on-site wastewater treatment and disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed on-site wastewater treatment and disposal systems. These systems are approved and certified by trained personnel from the Delaware County Board of Health. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for on-site wastewater treatment and disposal systems within Delaware County.

8. In accordance with Section 331.302 (4A) of the 1997 Code of Iowa, Sections 455A.6, 455B.171, and 455B.173 (3) (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to On-Site Waste Water Treatment and Disposal Systems. These rules are stated in 567 Iowa Administrative Code 69.

9. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1 (1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES
Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. JURISDICTION:
The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:
This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY:
The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 7 day of December, 1998.

Delaware County Board of Supervisors

Bill Skinner
Chairperson Bill Skinner

Eldon Koeneke
Supervisor Eldon Koneke

Supervisor Jerome Besler

ATTEST:

Sharon McCrabb
Delaware County Auditor

OCH BROTHERS, DES MOINES C-089-X H-0192-1

Motion made by Besler, seconded by Koeneke and carried that the following resolution be approved:

AMENDED 1998-99 APPROPRIATIONS RESOLUTION

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 1998, in accordance with Section 331.434, Subsection 6, Code of Iowa,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Delaware County, Iowa, as follows:

Section 1. The amounts itemized by fund and by department or office on the following schedule are hereby appropriated from the resources of each fund so itemized, and the department or office listed in the first column on the same line of the schedule.

Section 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized fund, effective July 1, 1998.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure or money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 1998/99 budget year the Auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, she shall immediately so inform the board and recommend appropriate corrective action.

Section 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and offices monthly, during the 1998-99 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of the business day on June 30, 1999.

| Department | General Basic | MH/DD Fund | Rural Services | Secondary Road | Other | Expend. Trusts | Totals |
|---|---|---|---|---|---|---|---|
| Supervisors | 826,254 | | 104,456 | | | | 930,710 |
| Auditor | 189,624 | | | | | | 189,624 |
| Treasurer | 165,512 | | | | | | 165,512 |
| Attorney | 135,987 | | | | | | 135,987 |
| Sheriff | 899,891 | | | | 2,209 | | 902,100 |
| Clerk of Court | 118,630 | | | | | | 118,630 |
| Recorder | 131,536 | | | | 11,462 | | 142,998 |
| Community Services | 101,591 | | | | | | 101,591 |
| County Engineer | | | | 4,289,000 | | | 4,289,000 |
| VA | 8,497 | | | | | | 8,497 |
| Conservation | 233,916 | | | | 9,250 | 7,350 | 250,516 |
| Local Health | 96,924 | | | | | | 96,924 |
| Weed Commissioner | | | 500 | | | | 500 |
| Human Services | 82,989 | | | | | | 82,989 |
| County Farm | 10,300 | | | | | | 10,300 |
| Medical Examiner | 9,000 | | | | | | 9,000 |
| Fairgrounds | 30,000 | | | | | | 30,000 |
| County Services | 75,873 | | | | | | 75,873 |
| County Library | | | 38,000 | | | | 38,000 |
| Historical Society | 3,275 | | | | | | 3,275 |
| Mental Health | | 1,942,583 | | | | | 1,942,583 |
| TOTAL | 3,119,799 | 1,942,583 | 142,956 | 4,289,000 | 22,921 | 7,350 | 9,524,609 |

Dated this 26th day of October, 1998.

Delaware County Board of Supervisors
/S/ G. Eldon Koeneke, Vice Chairman

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

G. Eldon Koeneke, Vice-Chairman

Sharon McCrabb, County Auditor

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November 2, 1998
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Besler and carried that the following claims be allowed for payment:

| | | |
|---|---|---|
| | GENERAL BASIC FUND | |
| Delaware County Economic Development | state grant | $8,582.00 |
| Blue Cross & Blue Shield of Iowa | insurance premiums | 1,366.22 |
| Mastercard | fuel expense | 13.00 |
| Mastercard | Solutions school lodging | 85.80 |
| Delaware County Community Health | county share - flu shots | 115.00 |
| | MENTAL HEALTH FUND | |
| Mental Health Institute | patient care | 60.00 |
| | SECONDARY ROAD FUND | |
| Peoples Natural Gas Co. | utility service | 24.21 |
| Alliant Utilities - IPC | electric service | 303.72 |

Payroll of 10-23-98 in the amount of $88,019.08, warrants #10378-10512. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the following Resolution be approved:

A RESOLUTION ADOPTING BY REFERENCE THE "PRIVATE WATER WELL CONSTRUCTION PERMIT" RULES OF THE IOWA ADMINISTRATIVE CODE (SECTION 567, CHAPTER 38) FOR DELAWARE COUNTY, IOWA.

WHEREAS, the State of Iowa has enacted legislation requiring a permit from the Department of Natural Resources prior to the construction of any new water wells in the state.

WHEREAS the Iowa Department of Natural Resources has adopted rules to implement the said statutory provisions.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY, IOWA, THAT Chapter 38 of Section 567 of the Iowa Administrative Code shall henceforth be adopted in its entirety as the private water well rules of Delaware County, Iowa.

Dated this 2nd day of November, 1998.

Delaware County Board of Supervisors
/S/ Bill Skinner, Chairman
/S/ Jerome E. Besler
/S/ G. Eldon Koeneke

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

Motion made by Koeneke, seconded by Besler and carried that the following Resolution be approved:

A RESOLUTION ADOPTING BY REFERENCE THE "REQUIREMENTS FOR PROPERLY PLUGGING ABANDONED WELLS", RULES OF THE IOWA ADMINISTRATIVE CODE, (SECTION 567, CHAPTER 39) FOR DELAWARE COUNTY, IOWA.

WHEREAS, the State of Iowa has enacted legislation over the proper plugging of abandoned wells, now known as Chapter 39 of Section 567 of the Iowa Administrative Code, Delaware County is hereby adopting by reference this regulation for the purpose of enforcement within this county under the provisions provided to the Delaware County Board of Supervisors in Section 331.301 of Chapter 331, the Code of Iowa.

BE IT RESOLVED THAT Chapter 39 of Section 567 of the Iowa Administrative Code shall henceforth be adopted in its entirety as the plugging requirements for abandoned wells for Delaware County, Iowa.

Dated this 2nd day of November, 1998.

Delaware County Board of Supervisors
/S/ Bill Skinner, Chairman
/S/ Jerome E. Besler
/S/ G. Eldon Koeneke

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

Motion made by Besler, seconded by Koeneke and carried that the following Resolution be approved:

A RESOLUTION ADOPTING BY REFERENCE THE "NONPUBLIC WATER SUPPLY WELL" RULES OF THE IOWA ADMINISTRATIVE CODE (SECTION 567, CHAPTER 49), FOR DELAWARE COUNTY, IOWA.

WHEREAS, the State of Iowa has enacted legislation setting the construction standards for nonpublic water wells in the State, and

WHEREAS, the Iowa Department of Natural Resources has adopted rules to implement the said statutory provisions.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY, IOWA: That Chapter 49 of Section 567 of the Iowa Administrative Code shall henceforth be adopted in its entirety as the nonpublic water supply well rules of Delaware County, Iowa.

Dated this 2nd day of November, 1998.

Delaware County Board of Supervisors
/S/ Bill Skinner, Chairman
/S/ Jerome E. Besler
/S/ G. Eldon Koeneke

ATTEST: /S/ Sharon McCrabb
County Auditor

All ayes.

Motion made by Koeneke, seconded by Besler and carried that Ordinance #19, entitled "Delaware County On-Site Wastewater Treatment and Disposal Systems" be approved by the Board for filing and that the first public reading of the ordinance be held on November 30th and the second reading on December 7th in the Supervisor's Office, Courthouse, Manchester, Iowa. The Auditor is hereby directed to publish the notice of the readings in the official newspapers. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the fuel quote received from Donlea Oil be accepted for 4,500 gallons of Gasohol and 3,000 gallons of diesel blend in the amount of $4,764.45 retroactive to October 26, 1998. Other quotes received were $4,903.90 from Cenex; $4,845.45 from Fauser Oil and $4,808.55 from Three Rivers FS. All ayes.

Motion made by Koeneke, seconded by Besler and carried that Joseph Mast and Jennifer Drinkwater be approved as Reserve Officers for the Delaware County Sheriff's Department Reserve Program. All ayes.

Bill Skinner, Chairman, formed a budget committee consisting of himself, Eldon Koeneke and Jerome Besler to work with the 1999/2000 budget information.

Motion made by Besler, seconded by Koeneke and carried that a letter of support be written for the Delaware County Historical Society to aid them in their effort to secure a grant to set up a historic route highlighting sites in Delaware County and ending in Backbone State Park. The grant is available through the Iowa Scenic Byways Program. All ayes.

There being no further business, this meeting is adjourned. These minutes were read and approved.

Bill Skinner
Bill Skinner, Chairman

Sharon McCrabb
Sharon McCrabb, County Auditor

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the

Delaware County

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 10 day of Nov A.D. 19 98, and the last on the 10 day of Nov A.D. 1998

Publication fee, $

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 10 day of Nov A.D. 1998

Witness my hand and seal the date last above written.

Peggy A McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-2000

**PUBLIC NOTICE**

Public Notice is hereby given that the Delaware County Boardof Supervisors will consider the DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS ORDINANCE #19 at its regular meeting at 11:00 a.m. November 30th, 1998 in the Supervisors' Office, Courthouse, Man-chester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Sharon McCrabb
Delaware County Auditor
P49

Kind _____

Parties _____

_____

Attorney _____

**Legal Notice – Board of Supervisors**

No. _____

**PUBLIC NOTICE**

Public Notice is hereby given that the Delaware County Board of Supervisors will consider the DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM ORDINANCE NO. 19 at its regular meeting at 11:00 a.m. November 17, 1998 in the Supervisors' office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public in the Auditor's Office.

Sharon McCrabb,
Delaware County Auditor

Fire _____

Last _____

Filed _____

Cost _____

State of Iowa, Delaware County, ss.

I, Mary Neele, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning Nov. 11 19 98, and ending same 19____, Printer's fees, $ 6.90.

Mary Neele

Subscribed in my presence and sworn to before me by Mary Neele on this 14th day of January, 19 99.

Brenda Kelchen
Notary Public

BRENDA K. KELCHEN
MY COMMISSION EXPIRES
04-13-99

November 16, 1998
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Besler and carried that the following county employees be allowed to attend their respective meetings: Anne Schackelford to attend an ISAC meeting in Des Moines on November 18; Laura Shoeman and Peggy Elgin to attend a mental health conference in Cedar Rapids on November 20, 1998; Brian Ridenour to attend the fall ISAC meeting on November 18 & 19 in Des Moines. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the following claims be approved for payment:

| | | |
|---|---|---|
| | GENERAL BASIC FUND | |
| GTE | phone service | $292.68 |
| AT&T | phone service | 29.07 |
| Cellcom-Ia. | phone service | 28.16 |
| Alliant Utilities | electric service | 102.98 |
| Maquoketa Valley REC | electric service | 618.78 |
| | MENTAL HEALTH FUND | |
| ISAC Community Service Association | ISAC dues | 50.00 |
| Kirkwood Community College | conference registration | 100.00 |
| | SECONDARY ROAD FUND | |
| Alliant Utilities | utilities | 107.93 |
| GTE | phone service | 36.83 |

All ayes.

Motion made by Koeneke, seconded by Besler and carried that Marlene Chapman be employed as a part-time jailer and also as a Matron when needed by the Sheriff's Department under the union contract, effective immediately. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the resignation of Willie Walter Rossow as Sign Person for the Secondary Road Department, effective December 25, 1998, be accepted with regret. Mr. Rossow has served Delaware County for thirty two years. All ayes.

Motion made by Koeneke, seconded by Besler and carried that Douglas D. Bush be hired as Maintenance Person II for the Secondary Road Department, effective November 16, 1998, at $10.94 per hour. All ayes. Brian Ridenour advised that from a list of 60 job applicants, Mr. Bush worked for nine different organizations and has applicable experience that no one else came close to. There were many good job applicants, but Mr. Bush was the best qualified.

Motion made by Besler, seconded by Koeneke and carried that the following Applications for Approval of Underground Construction on Delaware County Right-of-Way be approved: Dean Maurer for an electric line in a plastic conduit located 1 mile South from Delaware in Delhi Township; Dale Hosch for a 4" field tile located 7 miles Southwest from Hopkinton in Union Township. All ayes.

Motion made by Koeneke, seconded by Besler and carried that at letter of support be sent in support of Clayton County for enterprise zone certification. All ayes.

Everyone was reminded that there will be no official meeting of the Board on November 23rd. The next meeting will be November 30, 1998.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner, Chairman — Sharon McCrabb, Auditor

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November 30, 1998
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Besler, seconded by Koeneke and carried that the following employees be allowed to attend their respective meetings: Jerome Besler, Bill Skinner and Eldon Koeneke to attend an RTA meeting in Dubuque on December 2nd; Jerome Besler to attend an RC&D meeting in Maquoketa on December 2nd; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on November 30th; Bill Skinner and Jerome Besler to attend an ECIA meeting in Dubuque on December 3rd; Brian Ridenour and Scott Meier to attend the Iowa County Engineers Conference in Ames, December 1st through the 3rd. All ayes.

Motion made by Koeneke, seconded by Besler and carried that the following claims be allowed for payment along with payroll of 11-20-98 in the amount of $87,795.11 through warrants #11048 - #11179:

| | | |
|---|---|---|
| | GENERAL BASIC FUND | |
| Alliant Utilities | electric service | $1,030.15 |
| AT&T | phone service | 5.76 |
| GTE, Midwest | phone service | 1,523.35 |
| BCBS of Iowa | insurance premiums | 1,366.22 |
| Peoples Natural Gas Co. | utility service | 482.93 |
| U. S. West Communications | phone service | .64 |
| Iowa County Sheriff's Department | service fees | 20.00 |
| | SECONDARY ROAD FUND | |
| Peoples Natural Gas Co. | utility service | 72.30 |

# Supervisor's Minutes,

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

Larry Childs and Eugene Werner presented a certificate of insurance and a map showing snowmobile routes through Delaware County right-of-way. They requested approval by the Board of the trails for the 98/99 snowmobile season.

Motion made by Koeneke, seconded by Besler and carried that the snowmobile routes presented be approved for the 1998/99 fiscal year. All ayes.

The bridge on 210th Street crossing Prairie Creek in Coffins Grove Township was discussed. The County Engineer stated it needed to be closed temporarily. Other detours in the county were discussed along with future plans to solve the concerns of the Coffins Grove bridge.

Bill Skinner stated he did not want to close the bridge permanently without more study. All Supervisors felt the temporary closing would give them time to see about possible future funding for the bridge.

Motion made by Besler, seconded by Koeneke and carried that the following resolution be approved:

RESOLUTION
TEMPORARY BRIDGE CLOSURE

WHEREAS: The Board of Supervisors is empowered under the Code of Iowa Sections 321.236 and 321.471 to prohibit the operation of vehicles on designated bridges under its jurisdiction, and

WHEREAS: the Delaware County Engineer has completed the Structure Inventory and Appraisal for this bridge and determined it is inadequate for any vehicle loads and safe travel according to the maximum allowable operating stress in accordance with the National Bridge Inspection Standards,

NOW, THEREFORE, BE IT RESOLVED: by the Delaware County Board of Supervisors that signs be installed advising of the temporary bridge closure, until further notice, which is listed as follows:

Structure No. 142090
Section 32, Coffins Grove Township, T89N-R6W on 210th Street crossing Prairie Creek approximately one-half mile northeast of Masonville

Closure effective December 4, 1998.

Passed and approved this 30th day of November, 1998.

/S/ Bill Skinner, Chairman
Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, Delaware County Auditor

All ayes.

Motion made by Koeneke, seconded by Besler and carried that the resignation of Joe R. Hodges as temporary part-time truck driver be accepted retroactive to November 16, 1998. All ayes.

The first reading and consideration of the "Delaware County On-Site Wastewater Treatment and Disposal Systems, Ordinance #19" was held. The second reading of the ordinance will be held on December 7th, 1998 at 11:00 a.m. in the Supervisors' Office, Courthouse, Manchester, Iowa.

Motion made by Besler, seconded by Koeneke and carried that the Application for Approval of Underground Construction on Delaware County Right-of-Way for Tom Recker for a 10" tile 4½ miles SE from Manchester in Milo Township and for GTE Midwest for a cable 1½ miles West from Hopkinton in Union Township be approved. All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner
Bill Skinner, Chairman

Sharon McCrabb
Sharon McCrabb, County Auditor

**********

December 7, 1998
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 A.M. with Koeneke and Skinner present and Besler absent. Bill Skinner, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Skinner and carried that the following employees be allowed to attend their respective meetings: Sharon McCrabb to attend a Tax Reform Committee meeting in Des Moines on December 7th; Carla Becker to attend a computer training meeting in Des Moines on December 29th; and Jerome Besler and Eldon Koeneke to attend a New View meeting in Dubuque on December 10th. All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the following claims be allowed for payment:

| | | |
|---|---|---|
| | GENERAL BASIC FUND | |
| Donald Martin | client rent | $260.00 |
| Linn Co. Sheriff | service of notice | 31.30 |
| U.S. Postmaster | postage | 50.50 |
| GTE Midwest | phone service | 48.38 |
| Peoples Natural Gas Co.. | utilitiy service | 22.27 |
| Blue Cross & Blue Shield | insurance premiums | 2,050.29 |
| | MENTAL HEALTH FUND | |
| Alliant Utilities | utility service | 75.21 |
| GTE Midwest | phone service | 266.16 |

to your bill.

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Del County Bd of Supv.

in case of Public Notice- On-Site Wastewater

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 17 day of Nov A.D. 19 98, and the last on the 17 day of Nov A.D. 1998

Publication fee, $ [illegible]

Larry K Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 17 day of Nov A.D. 1998

Witness my hand and seal the date last above written.

Peggy A McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
12-13-98

**PUBLIC NOTICE**

Public Notice is hereby given that the Delaware County Board of Supervisors will have the second and final reading of the DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DESPOSAL SYSTEMS, ORDINANCE #19 at their regular meeting at 11:00 a.m. on December 7, 1998 in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Sharon McCrabb
Delaware County Auditor
P60

Total Due.....> 678.35

Kind _____

Parties _____

_____

Attorney _____

No. _____

First _____

Last _____

Filed _____

Cost _____

_____

# PUBLIC NOTICE

Notice is hereby given that the Delaware County Board of Supervisors will have the second and final reading of the DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS ORDINANCE NO. 19 at their meeting at 11:00 a.m. on December 7, 1998 in the Supervisors Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

/s/ [illegible], Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Nelle, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning Nov. 18 19 98, and ending same 19 ____, Printer's fees, $ 6.21.

Mary Nelle

Subscribed in my presence and sworn to before me by Mary Nelle on this 14th day of January, 19 99.

Brenda Kilchen

Notary Public

BRENDA K. KELCHEN
MY COMMISSION EXPIRES
1-13-99

KOCH BROTHERS, DES MOINES C-089-X H-0192-1

Larry Childs and Eugene Werner presented a certificate of insurance and a map showing snowmobile routes through Delaware County right-of-way. They requested approval by the Board of the trails for the 98/99 snowmobile season.

Motion made by Koeneke, seconded by Besler and carried that the snowmobile routes presented be approved for the 1998/99 fiscal year. All ayes.

The bridge on 210th Street crossing Prairie Creek in Coffins Grove Township was discussed. The County Engineer stated it needed to be closed temporarily. Other detours in the county were discussed along with future plans to solve the concerns of the Coffins Grove bridge.

Bill Skinner stated he did not want to close the bridge permanently without more study. All Supervisors felt the temporary closing would give them time to see about possible future funding for the bridge.

Motion made by Besler, seconded by Koeneke and carried that the following resolution be approved:

RESOLUTION
TEMPORARY BRIDGE CLOSURE

WHEREAS: The Board of Supervisors is empowered under the Code of Iowa Sections 321.236 and 321.471 to prohibit the operation of vehicles on designated bridges under its jurisdiction, and

WHEREAS: the Delaware County Engineer has completed the Structure Inventory and Appraisal for this bridge and determined it is inadequate for any vehicle loads and safe travel according to the maximum allowable operating stress in accordance with the National Bridge Inspection Standards,

NOW, THEREFORE, BE IT RESOLVED: by the Delaware County Board of Supervisors that signs be installed advising of the temporary bridge closure, until further notice, which is listed as follows:

Structure No. 142090
Section 32, Coffins Grove Township, T89N-R6W on 210th Street crossing Prairie Creek approximately one-half mile northeast of Masonville

Closure effective December 4, 1998.

Passed and approved this 30th day of November, 1998.

/S/ Bill Skinner, Chairman
Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, Delaware County Auditor

All ayes.

Motion made by Koeneke, seconded by Besler and carried that the resignation of Joe R. Hodges as temporary part-time truck driver be accepted retroactive to November 16, 1998. All ayes.

The first reading and consideration of the "Delaware County On-Site Wastewater Treatment and Disposal Systems, Ordinance #19" was held. The second reading of the ordinance will be held on December 7th, 1998 at 11:00 a.m. in the Supervisors' Office, Courthouse, Manchester, Iowa.

Motion made by Besler, seconded by Koeneke and carried that the Application for Approval of Underground Construction on Delaware County Right-of-Way for Tom Recker for a 10" tile 4½ miles SE from Manchester in Milo Township and for GTE Midwest for a cable 1½ miles West from Hopkinton in Union Township be approved. All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner
Bill Skinner, Chairman

Sharon McCrabb
Sharon McCrabb, County Auditor

**********

December 7, 1998
Manchester, Iowa

STATE OF IOWA )
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 A.M. with Koeneke and Skinner present and Besler absent. Bill Skinner, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Skinner and carried that the following employees be allowed to attend their respective meetings: Sharon McCrabb to attend a Tax Reform Committee meeting in Des Moines on December 7th; Carla Becker to attend a computer training meeting in Des Moines on December 29th; and Jerome Besler and Eldon Koeneke to attend a New View meeting in Dubuque on December 10th. All ayes.

Motion made by Skinner, seconded by Koeneke and carried that the following claims be allowed for payment:

| | | |
|---|---|---|
| | GENERAL BASIC FUND | |
| Donald Martin | client rent | $260.00 |
| Linn Co. Sheriff | service of notice | 31.30 |
| U.S. Postmaster | postage | 50.50 |
| GTE Midwest | phone service | 48.38 |
| Peoples Natural Gas Co.. | utilitiy service | 22.27 |
| Blue Cross & Blue Shield | insurance premiums | 2,050.29 |
| | MENTAL HEALTH FUND | |
| Alliant Utilities | utility service | 75.21 |
| GTE Midwest | phone service | 266.16 |
| Mastercard | schooling expense | 284.43 |
| | SECONDARY ROAD | |
| Three Rivers FS | LP Gas | 120.05 |

All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the Monthly Report and Remittance of the Clerk of Court for the month of December, 1998, in the amount of $258.04 , be approved. All ayes.

Motion made by Skinner, seconded by Koeneke and carried to approve the Investment Report of the Delaware County Treasurer in the amount of $4,056,357.17 invested in Delaware County banks as of December 1, 1998. All ayes.

Motion made by Koeneke, seconded by Skinner and carried to approve the Liquor License and Sunday Sales permits for The Detour effective December 1, 1998. All ayes.

Motion made by Skinner, seconded by Koeneke and carried to approve and sign, as soon as completed by the Delaware County Memorial Hospital, an Emergency Medical Services Grant for Fiscal Year 1999. All ayes.

Motion made by Koeneke, seconded by Skinner and carried that the following transfers be approved: $19,062.65 from the Rural Services Fund to the Secondary Road Fund; $1,795.12 from the General Basic Fund to the Secondary Road Fund. All ayes.

The 2nd reading and consideration of the "Delaware County On-Site Wastewater Treatment and Disposal Systems, Ordinance #19" was held. Motion made by Skinner, seconded by Koeneke and carried to waive any further readings of this ordinance. All ayes.

Motion made by Koeneke, seconded by Skinner and carried to approve the signing of the "Delaware County On-Site Wastewater Treatment and Disposal Systems, Ordinance #19" as follows:

DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS ORDINANCE NO. 19

1. That Delaware County on-site wastewater treatment and disposal systems, Ordinance No. 19, duly published on the __ day of _____, 1998, and the following shall be referred to as Delaware County Ordinance No. 19, and known as Delaware County on-site wastewater treatment and disposal systems.

2. That the Delaware County Ordinance No. 19 shall be effective following passage by the Board of Supervisors and publication as specified in section 331.302(7) of the 1997 Code of Iowa.

3. APPLICATION OF RULES:
These rules are applicable only to on-site wastewater treatment and disposal systems. Contractors performing work on an on-site wastewater treatment and disposal system which is located within Delaware County are required to obtain proof from the customer that a permit has been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located prior to start of work on said system.

4. PERMIT PROCEDURE:
   A. Applications: Any person, firm or corporation desiring a permit for an on-site wastewater treatment and disposal system, must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner shall state wuch pertinent information as required.

   B. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

| | |
|---|---|
| Sewer permit | $75.00 |
| Alteration/repair permit | $75.00 |
| Repair of a previously approved, permitted system in service 10 years or less | 0.00 |

   C. Permit: The permit must be readily available upon request by administrative authority (Board of Health).

   D. Validity: Permits shall be valid for a maximum of twelve months from the date of issuance. If the system is not completed during this time frame, another permit is required.

   E. Notification: The Sanitarian will be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

5. INSPECTIONS:
   A. No part of any on-site wastewater treatment and disposal system shall be used, covered or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

   B. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make an inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

   C. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the

compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

D. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provsions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Health Department between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. FINANCIAL RESPONSIBILITY:
Proof of financial responsibility is required for contractors who construct, alter and/or repair on-site wastewater treatment and disposal systems within Delaware County.

A. Performance Bond/Letter of Credit. A performance bond or letter of credit is required for all contractors who construct, alter and or repair on-site wastewater treatment and disposal systems within Delaware County. This bond or letter of credit is required to ensure: (1) The contractor has obtained proof that the proper and necessary permits have been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located. (2) The contractor constructs, alters and or repairs on-site wastewater treatment and disposal systems in accordance with this ordinance.

B. A performance bond or letter of credit in the amount of $5,000.00 is required to be on file with the Delaware County Board of Supervisors. It is the contractors reponsibility to ensure the performance bond or letter of credit is current.

C. Any contractor who performs work on an on-site wastewater treatment and disposal wystem located within Delaware County without first securing from the customer proof that the necessary and proper permits have been obtained, risks forfeiture of their bond or letter of credit to the Delaware County Board of Supervisors. However, an appeal can be made at the next regular meeting of the county Board of Supervisors. If the contractor can show good cause with compelling evidence why their bond or letter of credit should not be forefeited and the county Board of Supervisors finds by a vote of the members that such evidence does exist, then said bond or letter of credit shall not be forfeited.

D. Property owners may construct, alter, and or repair their own on-site wastewater treatment and disposal system without a performance bond or letter of credit. All other rules apply.

7. PURPOSE:
The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any on-site wastewater treatment and disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed on-aite wastewater treatment and disposal systems. These systems are approved and certifed by trained personnel from the Delaware County Board of Health. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for on-site wastewater treatment and disposal systems within Delaware County.

8. In accordance with Section 331.302(4A) of the 1997 Code of Iowa, Sections 455A.6, 455B.171, and 455B.173 (3) (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to On-Site Waste Water Treatment and Disposal Systems. These rules are stated in 567 Iowa Adminstrative Code 69.

9. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Divil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receit requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section,

and fails without good cause to appear in response to the civil citation, judgement shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgement has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgement against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1 (1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposed of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES
Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. JURISDICTION:
The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:
This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY:
The provisions of this ordinance are separable, and if any provision, sentence, clause,section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 7th day of December, 1998.

Delaware County Board of Supervisors
/S/ Bill Skinner, Chairman
/S/ Eldon Koeneke

ATTEST: /S/ Sharon McCrabb, County Auditor
All ayes.

There being no further business, this meeting adjourned. These minutes were read and approved.

Bill Skinner, Chairman

Judy Zehr, Deputy Auditor

**********

December 14, 1998
Manchester, Iowa

DELAWARE COUNTY )
) SS:
STATE OF IOWA )

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Besler and carried that the following county employees be allowed to attend their respective meetings: Pat Kane to attend a CPC meeting in Des Moines on December 16th and a regional CPC meeting in Cedar Rapids on December 18, 1998; Douglas Dabroski, Dennis Dugan, Richard Langel and James Diers to attend an Excavation Safety Workshop on December 15th in Coralville; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on December 14th. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the following claims be allowed for payment along with the claims as shown on pages 204a through 204d.

| | | |
|---|---|---|
| | GENERAL BASIC | |
| AT&T | phone service | $512.64 |
| GTE Midwest | phone service | 162.60 |
| | MENTAL HEALTH | |
| AT&T | phone service | 169.56 |
| | SECONDARY ROAD | |
| AT&T | phone service | 98.72 |

All ayes.

Bill Skinner requested the county auditor send a memo to all departments to remind any new employees that the county policy on reimbursement or payment of claims does not include extravagant meals, tips on meals or alcoholic beverages.

Motion made by Koeneke, seconded by Besler and carried that the Application for Approval of Underground Construction on Delaware County Right-of-Way for Jon L. Ries for a tile crossing in Milo Township and for Richard Steffen for an electrical line 4½ miles NW from Earlville in Oneida Township be approved. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the quote of Donlea Oil for 4,500 gallons of Gasohol, 2,000 gallons of #2 premium and 1,000 gallons of #1 diesel blend for $3,750.60 be approved retro-active to 12-10-98. Fauser Oil also submitted a quote in the amount of $4,112.40. All ayes.

Motion made by Koeneke, seconded by Besler and carried that homestead exemptions be disallowed as follows:

HOMESTEAD EXEMPTIONS DISALLOWED BY THE
BOARD OF SUPERVISORS - 1998

Adams Twp. - All were allowed except homestead for Erwin H. Meyers, discontinued use of property as homestead
except homestead for Alphonse & Sylvia Steffen, property sold
except homestead for Roger K. & Susanne Menken, property sold
except homestead for Martin & Shirley Ryan, property sold

Bremen Twp. - All were allowed except homestead for Harold R. & Gladys Burkle, property sold
except homestead for Hildegarde Lueck, discontinued use of property as homestead

Coffins Grove Twp. - All were allowed except homestead for LeRoy & Mary V. Schneiders, discontinued use of property as homestead
except homestead for John & Velma Steines, property sold
except homestead for Jeffrey & Theresa Gentz, property sold
except homestead for Kathleen Walston, property sold

Colony Twp. - All were allowed except homestead for Randy J. & Kristine Nefzger, discontinued use of property as homestead
except homestead for Edith M. Merten, property sold

Delaware Twp. - All were allowed except homestead for Dorothy Arnold, property sold
except homestead for Mark & Jill Bergman, property sold
except homestead for Keith & Karen Cook, property sold
except homestead for Kenneth & Victoria Fortman, discontinued use of property as homestead
except homestead for Cecil & Mildred Harden, property sold
except homestead for John P. Houlihan, discontinued use of property as homestead
except homestead for Roger & Theola Johnson, property sold
except homestead for Jerome & Verna Keppler, property sold

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the _____ Delaware County Solid Waste in case of Ordinance #19 a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 15 day of Dec A.D. 19 98, and the last on the 15 day of Dec A.D. 1998

Publication fee, $_____

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 15 day of Dec A.D. 1998

Witness my hand and seal the date last above written.

Peggy A Kelly Notary Public

## DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS ORDINANCE NO.19

1. That Delaware County on-site wastewater treatment and disposal systems, Ordinance No. 19 duly published on the ___ day of_____, 19__, and the following shall be referred to as Delaware County Ordinance No. 19 , and known as Delaware County on-site wastewater treatment and disposal systems.

2. That the Delaware County Ordinance No. 19 shall be effective following passage by the Board of Supervisors and publication as specified in section 331.302 (7) of the 1997 Code of Iowa.

3. APPLICATION OF RULES:
These rules are applicable only to on-site wastewater treatment and disposal systems. Contractors performing work on an on-site wastewater treatment and disposal system which is located within Delaware County are required to obtain proof from the customer that a permit has been secured by the owner of the property on which the on-site waste water treatment and disposal system is located prior to start of work on said system.

4. PERMIT PROCEDURE:
   A. Applications: Any person, firm or corporation desiring a permit for an on-site waste water treatment and disposal system, must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner shall state such pertinent information as required.

   B. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

| | |
|---|---|
| Sewer permit | $75.00 |
| Alteration/repair permit | $75.00 |
| Repair of a previously approved, permitted system in service 10 years or less. | $ 0.00 |

   C. Permit: The permit must be readily available upon request by administrative authority (Board of Health).

   D. Validity: Permits shall be valid for a maximum of twelve months from the date of issuance. If the system is not completed during this time frame, another permit is required.

   E. Notification: The Sanitarian will be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

5. INSPECTIONS:
   A. No part of any on-site wastewater treatment and disposal system shall be used, covered or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

   B. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make an inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

   C. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

   D. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Health Department between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

   M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

   N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. JURISDICTION:
The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:
This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY:
The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.
Dated this 7th day of December, 1998.
Published this 15th day of December, 1998.

Delaware County Board of Supervisors
/S/Bill Skinner
Chairperson
/S/ Eldon Koeneke
Supervisor
"Absent" Supervisor Jerome Besler

ATTEST:

/S/ Sharon McCrabb
Delaware County Auditor

P54

enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Health Department between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. FINANCIAL RESPONSIBILITY:
Proof of financial responsibility is required for contractors who construct, alter and/or repair on-site wastewater treatment and disposal systems within Delaware County.

A. Performance Bond/Letter of Credit. A performance bond or letter of credit is required for all contractors who construct, alter and or repair on-site wastewater treatment and disposal systems within Delaware County. This bond or letter of credit is required to ensure: (1) The contractor has obtained proof that the proper and necessary permits have been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located. (2) The contractor constructs, alters and or repairs on-site wastewater treatment and disposal systems in accordance with this ordinance.

B. A performance bond or letter of credit in the amount of $5,000.00 is required to be on file with the Delaware County Board of Supervisors. It is the contractors responsibility to ensure the performance bond or letter of credit is current.

C. Any contractor who performs work on an on-site wastewater treatment and disposal system located within Delaware County without first securing from the customer proof that the necessary and proper permits have been obtained, risks forfeiture of their bond or letter of credit to the Delaware County Board of Supervisors. However, an appeal can be made at the next regular meeting of the county Board of Supervisors. If the contractor can show good cause with compelling evidence why their bond or letter of credit should not be forfeited and the county Board of Supervisors finds by a vote of the members that such evidence does exist, then said bond or letter of credit shall not be forfeited.

D. Property owners may construct, alter, and or repair their own on-site wastewater treatment and disposal system without a performance bond or letter of credit. All other rules apply.

7. PURPOSE:
The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any on-site wastewater treatment and disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed on-site wastewater treatment and disposal systems. These systems are approved and certified by trained personnel from the Delaware County Board of Health. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for on-site wastewater treatment and disposal systems within Delaware County.

8. In accordance with Section 331.302 (4A) of the 1997 Code of Iowa, Sections 455A.6, 455B. 171, and 455B. 173 (3) (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to On-Site Waste Water Treatment and Disposal Systems. These rules are stated in 567 Iowa Administrative Code 69.

9. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails with out good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1(1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by sub

# Legal Notice Board of Supervisors

## DELAWARE COUNTY ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS ORDINANCE NO. 19

1. That Delaware County on-site wastewater treatment and disposal systems, Ordinance No. 19, duly published on the ____ day of ____, 19__, and the following shall be referred to as the Delaware County Ordinance No. 19, and known as Delaware County On-Site Wastewater Treatment and Disposal Systems.

2. That the Delaware County Ordinance No. 19 shall be effective following passage by the Board of Supervisors and publication as specified in section 331.302(7) of the 1997 Code of Iowa.

3. **APPLICATION RULES.**

These rules are applicable only to on-site wastewater treatment and disposal systems. Contractors performing work on an on-site wastewater treatment and disposal system which is located within Delaware County are required to obtain proof from the customer that a permit has been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located prior to start of work on said system.

4. **PERMIT PROCEDURE.**

A. Applications: Any person, firm or corporation desiring a permit for an on-site wastewater treatment and disposal system, must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner shall state such pertinent information as required.

B. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

Sewer Permit: $75.00
Alteration/Repair
Permit: $75.00

sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. **FINANCIAL RESPONSIBILITY:**

Proof of financial responsibility is required for contractors who construct, alter and/or repair on-site wastewater treatment and disposal systems within Delaware County.

A. Performance Bond/Letter of Credit. A performance bond or letter of credit is required for all contractors who construct, alter or repair on-site wastewater treatment and disposal systems within Delaware County. This bond or letter of credit is required to ensure: (1) The contractor has obtained proof that the proper and necessary permits have been secured by the owner of the property on which the on-site wastewater treatment and disposal system is located. (2) The contractor constructs, alters or repairs on-site wastewater treatment and disposal systems in accordance with this ordinance.

B. A performance bond or letter of credit in the amount of $5,000.00 is required to be on file with the Delaware County Board of Supervisors. It is the contractors responsibility to ensure the performance bond or letter of credit is current.

C. Any contractor who performs work on an on-site wastewater treatment and disposal system located within Delaware County without first security from the customer proof that the necessary and proper permits have been obtained, risks forfeiture of their bond or letter of credit to the Delaware County Board of Supervisors. However, an appeal can be made at the next regular meeting of the County Board of Supervisors. If the contractor can show good cause with compelling evidence why their bond or letter of credit should not be forfeited and the County Board of Supervisors finds by a vote of the members that such evidence does exist, this section, and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100.00) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200.00) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or

be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. **SEPARABILITY.**

The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 7th day of December 1998.

Delaware County
Board of Supervisors
/S/ Bill Skinner, Chairperson
/S/ Eldon Koeneke

ATTEST:
Sharon McCrabb,
Delaware County Auditor

**State of Iowa, Delaware County, ss.**

I, Mary Heeke, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning Dec. 16 19 98, and ending same 19____, Printer's fees, $ 129.38

Mary Heeke

Subscribed in my presence and sworn to before me by Mary Heeke on this 7th day of January, 1999.

Wilma L Parsons
Notary Public

NOTARIAL SEAL
WILMA L. PARSONS
MY COMMISSION EXPIRES
12-10-01

required fees.

Sewer Permit: $75.00
Alteration/Repair
Permit: $75.00
Repair of a Previously
Approved, Permitted System
in Service 10 Years
Or Less: $0.00

C. Permit: The permit must be readily available upon request by administrative authority (Board of Health).

D. Validity: Permits shall be valid for a maximum of twelve months from the date of issuance. If the system is not completed during this time frame, another permit is required.

E. Notification: The Sanitarian will be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

5. **INSPECTIONS.**

A. No part of any on-site wastewater treatment and disposal system shall be used, covered or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

B. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make an inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

C. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his, agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

D. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Health Department between the hours of should not be forfeited and the County Board of Supervisors finds by a vote of the members that such evidence does exist, then said bond or letter of credit shall not be forfeited.

D. Property owners may construct, alter or repair their own on-site wastewater treatment and disposal system without a performance bond or letter of credit. All other rules apply.

7. **PURPOSE.**

The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any on-site wastewater treatment disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed on-site wastewater treatment and disposal systems. These systems are approved and certified by trained personnel from the Delaware County Board of Health. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for on-site wastewater treatment disposal systems within Delaware County.

8. In accordance with Section 331.302(4A) of the 1997 Code of Iowa, Sections 455A.6, 455B.171 and 455B.173 (3) (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to On-Site Wastewater Treatment and Disposal Systems. These rules are stated in 567 Iowa Administrative Code 69.

9. **VIOLATION PROVISION**

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Chapter 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1 (1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file an motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. **AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES.**

Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. **JURISDICTION.**

The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. **CONFLICT WITH STATE LAWS.**

This ordinance is intended to