

JACKSON COUNTY ORDINANCE #323
AN ORDINANCE TO REPEAL JACKSON COUNTY ORDINANCE NOS. 88 AND 250 AND ADOPT A
NEW JACKSON COUNTY PRIVATE SEWAGE DISPOSAL ORDINANCE
Adopted Pursuant to Iowa Code Chapters 331, 137, and 455B and
Iowa Administrative Code 567—Chapters 68 and 69

WHEREAS, the Jackson County Board of Health is responsible for protecting the public health and environment through the regulation of private sewage disposal systems within Jackson County; and

WHEREAS, Jackson County Ordinance Nos. 88 and 250 contain provisions governing private sewage disposal systems within Jackson County, and Ordinance No. 88 was not expressly repealed upon the adoption of Ordinance No. 250; and

WHEREAS, Iowa Administrative Code 567—Chapter 69 has been revised since the adoption of Ordinance No. 250, necessitating review and revision of the County's local private sewage disposal regulations to maintain consistency with current state requirements; and

WHEREAS, the Jackson County Board of Health has reviewed the County's existing private sewage disposal regulations and identified provisions within Ordinance No. 250 that require clarification, revision, or modernization to address current private sewage disposal practices, permitting, installation, inspection, and enforcement; and

WHEREAS, the Jackson County Board of Health has determined that repealing Ordinance Nos. 88 and 250 and adopting a comprehensive new Private Sewage Disposal Ordinance will eliminate outdated or potentially conflicting provisions, provide greater clarity and consistency, and better protect the public health, safety, and welfare of Jackson County;

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF SUPERVISORS, that Jackson County Ordinance Nos. 88 and 250 are hereby repealed and replaced by the new Jackson County Private Sewage Disposal Ordinance.

PASSED AND APPROVED BY THE JACKSON COUNTY BOARD OF SUPERVISORS ON THIS 25TH DAY OF AUGUST, 2026.

AYE: _____

NAY: _____

Don Schwenker, Chair

Nin Flagel, Member

Mike Steines, Member

ATTEST: _____
Alisa Smith
Jackson County Auditor

Contents

Section 1. Purpose and Authority	3
Section 1A. Definitions	3
Section 2. Adoption of State Standards	3
Section 3. Permit Requirement	3
Section 3A. Permit Procedure	4
Section 4. Fees	4
Section 5. Installer Registration Requirement	5
Section 6. Installer Certification and Continuing Education	5
Section 7. Connecting to Existing Systems	5
Section 8. Commercial Septic Tank Cleaners	5
Section 9. Construction Standards	5
Section 10. Inspections	6
Section 11. Holding Tanks	6
Section 12. Administration and Enforcement Authority	7
Section 13. Right of Entry	7
Section 14. Refusal of Admittance	7
Section 15. Notice of Violation	7
Section 16. Appeals	7
Section 17. Jurisdiction	7
Section 18. County Infraction	8
Section 19. Repealer	8
Section 20. Severability	8
Section 21. Effective Date	8

Section 1. Purpose and Authority

This ordinance is adopted by the Jackson County Board of Supervisors pursuant to the authority granted by Iowa Code Chapters 331, 137, and 455B, and the applicable rules of the Iowa Department of Natural Resources (DNR), including Iowa Administrative Code 567—Chapters 68 and 69.

The purpose of this ordinance is to protect the public health, safety, and welfare and to protect groundwater and surface water resources by establishing minimum standards for the location, design, installation, alteration, repair, replacement, operation, inspection, maintenance, and regulation of private sewage disposal systems within Jackson County. This ordinance further establishes local administrative requirements for permitting, inspections, documentation, and enforcement consistent with Iowa law.

Section 1A. Definitions

For the purposes of this ordinance, the following terms shall have the meanings indicated:

- 1. Board of Health.** The Jackson County Board of Health, established under Iowa Code Chapter 137.
- 2. Health Officer.** The Environmental Health Director or any person designated or authorized by the Jackson County Board of Health to administer and enforce this ordinance.
- 3. Private Sewage Disposal System (PSDS).** A private sewage disposal system as defined by Iowa Administrative Code 567—Chapter 69.
- 4. Installer.** Any person, firm, or corporation registered with the Jackson County Health Department and authorized to install, alter, repair, replace, or abandon a private sewage disposal system under this ordinance.
- 5. Time of Transfer Inspection.** An inspection of a private sewage disposal system conducted in accordance with Iowa Administrative Code 567—Chapter 69.
- 6. Permit.** Written authorization issued by the Health Officer allowing the construction, alteration, repair, extension, replacement, or abandonment of a private sewage disposal system.
- 7. Property Owner.** The legal owner of the property on which a private sewage disposal system is located.
- 8. Holding Tank.** A watertight receptacle approved for the collection and temporary storage of domestic sewage pending removal by a licensed commercial septic tank cleaner.
- 9. Virtual Inspection.** An inspection conducted by the Health Officer using photographs, videos, electronic documentation, GPS information, maps, or other information submitted electronically in lieu of, or in conjunction with, an in-person inspection.
- 10. As-Built Drawing.** A drawing or map prepared by the installer depicting the location of all major components of the installed private sewage disposal system as actually constructed.
- 11. Shared Private Sewage Disposal System.** A private sewage disposal system serving more than one dwelling, building, or property under conditions approved by the Health Officer and this ordinance.
- 12. Qualified Soil Evaluator.** A person qualified to perform soil evaluations in accordance with Iowa Administrative Code 567—Chapter 69 and approved by the Health Officer.

Section 2. Adoption of State Standards

1. The provisions of Iowa Administrative Code 567—Chapter 69, Private Sewage Disposal Systems, and Iowa Administrative Code 567—Chapter 68, Commercial Septic Tank Cleaners, and any amendments thereto, are hereby adopted by reference and made a part of this ordinance as the minimum standards governing private sewage disposal systems and commercial septic tank cleaning activities within Jackson County.
2. Compliance with the provisions of Iowa Administrative Code 567—Chapters 68 and 69, as amended from time to time by the Iowa Department of Natural Resources, and the additional requirements of this ordinance, shall be required for all private sewage disposal systems and commercial septic tank cleaning activities within Jackson County.

Section 3. Permit Requirement

- 1. Permit Required.** No person shall construct, alter, extend, or repair a private sewage disposal system (PSDS) in Jackson County until a written permit has been obtained from the Health Officer.
- 2. Permit Expiration.** Permits shall expire one (1) year from the date of issuance. If the permitted work is not completed before the permit expires, the permit must be renewed before beginning or continuing the work.
- 3. Applicability.** A permit shall be required prior to any of the following activities:
 - a. Installation of a new private sewage disposal system (PSDS);
 - b. Construction, alteration, extension, expansion, repair, replacement, or abandonment of any portion of an existing PSDS;
 - c. Installation or replacement of secondary treatment units, septic tanks, pump tanks, distribution systems, soil absorption systems, or other components requiring approval under Iowa Administrative Code 567—Chapter 69;
 - d. Any modification that changes the design capacity, location, or method of treatment or disposal of a PSDS.

- 4. Inspections.** Work authorized by a permit shall be subject to inspection by the county prior to being placed into operation or covered.
- 5. Additional Requirements for Shared Private Sewage Disposal Systems.** Applications for shared private sewage disposal systems shall also include:
 - a. A separate permit application and permit fee for each dwelling unit or structure served by the shared system.
 - b. Documentation demonstrating that each dwelling unit or structure will be served by its own individual septic tank unless otherwise approved by the Health Officer.
 - c. A recorded easement providing perpetual access for the installation, operation, inspection, maintenance, repair, and replacement of the shared private sewage disposal system.
 - d. A recorded Shared Private Sewage Disposal System Agreement that runs with the land and is binding upon all current and future property owners served by the system, identifying ownership, maintenance responsibilities, repair and replacement obligations, cost-sharing provisions, and procedures for transfer of ownership.

Section 3A. Permit Procedure

- 1. Application.** Applications for permits shall be made to the Health Officer on forms provided by the county. Applications shall include all relevant information requested on the form, be accompanied by the current permit fee, and include:
 - a. A professional soil evaluation, including verification of the soil permeability prepared by a qualified soil evaluator approved by the Health Officer.
 - b. A site plan showing the proposed location of the private sewage disposal system, including identifiable property boundaries and the location of all known property corners or monuments. The Health Officer may require additional documentation, including a survey prepared by a licensed land surveyor, when necessary to verify property boundaries or required setbacks.
 - c. For shared private sewage disposal systems, or for sites determined by the Health Officer to have significant design constraints due to limited area, setback limitations, soil conditions, topography, environmental sensitivity, or other factors affecting system design, the Health Officer may require that the proposed system be designed, signed, and certified by a Professional Engineer licensed in the State of Iowa or another qualified third-party designer approved by the Health Officer.
- 2. Review and Decision.** Upon completion of the site evaluation and review of the permit application and all required supporting documentation, the Health Officer shall approve or deny the permit based upon compliance with this ordinance, Iowa Administrative Code 567—Chapter 69, and reasonable consideration for the protection of public health and the environment. If the application is denied, the Health Officer shall provide the decision in writing, stating the reasons for the denial and informing the applicant of the right to appeal and any applicable variance procedures.
- 3. Easements, Variances, and Recorded Agreements.** No permit requiring a recorded easement, variance, shared private sewage disposal system agreement, maintenance agreement, or other recorded instrument as a condition of approval shall be issued until the applicant has recorded the required document(s) with the Jackson County Recorder and provided proof of recording to the Health Officer.

Section 4. Fees

- 1. Fee Schedule.** Fees for private sewage disposal system (PSDS) permit applications, permit renewals, inspections, application reviews, registrations, and other services authorized under this ordinance shall be established by resolution of the Jackson County Board of Health pursuant to Iowa Code §137.104(2)(b).
- 2. Additional Disposal Areas.** When an application is amended to include one or more additional proposed disposal areas or sites, a separate application review fee shall be assessed for each additional disposal area or site reviewed.
- 3. Shared Private Sewage Disposal Systems.** A separate permit application and permit fee shall be required for each dwelling unit or structure served by a shared private sewage disposal system unless otherwise approved by the Health Officer.
- 4. Payment of Fees.** All fees shall be paid to the Jackson County Health Department prior to the issuance of a permit unless otherwise authorized by the Health Officer.
- 5. Third-Party Costs.** The applicant shall be responsible for all costs associated with third-party professional services required by this ordinance or the Health Officer, including but not limited to soil evaluations, engineering or design services, surveying, GPS surveying, easement preparation, legal agreements, recording fees, and any other professional services necessary to demonstrate compliance with this ordinance. Such costs are separate from and in addition to the fees established by the Jackson County Board of Health.
- 6. Refunds.** Unless otherwise authorized by the Health Officer or the Jackson County Board of Health, permit and application review fees are non-refundable after review of the application has begun.

Section 5. Installer Registration Requirement

All private sewage disposal system (PSDS) installers conducting work requiring a permit within Jackson County shall register annually with the Jackson County Health Department.

- 1. Registration Required.** Each private sewage disposal system installation company, or an individual installer if operating as a sole proprietor, shall maintain a current registration with the Jackson County Health Department prior to applying for or obtaining a permit. Registration is required for inclusion in the county's permitting system.
- 2. Registration Application.** Applicants shall complete the registration form provided by the Health Officer and submit any information required by the Health Officer to establish or maintain registration.
- 3. Registration Term.** Registrations shall expire annually on March 1 and shall be renewed to remain active in the county's permitting system.

Section 6. Installer Certification and Continuing Education

- 1. Certification Required.** All registered private sewage disposal system (PSDS) installers performing work requiring a permit under this ordinance shall maintain current Certified Installer of Onsite Wastewater Treatment Systems (CIOWTS) certification through the Iowa Onsite Wastewater Association (IOWWA), or its successor organization, as a condition of registration and registration renewal. If the CIOWTS certification program is discontinued without a successor organization, the Jackson County Board of Health may establish, by resolution, an alternative certification requirement.
- 2. Proof of Certification.** Registered installers shall provide proof of current certification upon application for registration, registration renewal, and upon request of the Health Officer.
- 3. Responsibility for Certification.** All costs associated with obtaining and maintaining required certification, training, and continuing education shall be the responsibility of the installer.
- 4. Compliance.** Failure to maintain the certification required by this section may result in denial, suspension, revocation, or non-renewal of installer registration in accordance with this ordinance.

Section 7. Connecting to Existing Systems

- 1. Evaluation Required.** Existing private sewage disposal systems (PSDSs) shall be evaluated for compliance with this ordinance whenever any of the following occur:
 - a. The Jackson County Board of Health or the Health Officer determines that a public health hazard exists;
 - b. A mobile home, modular home, manufactured home, relocated dwelling, new or reconstructed dwelling, or other structure is connected to or proposed to be served by an existing PSDS; or
 - c. A major alteration, repair, replacement, or expansion of the existing system is proposed.
- 2. Continued Use of Existing System.** The Health Officer may approve the continued use of an existing PSDS under subsections (1)(b) and (1)(c), provided the applicant demonstrates, to the satisfaction of the Health Officer, that the system:
 - a. Is adequately sized for the proposed use;
 - b. Is structurally sound and in good operating condition;
 - c. Complies with the applicable provisions of this ordinance; and
 - d. Is not creating an unlawful discharge to the ground surface or otherwise creating a public health hazard.
- 3. Additional Information.** The Health Officer may require pumping of septic tanks, uncovering of system components, operational testing, or other information reasonably necessary to determine the condition and suitability of an existing PSDS.
- 4. Demonstration of Compliance.** Compliance with this section shall be demonstrated by an inspection performed by the Health Officer, an Iowa DNR-certified Time of Transfer inspector, or another qualified inspector approved by the Health Officer.

Section 8. Commercial Septic Tank Cleaners

Commercial septic tank cleaners and septage disposal activities within Jackson County shall comply with the requirements of Iowa Code section 455B.172 and Iowa Administrative Code 567—Chapter 68, as amended. The Jackson County Board of Health and the Health Officer shall enforce the standards, licensing requirements, and operational requirements established by the Iowa Department of Natural Resources as authorized by law. Any trash, wipes, plastics, or other nonbiodegradable debris removed or separated during the cleaning or pumping of a private sewage disposal system shall be collected and lawfully disposed of in accordance with all applicable federal, state, and local laws and regulations.

Section 9. Construction Standards

1. Compliance with State Standards.

All private sewage disposal systems shall be constructed in accordance with Iowa Administrative Code 567—Chapter 69, the approved permit, approved plans, manufacturer's installation requirements, and the provisions of this ordinance.

2. Distribution Box Risers.

All distribution boxes shall be provided with a riser extending to finished grade. The original distribution box lid shall remain in place beneath the riser. Risers shall be manufactured for use with onsite wastewater systems, constructed of durable, corrosion-resistant materials intended for burial, and equipped with a secure, removable lid. Improvised risers or risers constructed from materials not intended for onsite wastewater system use are prohibited.

Section 10. Inspections

- 1. Authority.** The Health Officer or the Health Officer's authorized representative shall conduct inspections of private sewage disposal systems (PSDSs) to ensure compliance with this ordinance and Iowa Administrative Code 567—Chapter 69.
- 2. When Required.** Inspections may be conducted by the Health Officer whenever necessary to determine compliance with this ordinance and Iowa Administrative Code 567—Chapter 69, including, but not limited to, the following:
 - a. Prior to backfilling or placing a new or repaired system into operation, or prior to connecting a new or reconstructed structure to an existing private sewage disposal system;
 - b. When a permit requires verification of installation or repair;
 - c. As part of the investigation of a complaint or suspected violation;
 - d. When ordered by the Board of Health to protect public health; or
 - e. At the time of a property transfer in accordance with Iowa Administrative Code 567—Chapter 69.
- 3. Access.** The owner, occupant, or installer shall provide the Health Officer or the Health Officer's authorized representative with reasonable access to the property for the purpose of conducting inspections authorized by this ordinance.
- 4. Virtual Inspections.** If the Health Officer or the Health Officer's authorized representative is unable to be physically present at the time of installation, a virtual inspection may be conducted. In such cases, the installer shall submit all required photographs, videos, inspection information, and supporting documentation in the manner and format prescribed by the Health Officer. At a minimum, the installer shall provide:
 - a. Clear photographic or video documentation of the system during installation, including tank placement, piping, distribution systems, treatment units, and all other major system components;
 - b. Any additional photographs, videos, measurements, or documentation required by the Health Officer to verify compliance with this ordinance and Iowa Administrative Code 567—Chapter 69.
- 5. Temporary Surface Markers and GPS Documentation.** The installer shall provide temporary surface markers identifying the location of all major buried system components, including, but not limited to, septic tanks, pump chambers, distribution boxes, treatment units, inspection ports, and the beginning and end of each soil dispersal field. If any portion of the system is backfilled prior to inspection or GPS documentation by the Health Department, the installer shall ensure the location of the buried components remains clearly identifiable by temporary surface markers. Such markers shall remain in place until the Health Department has completed GPS documentation of the system or authorizes their removal.
- 6. As-Built Drawing.** At the time of the required inspection, the installer shall provide the Health Officer with an accurate as-built drawing or map, in a format acceptable to the Health Officer, identifying the location of all major system components, including, but not limited to, septic tanks, pump chambers, distribution boxes, treatment units, inspection ports, and soil dispersal fields. The as-built drawing or map shall include dimensions from permanent structures, property lines, or other permanent reference points sufficient to accurately locate the system for future inspection, maintenance, and GPS documentation.
- 7. Results.** Following an inspection, whether conducted in person or virtually, the Health Officer shall document the findings in writing and may approve the installation, require corrective action, withhold final approval until all required documentation has been received, or issue a notice of violation in accordance with this ordinance.

Section 11. Holding Tanks

1. Holding tanks shall be approved only as a last resort when the Health Officer determines that connection to a public sanitary sewer is not required or reasonably available, and no other private sewage disposal system meeting the requirements of Iowa Administrative Code 567—Chapter 69 can reasonably be installed due to site limitations, applicable setback requirements, or other physical constraints.
2. Prior to issuance of a permit for a holding tank, the property owner shall enter into a Holding Tank Agreement with the Jackson County Board of Health. The agreement shall be recorded with the Jackson County Recorder and shall run with the land, binding all current and future property owners.
3. The Holding Tank Agreement shall require the property owner to:
 - a. Properly operate and maintain the holding tank in accordance with all applicable federal, state, and local laws and regulations;
 - b. Have the holding tank pumped by a licensed septic tank cleaner as necessary to prevent overflow or discharge;

- c. Maintain complete pumping records and make such records available to the Health Officer upon request;
- d. Be responsible for all operations, maintenance, pumping, repair, replacement, and recording costs associated with the holding tank; and
- e. Comply with any additional requirements established by the Health Officer that are necessary to protect public health and the environment.

Section 12. Administration and Enforcement Authority

The Jackson County Board of Health and the Health Officer shall have the authority to administer and enforce the provisions of this ordinance. Such authority includes, but is not limited to, reviewing applications, issuing permits and registrations, conducting inspections and investigations, approving or denying applications, issuing notices of violation, requiring corrective action, maintaining records, and initiating administrative or judicial enforcement actions as authorized by this ordinance and applicable law.

Section 13. Right of Entry

The Health Officer or the Health Officer's authorized representative may enter any property at reasonable times, with the consent of the owner or occupant, for the purpose of conducting any inspection, re-inspection, investigation, or test authorized by this ordinance and reasonably necessary to determine compliance with this ordinance or to protect the public health, safety, and welfare.

If the property is unoccupied, the Health Officer shall make reasonable efforts to obtain the consent of the property owner prior to entry. Nothing in this section shall authorize entry without consent except as otherwise authorized by law.

Section 14. Refusal of Admittance

If the Health Officer or the Health Officer's authorized representative is refused entry to any property for the purpose of conducting an inspection authorized by this ordinance, the Health Officer may seek an administrative search warrant or other lawful order from a court of competent jurisdiction authorizing entry to the property. The Health Officer shall comply with all applicable requirements of federal, state, and local law in obtaining and executing such warrant or order.

Section 15. Notice of Violation

Whenever the Health Officer determines that there are reasonable grounds to believe that a violation of this ordinance has occurred, the Health Officer shall provide written notice of the violation to the person or persons responsible. The notice shall:

1. Identify the provision or provisions of this ordinance alleged to have been violated;
2. Describe the nature and location of the violation and the corrective action required to achieve compliance;
3. Specify a reasonable period of time within which the violation shall be corrected; and
4. State that failure to correct the violation within the time specified may result in one or more of the following:
 - a. Denial, suspension, revocation, or non-renewal of any permit or installer registration issued under this ordinance;
 - b. Issuance of a county infraction pursuant to this ordinance and Iowa Code § 331.307; and/or
 - c. Any other enforcement action authorized by this ordinance or applicable law.

Section 16. Appeals

Any person aggrieved by a decision or order of the Health Officer made pursuant to this ordinance may appeal such decision or order to the Jackson County Board of Health by filing a written notice of appeal with the Health Department within ten (10) calendar days of the date of the decision or order.

Upon receipt of a timely appeal, the Board of Health shall schedule a hearing at its next regular meeting or at a special meeting called for that purpose and shall provide reasonable notice of the hearing to the appellant.

Following the hearing, the Board of Health may affirm, modify, or reverse the decision or order of the Health Officer and may impose such conditions as it deems necessary to carry out the purposes of this ordinance.

A final decision of the Board of Health may be appealed to the District Court of Jackson County, Iowa, as provided by Iowa law.

Section 17. Jurisdiction

This ordinance shall apply to all private sewage disposal systems located within the jurisdiction of Jackson County, Iowa, including all incorporated and unincorporated areas, except where otherwise provided by state law or valid intergovernmental agreement.

Section 18. County Infraction

A violation of any provision of this ordinance shall constitute a county infraction pursuant to Iowa Code § 331.307.

- 1. Civil Penalty.** A person who violates this ordinance shall be subject to a civil penalty of not more than seven hundred fifty dollars (\$750.00) for a first offense and not more than one thousand dollars (\$1,000.00) for each repeat offense. Each day that a violation continues shall constitute a separate offense. A person determined by the court to have committed a county infraction shall also be liable for applicable court costs and fees.
- 2. Other Relief.** In addition to any civil penalty, the County may seek any other remedy authorized by law, including injunctive relief, abatement of the violation, or any other relief available pursuant to Iowa Code § 331.307.

Section 19. Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict. This ordinance specifically repeals and supersedes Jackson County Ordinance No. 88, adopted in 1993, and Jackson County Ordinance No. 250, adopted in 2009.

Section 20. Severability

The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

Section 21. Effective Date

This ordinance shall be in effect after final passage, approval, and publication as provided by law.