

**Ordinance No. 43**  
**Clarke County On-Site**  
**Wastewater Treatment and**  
**Disposal System Ordinance**

- I) **Title:** Rules relating to private sewage disposal systems in Clarke County, Iowa and providing penalties for violations thereof.
- II) **Purpose:** The purpose of this ordinance is to adopt Chapter 567-69 of the Iowa Administrative Code and to promulgate other rules relating to private sewage disposal systems and to provide for the enforcement thereof.
- a. Chapter 567 of the Iowa Administrative Code entitled "Private Sewage Disposal Systems", including any future amendments thereto, is hereby adopted and incorporated by this reference as if fully set forth herein.
  - b. In addition to the rules set forth in Chapter 69 of the Iowa Administrative Code, those instances in which an individual is required to install an onsite private sewage disposal system shall include, but not be limited to the following:
    - i. The construction of a new home by building or transporting a home to a site in Clarke County, Iowa, that does not currently have an on-site wastewater treatment and disposal system that is both approved by the Department and properly functioning.
    - ii. The upgrade of an existing septic system at the time of the deed changing ownership. This means replacing one or more parts of an existing septic system in Clarke County, Iowa.
    - iii. The submission of a complaint form signed by an individual to the Clarke County Environmental Health office, detailing the discharge of untreated sewage to the surface in Clarke County, Iowa, when said signed complaint is determined to be valid violation of the ordinance is deemed to have occurred, and installation of or repaired to a private sewage disposal system is ordered by Clarke County Environmental Health Director. Determining the validity of a signed complaint will be at the discretion of the Clarke County Environmental Health Director.
- III) **Rules:** These rules are applicable only to private sewage disposal systems. Contractors performing work on private sewage disposal systems that are located within Clarke County, are required to either obtain and maintain all applicable permits for their customer's private sewage disposal system or obtain proof from the customer that such permits were secured before work on said system begins. Any updates or repairs shall require a permit.

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#### IV) Permit Procedures:

- a. Applications: Any person, firm, partnership, corporation, landowner, contractor, or other entity desiring a permit must have the landowner and contractors name, the property address, phone number and number of bedrooms as may be required by the Clarke County Environmental Health Director. Fees for the permit will be paid at this time.
- b. Validity: Permits shall be valid for a period set forth by the Clarke County Environmental Health Department. Not to exceed 1 year.
- c. Notification: Clarke County Environmental Health Department shall be notified at least 1 work day prior to the completion of the job, to allow the sanitarian time to schedule a final inspection.
- d. Inspections; Any contractor installing a private sewage disposal system must ensure that all inspections, including, but not limited to, a site evaluation, a bottom pipe inspection, and a final inspection. Contractor is to verify that all lines coming out of the building or house are going to the private sewage disposal system.
- e. Repair Permits: The repair to any private sewage disposal system shall be evaluated on the oldest part of the system, alteration of the original system design, the requirements of Iowa Administrative Code, and the discretion of an Environmental Health Officer.
- f. Maintenance Contracts: Upon the completion of installation of a mechanical system in Clarke County a "Maintenance Contract" shall be provided to Clarke County Environmental Health Department, verifying that a contract for the proper monitoring and servicing of the entire treatment system, has been entered into between the landowner and a certified technician for the life of the system. An updated contract for monitoring and servicing of the treatment system between the landowner and a certified technician shall be filed annually with Clarke County Environmental Health. A copy of the maintenance report will need to be sent by the technician to the Clarke County Environmental health office every year. If maintenance is not completed yearly, this will be a violation of this County Ordinance subject to penalties. A separate violation will occur for each month past the annual inspection date until the maintenance is completed.
- g. Grease Trap: Any person, firm, partnership, corporation, landowner, or other entity who plans to open a restaurant in Clarke County, where a new private sewage disposal system is to be installed, shall ensure that a 1,000-gallon grease trap is also installed. If an existing restaurant is purchased within rural Clarke County it must already have or must install a grease trap.
- h. Only a licensed contractor may install or repair a waste water system within rural Clarke County. A home owner may install their own waste water system with a minimum of 3 visits from the County Sanitarian. Each additional visit is subject to additional charges.

V) Contractor Requirements: Contractors installing or repairing a private waste water sewage system must have a \$15,000 bond with the county, a current license and be registered with the Iowa Workforce. The purpose of this section is to promote and encourage quality public health and sanitation and good engineering practices within Clarke County. Clarke County does not guarantee the workmanship and quality of any work a private contractor performs on any system. Clarke County recognizes the need for properly permitted private sewage disposal systems that are approved and certified by trained professionals. Clarke County Board of Health and Clarke County Supervisors will establish and enforce compliance with this ordinance and Chapter 567-69 of the Iowa Administrative Code.

- a. Any contractor who installs, repairs or alters a private sewage disposal system shall have the required \$15,000 bond made out to Clarke County on file and renewed every year. A contractor who fails to renew the bond or purchase a new license shall cease all work on private sewage disposal systems until the bond and license are renewed.
- b. It is the responsibility of the contractor to verify the number of bedrooms, property lines, easements if needed and verify that all lines coming out of the house go to the correct place.
- c. If a contractor fails to obtain proof or ensure that the required permits have been secured, fails to renew his/her bond annually, improperly installs, repairs, maintains or alters a private sewage disposal system or violates this Ordinance, Clarke County Environmental Health may elect to forfeit the contractor's bond. Contractor shall be notified in person or by certified mail. The contractor may appeal Environmental Health's decision by requesting a hearing with the Clarke County Board of Health within 30 days of being notified. If there is an appeal then the contractor's bond is good until the Board of Health renders a decision.

VI) Time of Transfer Binding Agreements:

- a. Future Inspection: In the event weather or other temporary physical condition prevents a certified inspection from being conducted, the buyer shall execute a Time of Transfer Inspection Agreement-Binding Agreement and have a certified inspection conducted at the earliest possible time and shall be responsible for any required modifications identified by the inspection. The Time of Transfer Fee shall be assessed at the time of issuing the Binding Agreement. The Binding Agreement for Future Inspection shall be valid for 90 days unless otherwise noted.
- b. Building Demolition: The Time of Transfer Permit associated with a Time of Transfer Waiver-Binding Agreement for Building Demolition. Shall be valid for 90 days from the date of issuance unless otherwise noted. If owner is going to use the building for storage, all of the fixtures must be removed, the line capped and the tank pumped out and crushed. The permit fee will be assessed at the time of issuing the Binding Agreement.
- c. Future Installation: In the event both the seller and buyer involved agree the existing private sewage disposal system will not pass a Time of Transfer

inspection, the buyer may forgo the time of transfer inspection and shall execute a Time of Transfer Inspection Waiver-Binding Agreement for Future Installation. The permit will be assessed at the time of issuing the Binding Agreement. The Binding Agreement/Permit shall be valid for 90 days unless otherwise noted.

- d. Waiver: Any person, firm, partnership, corporation, landowner, or other entity desiring a future installation/future inspection waiver or future demolition request, shall request such via phone or email at least 5 days prior to the closing date. The request shall include the names of the seller and buyer, property address, number of bedrooms and the closing date. The seller must be present at the time of the inspection to let the inspector inside the residence.
- e. Holding Tank: Any property that is being used as a primary residence that has a holding tank at the Time of Transfer shall install an approved system. Holding tanks are only to be used for temporary or part time residence.

VII) County Ordinance Criminal Penalties: Any person, firm, partnership, corporation, landowner, or other entity who violates any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor, which is punishable by a fine, a fine and a term of imprisonment, or a term of imprisonment in lieu of a fine, of not more than what is provided for according to Iowa Code Section 903.1(1)(a). Each day that a violation occurs is a separate offense unless otherwise specified.

VIII) Civil Remedies: A violation of this Ordinance is also a civil offense subject to the limitations and specifications of Iowa Code 331.307. Accordingly, the County may impose a civil penalty up to the limits imposed by Iowa Code 331.307(1). This may include the county seeking alternative relief in the form of a personal judgment against the property where the violation occurred or against the property owner as the defendant.

Signed this 1<sup>st</sup> day of June 2026

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