

Prepared by Jodi Willemsen, CG Public Health, 2570 4th St SW, Ste 1, Mason City, IA 50401 (641)421-9327
Return to Bob Peshak, 220 North Washington Ave., Mason City, IA 50401, (641)421-3046

CERRO GORDO COUNTY

ORDINANCE #28C

“WHEREAS the Board of Health of Cerro Gordo County, Iowa adopted Ordinance #28C on 2nd day of June, 2022 and; WHEREAS the Board of Supervisors of Cerro Gordo County, Iowa adopted Ordinance #28C on the 28th day of June, 2022; THEREFORE Be it Enacted by the Board of Supervisors of Cerro Gordo County, Iowa:”

This ordinance repeals Ordinance #28B adopted on March 24, 2015, which was preceded by Ordinance #28A adopted on November 21, 2006, which was preceded by Ordinance #28 adopted on January 12, 1999. The new ordinance will be designated Ordinance #28C.

NONPUBLIC WATER SUPPLY WELLS

Nonpublic Water Supply Well Construction and Reconstruction

The Cerro Gordo County Board of Supervisors adopts, by reference, to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 49, Nonpublic Water Supply Wells.

Private Water Well Construction Permits

The Cerro Gordo County Board of Supervisors adopts, by reference, to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 38, Private Water Well Construction Permits.

Requirements for Properly Plugging Abandoned Wells

The Cerro Gordo County Board of Supervisors adopts, by reference, to be part of this ordinance, the rules, definitions, specifications, scope, and intent of 567 Iowa Administrative Code (Environmental Protection), Chapter 39, Requirements for Properly Plugging Abandoned Wells.

Supplement for Cerro Gordo County

1. Permit Requirements. A nonpublic water well permit shall expire one (1) year from the day it is issued. If construction or reconstruction of the proposed well is not started prior to this expiration date, a new application and a new non-refundable fee must be filed with the administrative authority prior to construction or reconstruction.
 - a. Prior to issuing a well permit the applicant or their agent must fill out an application form for a nonpublic water well and pay the permit fee.
 - b. Prior to issuing a well permit a site evaluation must be conducted by the administrative authority's designee.
 - c. A well log and water test must be submitted for new construction before final approval is granted. A well reconstruction form and water test must be submitted for well reconstruction before final approval is granted.
 - d. The well log or well reconstruction form must be submitted to the administrative authority's designee or entered into the Iowa Department of Natural Resources electronic private well water database within 30 days of completing the well construction or reconstruction. The certified well contractor is responsible for

- submitting or entering into the electronic private well water database, the well log or well reconstruction form and other required documentation in a timely manner.
- e. An inspection of the well must be conducted during the well construction process by the administrative authority's designee, unless waived by the administrative authority's designee. The certified well contractor is responsible for notifying the administrative authority's designee of the date, time, and location of well construction. Individual processes which require an inspection, such as grouting, may be specified on the permit.
2. Permit Fees.
 - a. The permit fee shall be determined by the Cerro Gordo County Board of Health.
 - b. Permit fees are non-refundable and non-transferable.
 3. Enforcement and Penalties.
 - a. It shall be the duty of the administrative authority to enforce the provisions of this ordinance. Any person, firm or corporation violating any provision of this ordinance or an amendment or supplement there to shall be subject to enforcement action by the administrative authority. The ordinance may be enforced by the following means:
 - b. The contractor may be qualified, suspended or revoked by the administrative authority from conducting work in Cerro Gordo County
 - c. A simple misdemeanor which is punishable by a fine of not more than one-hundred dollars (\$100) or by imprisonment of not more than thirty (30) days. Each day the violation occurs constitutes a separate offense.
 - d. A county infraction punishable by a civil penalty of not more than one-hundred (\$100) dollars or if the infraction is a repeat offense by a civil penalty not to exceed two-hundred (\$200) dollars. Each day that a violation occurs or is permitted to exist constitutes a separate offense.
 - e. The administrative authority may also seek other equitable enforcement remedies.
 4. Appealing the decision of the administrative authority.
 - a. In the event that any person, firm or corporation is aggrieved by an order of the administrative authority's designee, he/she may, within twenty (20) days of the date of such order appeal to the Cerro Gordo County Board of Health in writing stating his/her reason for requesting the order be rescinded or modified. The Cerro Gordo County Board of Health shall review the action of the administrative authority's designee at an open hearing; and shall render a decision within twenty (20) days of the hearing to modify, withdraw, or up-hold the decision of the administrative authority's designee.
 - b. Appeal from any order of the Cerro Gordo County Board of Health may be taken within twenty (20) days from the date of said order to the District Court of Cerro Gordo County.
-
5. Refusal of Admittance. In the event of the administrative authority's designee, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry by the owner or person in possession thereof; a complaint may be made under oath at the District Court in Cerro Gordo County requesting an

order for entry and inspection under the terms of this ordinance and applicable state statutes and local ordinances. The Court may command that the administrative authority's designee be allowed access to the premises between the hours of sunrise and sunset, accompanied by a peace officer, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

6. Notice.

- a. Whenever the administrative authority's designee determines that there are reasonable grounds to believe there has been a violation of any provisions of this ordinance, he/she shall give notice of such alleged violation to the person or persons responsible. Such notice shall:
 - i. Be in writing.
 - ii. Include a statement of the reasons for such notice.
 - iii. Allow a reasonable time for the performance of any act the notice requires.
 - iv. Be served upon the owner or his/her agent or occupant. Such notice shall be deemed to be properly served if hand delivered upon him/her personally; or if a copy is sent by certified mail to his/her last known address; or if he/she is served with such notice by any other method authorized by the laws of this state for service of original notice or otherwise designed to give actual notice to persons with interests in the property.
- b. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this ordinance.
- c. This provision is not meant to limit the administrative authority's designee right of entry during his/her investigation.

7. Court Order. Whenever, in the judgment of the Cerro Gordo County Board of Health or the administrative authority's designee, any person that has engaged, or is about to engage, in any acts or practices which constitutes or will constitute a violation of this ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation or both.

8. Amendments. Amendments and additions to this ordinance shall be made as required by Iowa Code Chapter 137.6. The Cerro Gordo County Board of Health shall propose amendments and additions to this regulation to the Cerro Gordo County Board of Supervisors whenever the Board of Health determines such changes are necessary to fulfill the purpose of this ordinance.

9. Separability of Provision. If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity of such a section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

10. Chapter 49.2 is amended to add a definition for potable. "*Potable*" means water used as part of, or in connection with drinking, food processing or preparation, bathing, showering, aquatics venues, hand washing, or oral hygiene purposes.

11. Chapter 49.8(1)a(2), Chapter 49.8(1)b(2), Chapter 49.8(1)b(4) are amended to require full length of the casing grouting of drilled wells.
12. Wells used as potable supplies must be cased through the Lime Creek Formation (where present) and at least ten (10) feet into the Cedar Valley Group to reduce the risk of elevated arsenic and meet minimum requirements stated in Chapter 49.8(1)a(1) and Chapter 49.8(1)b(1). In no case, shall less than 40 feet of casing be used for wells used as potable supplies.
13. Chapter 49.27(1) is amended to require an additional test for total arsenic.
14. Chapter 49.29(4) is amended to require full bore hole grouting.
15. Effective: This ordinance shall be effective upon its final passage, approval and publication as required by law.

First Consideration: June 28, 2022

Second Consideration: Waived June 28, 2022

Third Consideration: Waived June 28, 2022

PASSED AND APPROVED this 28th day of June 2022

AYES: Latham, Callanan, Watts

NAYS: None

ABSENT/NOT VOTING: None

Approved by:

Chair Jody Draper
Cerro Gordo County Board of Health

6/2/22

Date

Chairman Chris Watts
Cerro Gordo County Board of Supervisors

6/28/22

Date