

BOARD PROCEEDINGS
FEBRUARY 22, 2011
REGULAR FEBRUARY SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Eugene Elsbecker, Jack Plathe and Pam Wymore.

Motion by Wymore and 2nd by Elsbecker to approve the agenda. Motion carried.

Motion by Plathe and 2nd by Besch to approve the minutes of the previous meeting as read. Motion carried.

The Board of Supervisors acknowledged the safety committee meeting minutes from February 2011.

Motion by Wymore and 2nd by Plathe to give final approval to Ordinance #19 regarding on-site sewage treatment construction, water well construction, well permitting and proper well abandonment. This is in accordance with Iowa Code 331.302A 6.A.b. Motion carried.

KOSSUTH COUNTY ORDINANCE 19

AN ORDINANCE FOR THE ESTABLISHMENT OF CONSTRUCTION STANDARDS FOR PRIVATE ON-SITE SEWAGE TREATMENT AND WATER WELL SYSTEMS, AND THE ISSUANCE OF PERMITS FOR THESE SYSTEMS; FOR THE PROPER PLUGGING OF ABANDONED WELLS; AND FOR PROVIDING PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS ORDINANCE

SECTION I

DEFINITIONS

ADMINISTRATIVE AUTHORITY—The Kossuth County Board of Health or its representative.

SECTION II

JURISDICTION

Under the authority of Chapter 137 and 331 of the Code of Iowa and amendatory acts thereto, this ordinance is adopted by the Kossuth County Board of Supervisors, governing all lands within the borders of Kossuth County

SECTION III

WATER WELL PERMITS

Whereas, the State of Iowa has enacted legislation requiring the acquisition of a permit, from the Iowa Department of Natural resources, prior to the construction of a private water well system, and Where as, the Iowa Department of Natural Resources has adopted rules to implement the said statutory provisions in accordance with Iowa Code Supplement, Section 455B.18F, Be It ENACTED BY THE BOARD OF SUPERVIORS OF KOSSUTH COUNTY: THAT the said Iowa Administrative Code, Rule 567, Chapter 38(455B), in its entirety, shall henceforth be the private water well permit rules of Kossuth County.

IN ADDITION: The fees for permits for private water well systems shall be established by resolution of the Kossuth County Board of Supervisors.

SECTION IV

ON-SITE WASTEWATER TREATMENT SYSTEMS

WHEREAS, the State of Iowa has enacted legislation, Iowa Code 455B, providing for The Iowa Department of Natural Resources to adopt rules to implement the construction standards for on-site wastewater systems for private use.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA: THAT: rule 567, chapter 69(455B) of the Iowa Administrative Code be adopted in its entirety by reference, and that said chapter shall henceforth be the on-site sewage treatment systems rules for Kossuth County. In addition: The fees for permits to construct on-site sewage treatment systems shall be established by resolution of the Kossuth County Board of Supervisors.

Section V

NONPUBLIC WATER WELLS

WHEREAS, the State of Iowa has enacted legislation, Iowa Code 455B, providing for the Iowa Department of Natural resources to adopt rules to implement the statutory provisions for the construction of nonpublic water wells. BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA: THAT: the Iowa Administrative Code, Rule 567, Chapter 49(455B) shall, in its entirety, be adopted by reference, and said Rule and Chapter shall henceforth be the nonpublic water well construction rules for Kossuth County

SECTION VI

ABANDONED WELL PLUGGING

WHEREAS, the State of Iowa has enacted legislation, Iowa Code 455B, providing for the Iowa Department of Natural Resources to adopt rules regarding the proper plugging of abandoned private water wells. BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY: THAT: the Iowa Administrative Code, Rule 567, Chapter 39(455B) shall, in its entirety, be adopted by reference and said Rule and Chapter shall, henceforth, be the plugging of abandoned well rules for Kossuth County.

SECTION VII

ENFORCEMENT

It shall be the duty of the Administrative Authority to enforce the provisions of this ordinance.

SECTION VIII

PENALTIES

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a simple misdemeanor, and the penalties provided thereto by State statutes, and furthermore each day the violation exists, after proper notice, shall constitute a separate offense.

SECTION IX

SEVERABILITY CLAUSE

Should any section of this ordinance be declared, by a Court of Competent jurisdiction, to be invalid, such a decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION X

ADOPTION

This ordinance shall be in full force and effect, from and after the date of publication in the official newspapers of Kossuth County.

PASSED THIS _____ DAY OF _____ 2011

KOSSUTH COUNTY
BOARD OF SUPERVISORS

There was discussion with Doug Miller, Kossuth County Engineer followed by the monthly report from Scott Curtis for KRHC, public discussion and committee reports and drainage. There was a telephone conference with Palo Alto County for a completion hearing on PAK1 Lat B. These minutes are in the drainage minute book.

On motion adjournment was taken until March 1, 2011.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors