

## Index of Iowa County Ordinances

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## IOWA COUNTY ORDINANCE NO. 1

TITLE: AN ORDINANCE ESTABLISHING THE AREA SERVICE SYSTEM B ROAD CLASSIFICATION IN IOWA COUNTY, IOWA.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to classify certain roads on the area service system in Iowa County to provide for a reduced level of maintenance.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
  - a. "Area Service System A" roads shall be maintained in conformance with applicable state statutes.
  - b. "Area Service System B" roads shall not require standards of maintenance equal to trunk, trunk collector, or area service system A roads. Area Service System B roads shall not mean what is construed in the normal sense as a driveway or private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Iowa County.
3. "Engineer" shall mean the County Engineer of Iowa County.

SECTION 3. Authority to Establish. The Board of Supervisors of Iowa County is empowered under authority of Chapter 309 of the 1981 Code of Iowa, as amended by Acts of the Sixty-ninth General Assembly, 1981 Regular Session, House File 786 to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an area service system B road in Iowa County after consultation with the County Engineer.

SECTION 4. Notice of Hearing. The Board shall fix a time and place for a hearing and cause notice to be published at least once, not less than four nor more than twenty days before the date of the hearing, in a newspaper of general circulation in Iowa County, Iowa. The newspaper shall set forth the general termini of the area service system B road as set out in the resolution by the Board, and shall state that all persons interested may appear and be heard at such hearing. Notice is not required to include a specific description of every road but said description shall be on file in the Iowa County Auditor's office and referred to as being on file in such office in the publication notice. The notice shall include the township in which the system B road is located.

SECTION 5. Hearing: Area Service System B Road Established by Resolution. On the day fixed for hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence and if the Board finds that the proposed area service system B road is practicable, it may establish it by proper resolution.

SECTION 6. Maintenance Policy. Only the minimum effort, expense, and attention will be provided to keep area service system B roads open to traffic. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on area service level B roads will be as follows:

1. Blading – Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal – Snow and ice will not be removed nor will the road surface be sanded or salted.
3. Signing – Except for load limit, posting for bridges signing shall not be continued or provided. All area service level B roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.
4. Weeds, Brush and Trees – Mowing or spraying weeds, cutting brush and tree removal will not be performed. Adequate sight distances will not be maintained.
5. Structures – Bridges and culverts may not be maintained to carry legal loads. Upon failure of loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing – There will be no surfacing materials applied to area surface system B roads.
7. Shoulders – Shoulders will not be maintained.
8. Crown – A crown will not be maintained.
9. Repairs – There will be no road repair on regular basis.
10. Uniform width – Uniform width for the traveled portion of the road will not be maintained.
11. Inspections – Regular inspections will not be conducted.

SECTION 7. Exemption from Liability. As provided in House File 786, Acts of the 69<sup>th</sup> General Assembly, 1981 session, which bill has been implemented into Chapter 309 of the 1981 Code of Iowa, the county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 6 of this ordinance.

SECTION 8. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 10. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective Date: July 15, 1982

## IOWA COUNTY ORDINANCE NO. 2

TITLE: AN ORDINANCE PRESCRIBING THE GENERAL RELIEF PROGRAM IN IOWA COUNTY, IOWA.

Section 1. Categories. There shall be three (3) categories of general relief in Iowa County, Iowa. They are:

1. Emergency Relief for needy persons;
2. Relief for poor persons; and
3. Relief of an extended nature.

Section 2. Definitions. The definitions of terms as used in this Ordinance are:

1. "Needy Person" is a person or the family unit of that person that is domiciled in Iowa County, Iowa, or who is a transient in the County for less than three (3) days and who, because of circumstances which are not attributable to that person, needs immediate relief.
2. "Poor Person" is a person or the family unit of that person that is domiciled in Iowa County, Iowa, and who because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. "Relief" means food, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of a non-food nature used for personal hygiene. "Relief also includes provision of any of the above items of relief by the General Relief Director (hereinafter referred to as Director) or Iowa County Board of Supervisors (hereinafter referred to as Board) through the offering of residence at a residential facility approved by the Board.
4. "Net Worth" includes cash, checking and savings deposits, other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property. Exempt items include: clothing, wedding rings, necessary and usual household furnishings, tool and equipment used for home and family maintenance or support, one automobile and one additional vehicle more than ten years old, a homestead used as a principle place of residence and burial lots and funeral trust funds.
5. "Family Unit" means the individual applying and all members of the immediate family (spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the Applicant for federal tax purposes as long as they reside with the Applicant as a family unit). Non family members are expected to pay an equal portion of household expenses. Benefits for eligible persons living with non-family members shall be paid pro rata.

6. "Liquid Assets" means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days by sale of otherwise.
7. "Awaiting approval and receipt" means a poor person who has applied for assistance under any state or federal law who has pursued the application with due diligence; and who has not had that application denied. This does not include an appeal or a denial of benefits. It does include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have expired from the date of denial.

Section 3. Form. The relief shall be purchased directly from the supplier for the Applicant of the family unit. It may be for one or more of the items of relief that can be provided.

Section 4. Eligibility of Needy Person. Emergency relief is to be provided a needy person who is in need of immediate relief, cannot obtain relief from any other source, and whose income or assistance from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have sufficient liquid assets of the family unit from which to pay for the items of relief that can be provided. Noncompliance with requirements of any other assistance program the Applicant qualifies for will result in ineligibility for General Relief funds for a period of six (6) months following the date of noncompliance. Emergency relief is also to be provided persons who are members of private charitable organizations, whose net worth is less than Five Hundred Dollars (\$500.00), and who because of reasons not attributable to that person, does not have sufficient liquid assets of his or her family unit from which to pay for items of relief that can be provided. In no event shall relief be provided to persons whose family unit income and liquid assets combined exceed the guidelines of the State Family Investment Program (FIP). Guidelines for a single-family household shall be 83% of a two-person FIP household.

Section 5. Eligibility of Poor Persons. Relief is to be provided poor persons who are in need of immediate relief, cannot obtain relief from any other source, such as family members or private charitable organizations, whose family unit net worth is less than Five Hundred Dollars (\$500.00), and who are eligible for, and are awaiting approval and receipt of assistance under, programs provided by State or Federal Law, or whose actual needs as defined within the limitations imposed by this ordinance cannot be fully met by the assistance furnished under such programs, and who because of reasons not attributable to that person does not have sufficient liquid assets of his or her family unit from which to pay for items of relief that can be provided. In no event shall relief be provided persons whose family unit income and liquid assets combined exceed the guidelines of the State Family Investment Program (FIP). Noncompliance with requirements of any other assistance program the Applicant qualifies for will result in ineligibility for General Relief funds for a period of six (6) months following the

date of non-compliance. Guidelines for a single-family household shall be 83% of a two-person FIP Household.

Section 6. Level of Benefits. The maximum level of benefits to be provided for each item of relief during the month of application for each person of that person's family unit shall be:

1. Food- if food stamps have not been received, at the level of guidelines for food stamps.
2. Rent and shelter- the reasonable rental value not to exceed an amount established annually or more often as needed by resolution of the Iowa County Board of Supervisors.
3. Clothing- the reasonable value of clothing actually needed if not immediately available from other sources.
4. Heat, light, and water- the amount needed to provide these services and supplies.
5. Medical and dental services and prescriptions- the reasonable value of these services actually needed, but only on an emergency basis. Relief benefits will be paid only for those applicants who seek and obtain medical attention at the University of Iowa Hospitals and Clinics by filing a complaint pursuant to Chapter 225 of the Code of Iowa. The manner of providing benefits to those eligible shall be based on the applicant's income as herein provided.
  - A. If the income of the needy person does not exceed 150% of the Federal Poverty Guidelines, that person's medical bills, not exceeding \$750.00, will be covered by County Clinical for all departments at University of Iowa Hospitals and Clinics other than Orthopedics, Obstetrics, and Psychiatry.
  - B. State quota papers obtained by filing a complaint pursuant to Chapter 255 of the Code of Iowa will be issued for fiscal years bills exceeding \$750.00 to persons whose income does not exceed 150% of the Federal Poverty Guideline. They will be issued to the extent available.
  - C. Orthopedic and Obstetric papers will be issued if income does not exceed 185% of the Federal Poverty Level Guidelines by filing a complaint pursuant to Chapter 255 of the Iowa Code. Psychiatric papers will be issued if income does not exceed 150% of the Federal Poverty Level Guidelines by filing in the same manner.
6. If a person lives in a rural area and the nearest neighbor is too distant to reach in the event of emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.

7. Maximum limitation for any one person per month for the above benefits shall be Five Hundred Dollars (\$500.00). Applications must be filed in the current month for bills incurred during that month for the benefits to be approved and paid.

The total amount for all of the items of relief needed at any one time shall be determined, and there shall be deducted the amount of liquid assets the person or the family unit have available and the balance remaining is the amount of relief benefits the needed person is to receive. If the needy or poor person, except for reasons not attributable to that person, fails to repay the value of the benefits received, if agreed, he or she shall be disqualified from receiving future benefits for one year. The Board of Supervisors may, upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

Section 7. Requirements for Receiving Relief by a Needy Person. A needy person shall be referred to the Department of Employment Services and actively seek employment. Two job searches per week are required to be eligible for benefits and proof of these job searches shall be of file with the General Relief Office. The needy person shall accept any employment offered whether or not it is suitable employment under the guidelines of the Department of Employment Services. A refusal or failure to actively seek employment offered shall disqualify the needy person from receiving future benefits for one year.

Section 8. Relief of an Extended Nature. It is contemplated that items of relief to be provided to needy persons, poor persons or their family unit will not during any twelve (12) month period exceed ninety (90) days. If it appears that items of relief are needed beyond this 90 day period, they may be provided by placement in a residential facility approved by the Iowa County Board of Supervisors.

Section 9. Application for Relief. Applications for relief shall be submitted by needy and poor persons to the Director of Relief in Marengo, Iowa County, Iowa, during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to Marengo, the Director shall mail such person an application form or deliver to such person the application. If the Applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state, or local source, the Director shall immediately make application to that source, and pursue such application with due diligence as a condition to be eligible for further relief under this Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of general relief and need for any item of relief. The person applying shall provide the Director with a verified statement of net worth and liquid assets. The Director may request the most recent federal and state income tax returns, medical reports, medical authorization and anything else that bears upon the person's eligibility and need for relief. The Director shall also receive anything that the person applying desires to submit to establish their eligibility or need to

include statements or letters, medical reports, and other written documents as well as the verbal statements of the Applicant. The Director shall then proceed to conduct an investigation concerning the applicant's file and the investigation and findings of the Director shall be made available to the Applicant, upon request, or the applicant's attorney by written authorization.

#### Section 10. Initial Determination.

1. The Director shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon the determination, the Director shall notify the Applicant within two (2) working days. Notification shall be sent to the address shown in the application and include reasons for the determination and the statutes or ordinances which apply, together with the specific benefits to which the applicant is entitled.
2. If the Director cannot make the initial determination within three (3) working days, the Director shall immediately inform the Applicant by telephone, if possible, of the reasons why such determination cannot be made. The Director shall also mail to the Applicant by ordinary mail, within two (2) working days thereafter, the Director's written decision showing the reasons why such determination could not be made.
3. If an applicant has previously applied for relief, the applicant must reapply in full. The Director shall then proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the Applicant and the amount allowed for such benefit. The Director shall inform the Applicant and issue a written decision as provided above.

#### Section 11. Appeal.

1. Every application, whether granted relief or not, shall be given written notice stating the reasons for the Director's action or inaction and explaining the Applicant's right to appeal the Director's decision to the Board. The written appeal notice shall inform the aggrieved Applicant of the method by which he may obtain an appeal hearing before the Board.
2. Upon notification of the Applicant to the Director requesting appeal of the Director's determination, the Director shall take such appeal and immediately schedule it upon the Board's agenda, in accordance with Chapter 28A of the Code of Iowa, for the next regular Board meeting. In no event shall the Board hear such appeal sooner than five (5) days after the Applicant requests an appeal. The applicant must notify the Director of the Applicant's desire to appeal within ten (10) days of the Director's

determination, and provide Applicant's current address and telephone number, and state the reasons for the appeal. Upon scheduling by the Board of the appeal, the Applicant shall be informed immediately by telephone and by ordinary mail of the date and time of hearing before the Board and of the particular ordinance under which said appeal is taken. The Director shall grant the Applicant or his representative access to the Director's relief case file as it pertains to the Applicant upon the Applicant's request.

#### Section 12. Appeal Hearing.

1. The Board shall hear the Applicant's appeal de novo at the time scheduled unless continuance is requested by the Applicant. At the appeal hearing the Applicant shall have the right to be represented by counsel at Applicant's own expense, or by any other representative the Applicant desires. The Applicant or his representative shall have the right to present arguments in Applicant's behalf present witnesses, present documentary evidence, and to cross examine the witnesses opposing his application for relief. The technical rules of evidence shall not apply. However, all irrelevant, immaterial, or unduly repetitious evidence may be excluded from evidence. The appeal hearing will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the Applicant will be in evidence. In all cases the Director shall be present at the appeal hearing, and shall present the reasons for the initial determination.
2. The Board shall make a decision on the Applicant's appeal within five (5) working days of the appeal hearing. The decision shall be made solely on the evidence produced and presented at the appeal hearing, and on other evidence officially noticed by the Board. The Board shall allow the Applicant and the Director to submit proposed findings and rulings if desired by the parties. The decision of the Board shall be in writing and shall contain a statement of the reasons supporting it. The Applicant shall be informed immediately by telephone and ordinary mail of the Board's decision. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.
3. The Applicant shall be allowed to appeal from the Board's decision to the district court within the time and by the manner and procedures provided under the Iowa Administrative Procedures Act, Chapter 17A of the Code of Iowa.

Section 13. Actions of the Board of Supervisors. In the event the Board, in reviewing the actions of the Director, questions any allowance or disallowance of relief benefits allowed or disallowed by the Director, it shall take no action concerning such allowance or disallowance until it conducts a hearing. This hearing, the reasons for it, and notification to the Applicant shall be given in the

same manner as if the Applicant had taken an appeal under Sections 11 and 12. This hearing shall proceed in the same manner as an appeal from the Director's determination under Sections 11 and 12.

Section 14. Additional Provision. The Director may allow, upon application, the additional benefits provided for in Chapter 252, Code of Iowa. The provisions of Chapter 252.13, Code of Iowa, for repayment of benefits to Iowa County, are applicable and the Applicant shall acknowledge the same in writing. Recipients of relief may further be required to work for Iowa County as a condition to receipt of such benefits as required in Section 252.42, Code of Iowa. Benefits provided a recipient shall be a claim against the homestead of a recipient and a claim against his estate as provided by law.

Section 15. Funeral Benefits. Iowa County will pay an amount not to exceed the rate established annually by resolution of the Iowa County Board of Supervisors toward burial expenses for eligible applicants. Eligibility will be determined using General Relief Financial Guidelines. Any and all funds available for burial expenses shall be deducted from the County's liability. Such "other available funds" shall include but not be limited to funds of the decedent, insurance benefits, retirement benefits, supplemental security income benefits, social security benefits, veteran's benefits, etc. The maximum amount paid includes opening and closing costs. Funeral benefit payments will be sent directly to the funeral director. Family or friends may provide for additional services and/or merchandise through the funeral director. The total of all additional services shall not exceed Five Hundred Dollars (\$500.00). Such items shall be itemized and attached to the billings submitted to the County.

Application for an approval of funeral services must be obtained from the General Relief Director within three (3) working days of the burial service.

Section 16. All ordinances, resolution, existing policies, or parts thereof in conflict herewith are hereby repealed. The Provisions of the ordinance shall not be waived or excepted.

Effective Date: July 5, 1996

Amended: February 13, 2001

Second Amendment: July 6, 2005

IOWA COUNTY ORDINANCE NO. 3

VETERANS ASSISTANCE AS AMENDED

TITLE: AN ORDINANCE PRESCRIBING THE VETERANS ASSISTANCE PROGRAM IN IOWA COUNTY, IOWA.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

Section 1. Categories. There shall be two (2) categories of veteran's assistance in Iowa County, Iowa. They are:

1. Emergency assistance for indigent veterans.
2. Assistance of an extended nature.

Section 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Veteran" means a person who was discharged from United States military service under honorable conditions and has served on active duty for ninety (90) continuous days, unless discharged with less service for a service-connected disability.
2. "indigent Veteran" is a veteran or the family unit of a veteran who is domiciled in Iowa County, Iowa, who has some means but who, because of circumstances which are not attributable to that veteran needs some immediate assistance.
3. "Assistance" means food, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of non-food nature used for personal hygiene. "Assistance" shall also include the burial of indigent veterans, whether resident in this county or not, in an amount established by the Board of Supervisors.
4. "Net Worth" includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate (other than homestead), cash value for life insurance policies, and the value of other real and personal property, subject to certain exclusions as set forth herein.
5. "Family Unit" means the individual veteran applying and all members of the immediate family including spouse and minor children not over eighteen (18) years of age who are dependent upon the veteran for food, care and shelter and who reside with the veteran as a family unit member. In case the veteran is deceased, "family unit" shall mean the veteran's surviving spouse who has not remarried, and all members of the immediate family including minor children of the deceased veteran not over eighteen (18) years of age who are dependent upon the surviving

- spouse for food, care, and shelter and who resides with the surviving spouse as a family unit member.
6. "Assets" include money from any source, savings, and other deposits, stocks, bonds, real estate, and cash value of life insurance policies.
  7. "Awaiting Approval and Receipt" means an indigent veteran who has applied for assistance under any state or federal law: who has pursued that application with due diligence; and who has not had that application denied.
  8. The use of the term "Commission" shall mean the Iowa County Commission of Veterans Affairs and/or its Director.

Section 3. Application Requirements. In applying for benefits, the veteran must submit to the Commission with the application, the following:

1. DD Form 214 = "Report of Separation from the Armed Forces." (Request that the veteran have his or her discharge recorded in the County Recorder's Office when requesting benefits.)
2. Certificate of Marriage, if applicable.
3. Child or children's birth certificate (s), if applicable and for those under eighteen years of age.
4. Social Security Card. In lieu of a Certificate of Marriage, children's birth certificate(s), and a social security card, the veteran may provide a copy of his or her latest federal income tax return showing the same information. However, when application is made by a surviving spouse, a certificate of marriage must be submitted with birth certificates for any minor children claimed as the veteran's.

Section 4. Form. The assistance shall be purchased directly from the supplier for the applicant or the family unit. It may be one or more of the items of assistance that can be provided.

Section 5. Eligibility of Indigent Veterans.

1. Emergency assistance is to be provided to indigent veterans who are in need of immediate assistance, cannot obtain assistance from any other source, and whose income or benefits from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have assets in excess of 100% of the poverty level.
2. Assistance may be granted to veterans who are eligible for, and are awaiting approval and receipt of, benefits under programs provided by state or federal laws, or whose actual needs, as defined within the limitations imposed by this ordinance, cannot be fully met by assistance furnished under such programs.

Section 6. Level of Benefits. The maximum level of benefits to be provided for each item of assistance for each veteran or that veteran's family unit shall be:

1. Food, if food stamps have not been received, at the level of guidelines for food stamps.
2. Rent and shelter, the reasonable rent value not to exceed two hundred dollars (\$200.00) per month for the person and an additional twenty-five dollars (\$25.00) per month for each additional member of the family unit who actually resides with the person, when the utilities are included in the rent payment, the reasonable rental value is not to exceed two hundred twenty five dollars (\$225.00) per month for the person and an additional forty dollars (\$40.00) per month for each additional member of the family unit who actually resides with the person. The maximum allotment per month shall not exceed three hundred dollars (\$300.00).
3. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources.
4. Hear, light and water, the amount needed to provide these services and supplies.
5. Medical, dental services, and prescriptions, the reasonable value of these services actually needed as shown by a statement from a physician, dentist, or optician, if not available from other sources.
6. Transportation expenses, including gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Commission.
7. If a veteran lives in a rural area and the nearest neighbor is too distant to reach in event of an emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.

The total amount for all of the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the veteran or the family unit have available and the balance remaining is the amount of assistance the indigent veteran is to receive.

8. Burial assistance shall not exceed one thousand five hundred dollars (\$1,500.00).
9. Maximum limitations for any one person per year for the above benefits shall be Two Thousand Dollars (\$2,000.00) and One Hundred Dollars (\$100.00) extra for each additional member of the family unit.
10. Effective the month of January 2002 the Board of Supervisors of Iowa County, Iowa, shall by resolution set the amount to be paid under subsection 2, 8 and 9 above for the calendar year 2002, and shall by resolution the month of every following January set the amounts to be paid under subsections 2 and 9 above for that calendar year.

Section 7. Requirements for Receiving Relief by a Needy Veteran. An indigent veteran who is not needed in the home to care for minor children, shall immediately register for employment with Job Services of Iowa and otherwise actively seek employment. The indigent veteran shall seek and accept any reasonable employment whether or no it is suitable employment under the guidelines of Job Services of Iowa. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the indigent veteran from receiving future benefits. The indigent veteran may be required to provide reasonable proof that the employment is being actively sought.

Section 8. Assistance of an Extended Nature. It is contemplated that items of assistance to be provided to indigent veterans or their family unit will not, during any calendar year, exceed ninety (90) days.

Section 9. Application for Assistance. Applications for assistance shall be submitted by indigent veterans to the individual commissioners whose addresses are available from the Department of Human Services Officer, Marengo, Iowa, during usual business hours upon forms provided by the Commission, or to the Commissioner's secretary, the Director of Iowa County Social Services, in the Department of Human Services Building in Marengo, Iowa. If, because of undue hardship, an indigent veteran cannot come to the Commission officer, the Commission shall mail such veteran an application form or deliver to such veteran the application. If the applicant or the family unit is or appears to be eligible for assistance from any other federal, state or local source, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to the source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance. It is the obligation of each veteran applying to establish eligibility for any category of veteran's assistance and need for any item of assistance. The veteran applying shall provide the Commission with a verified statement of net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, and anything else requested by the Commission that bears upon the veteran's eligibility and need for assistance. The Commission may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's capacity to labor. The Commission shall also receive anything that the veteran applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Commission shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Commission shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

Section 10. Initial Determination.

(a) (1) The Commission shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon the determination, the Commission shall notify the applicant by telephone immediately, if possible, and within two (2) working days after the determination, mail the applicant at the last address shown on the application, by ordinary mail, the Commission's written decision showing the reasons for determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(2) If the Commission cannot make the initial determination within three (3) working days, the Commission shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made. The Commission shall also mail to the applicant, by ordinary mail, within two (2) working days thereafter, the Commission's written decision showing the reasons why such determination could not be made.

(b) If an applicant has been previously found eligible, the Commission may request a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Commission may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Commission shall inform the applicant and issue a written decision as provided above.

(c) Whenever an applicant is found eligible and entitled to assistance, the Commission shall proceed to provide the same and notify the Board of Supervisors.

#### Section 11. Appeal.

(a) Every applicant, whether relief is denied in whole or in part, shall be informed of the Commission's written decision of the applicant's right to appeal from such decision. The applicant shall be informed of the method and time by which an appeal may be taken.

(b) (1) Any written appeal or communication to the Commission or to the Director by or on behalf of an applicant requesting appeal shall be accepted by the Commission or the Director. This appeal must be made within ten (10) days of the date of the decision, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately by telephone and by ordinary mail of the time and date of the hearing on appeal. Applicant and his or her attorney, upon written authorization, should be granted access by the Commission to his or her case file if requested.

- (2) If the director made the decision from which the appeal is taken, the appeal shall be to the Commission itself. An agenda for the appeal before the Commission shall be made and posted as required by Iowa Code Chapter 28A. The appeal shall be heard before the Commission at its next regular monthly meeting provided that the appeal shall not be heard sooner than five (5) days after appeal has been taken. If the Commission's regular monthly meeting is scheduled more than ten (10) days beyond the date appeal is taken, the Commission shall meet specially for the appeal between the fifth and the tenth day after the appeal is filed. Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983) because the identity and particulars of the case are confidential under Iowa Code Sections 250.10 and 250.12 (1983).
- (3) If the Commission made the original decision from which the appeal is taken or if further appeal is taken from the Commission's decision on the appeal, it shall be to the Board of Supervisors. The appeal shall be noted on the Board of Supervisor's agenda in accordance with Iowa Code Chapter 28A for the next regular board meeting, provided that such appeal shall be heard sooner than five (5) days after appeal is taken. Any appeal before the board shall be closed pursuant to Iowa Code Section 28A.5(1)(a)(1983) because the identity and particulars of the case are confidential under Iowa Code Sections 250.10 and 250.12 (1983).

Section 12. Appeal Hearings.

- A. Applicant's appeal shall be heard 'de novo' at the time scheduled in the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal, including testimony, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Commission or Board may set reasonable times for the presentation of the parties at any appeal. The Applicant's file shall be admitted into evidence. The Commission or Board may question the applicant. On an appeal before the Board, the Commission shall present the Board with reasons for its determination. The appeal will be tape recorded. When the commission or Board deliberates on the appeal, no parties shall be present.
- B. The Commission or Board shall make a decision on the appeal within five (5) working days. The decision shall be only on the basis of the evidence submitted. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the applicant shall

be mailed at his or her last known address, the decision in writing. The decision shall state the reasons for action together with any statute or ordinance applied.

Section 13. Actions of the Commission and Board. In the event the Commission, in reviewing the actions of the Director, or the Board in reviewing the actions of the Commission, questions any allowance of assistance benefits, it shall not take action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant has taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director to the Commission.

Section 14. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 15. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 16. Effective Date. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Effective: June 18, 1992  
Amended: March 4, 2001

IOWA COUNTY ORDINANCE NO. 4

AN ORDINANCE REGULATING THE STANDING OR PARKING OF VEHICLES

SECTION 1. Purpose. The purpose of this ordinance is to regulate the standing or parking of vehicles on roads and highways under the jurisdiction of Iowa Counts and to provide for punishment for violation of this Ordinance.

SECTION 2. Authority to Establish. The Board of Supervisors of Iowa County is empowered under the authority of Iowa Code Section 321.236 and specifically 321.239 to restrict the parking of vehicles in the right of way of any highway under its jurisdiction by the adoption of traffic ordinances.

SECTION 3. Notice of Hearing. The Board of Supervisors shall fix a time and place of hearing and cause notice to be published at least once, not les than four nor more than twenty days before the date of hearing in a newspaper of general circulation in Iowa County, Iowa. The newspaper notice shall set forth the area of restriction of prohibition of standing or parking of vehicles under any highway under the jurisdiction of Iowa County, Iowa, that is to be affected by the current ordinance. Notice is not required to include a specific description of every highway that parking is to be prohibited on. The said description shall be on file in the Iowa County Auditor's Office and referred to as being on file in such office in the publication notice. The notice shall include the township in which the road is located.

SECTION 4. Hearing and Establishment. Area in which parking is to be prohibited is established by resolution. On the date fixed for hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the board shall consider any and all relevant evidence and if the Board finds that the proposed no parking areas are practical, it may establish said no parking zones by proper resolution. The no parking zone shall be marked by no parking signs, placement of which shall be states by the Board in establishing said zone.

SECTION 5. Punishment. Any person violating a no parking zone established under provisions of this ordinance shall be guilty of a Misdemeanor and shall, upon conviction, be fined not to exceed \$25.00, or be imprisoned not to exceed seven days in the County Jail.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by Law.

Effective: July 14, 1986

IOWA COUNTY ORDINANCE NO. 5

AN ORDINANCE RELATING TO THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS:

SECTION 1. Purpose. The purpose of this Ordinance is to provide for the construction and maintenance of sidewalks located on the Iowa County right of way.

SECTION 2. Authority to Establish. The Board of Supervisors of Iowa County is empowered under authority of County Home Rule to provide for maintenance of all property outside lot and property lines and to the traveled portion of the County Roads and County Highways.

SECTION 3. Maintenance. Maintenance of the sidewalks and property located outside lot and property lines and to the traveled portion of the County roads and County highways. Abutting property owners are required to maintain all property outside the lot and property lines and to the traveled portion of the County streets or County right of way but not located on the County highway, per se. Any future construction of sidewalks located on County right of way shall be governed by this Ordinance.

SECTION 4. Liability. Iowa County shall not be liable for any property damage or personal injury occurring on sidewalks located on County Right of Way.

SECTION 5. Severability Clause. If any Section, Provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by Law.

Effective: July 14, 1986

IOWA COUNTY ORDINANCE NO. 6

TITLE: AN ORDINANCE RELATING TO ACCEPTING AND REPORTING OF GIFTS

SECTION 1. Purpose

An ordinance limiting the value of gifts that can be made to or received by county officials, employees or their immediate family members and adopting rules, as mandated 1987 Iowa Acts, S.F. 480, requiring public disclosure of gifts exceeding fifteen dollars in value.

SECTION 2. Definitions

- (a) "county official" and "county employee" mean an official or employee of this county;
- (b) (1) "gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:
  - a. Is doing or seeking to do business of any kind with the donee's agency.
  - b. Is engaged in activities which are regulated or controlled by the donee's agency.
  - c. Has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the donee's official duty.
  - d. Is a lobbyist with respect to matters within the donee's jurisdiction.
- (2) However, "gift" does not mean any of the following:
  - a. Campaign contributions
  - b. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars.

- c. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
  - d. An inheritance.
  - e. Anything available to or distributed to the public generally without regard to official status of the recipient.
  - f. Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.
  - g. Plaques or items of negligible resale value given as recognition for public services.
- (c) "Immediate family members" means the spouse and minor children of a person required to file reports pursuant to this ordinance.
  - (d) "Is doing business with the donee's agency" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the county or agency thereof.
  - (e) "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which gift is received as required by this ordinance.

### SECTION 3. GIFTS SOLICITED OR ACCEPTED

- (a) A county official or employee or that person's immediate family member shall not directly or indirectly solicit, accept, or receive from any one donor in any one calendar day a gift or series of gifts having value of thirty-five dollars or more.
- (b) A person shall not, directly or indirectly, offer or make a gift or a series of gifts to a county official or employee or the official or employee's immediate family member, in any one calendar day, if the gift or series of gifts has a value of thirty-five dollars or more. A person shall not, directly or indirectly, join with one or more persons to offer to make a gift or series of gifts to a county official, employee or the official or employee's immediate family member, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars or more.
- (c) A person may give, and a county official, employee, or the official or employee's immediate family member may accept, in any one calendar day a gift or a series of gifts which has a value of thirty-five dollars or more and not be in violation of this section if the gift or series of gifts is donated within thirty days to a public body, a bona fide educational or charitable organization, or the State department of General Services.

#### SECTION 4. Reporting of Gifts

- (a) A county official, employee, or that person's immediate family member who accepts a gift or series of gifts from any one donor which exceeds fifteen dollars in any one calendar day shall publicly disclose the nature, amount, date, and donor of the gift or series of gifts.
- (b) A person who gives a gift or series of gifts to a county official, employee, or the official or employee's immediate family member which exceed fifteen dollars in any one calendar day shall publicly disclose the nature, amount, date and donee of the gift or gifts.
- (c) Public disclosure by both the donee and donor shall be made by filing a public disclosure report form by the fifteenth day of the month following the month in which a gift is received.
- (d) Copies of the completed forms shall be filed with the county auditor's office.
- (e) Optional food and beverage reporting exemption: A county official, employee, or that person's immediate family member who accepts a gift of food or beverage provided for that person's immediate consumption in the presence of the donor is not required to report the gift. A person who gives a gift of food or beverage to a donor for his or her immediate consumption in the donee's presence is not required to report the gift.
- (f) Reporting/valuation guidelines:
  - 1. In determining the value of a gift, an individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.
  - 2. The value of the gift to the donee is the value actually received.
  - 3. A donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

#### SECTION 5. When Effective: Upon Publication

Effective: August 25, 1987

IOWA COUNTY ORDINANCE NO. 7

TITLE: SEPARATION OF YARD WASTES.

SECTION 1. Purpose. The purpose of this ordinance is to establish a policy requiring the separation of yard wastes from all other garbage and refuse as mandated by the Iowa State Legislature in the Waste Reduction and Recycling Act of 1989.

SECTION 2. Definition. "Yard Wastes" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

SECTION 3. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in specified container(s) for collection and/or final disposal at a permitted sanitary landfill or other approved disposal facility.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Effective Date: March 18, 1991

## IOWA COUNTY ORDINANCE NO. 8

TITLE: RURAL ADDRESS SYSTEM OF IOWA COUNTY, IOWA.

SECTION 1. Purpose. This ordinance mandates the establishment and use of the uniform rural address system for residents of Iowa County, Iowa, in order to promote the safety, convenience and general welfare of all residents, public and private service providers, and provides for penalties for violations. This ordinance is being enacted in conjunction with the provision of Enhanced 911 Emergency Telephone Service to the residents of Iowa County, Iowa.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. “Enhanced 911 Emergency Telephone Service” and derivatives thereof are defined to be in conformity with the provisions of Chapters 477A and 477B of the Code of Iowa.

2. “Rural Address System” and derivatives thereof shall mean the manner in which rural roads, highways, streets and properties in the County are to be assigned addresses for use only in conjunction with the E 911 service which is designated to route an incoming 911 call to a public safety answering point and automatically display the name, address and telephone number of an incoming 911 call.

3. “Base Map” shall mean the map used by the Agency coordinating the uniform rural address system in Iowa County, Iowa. Such a map shall indicate all addresses in Iowa County subject to the provisions of this ordinance.

SECTION 3. Extent of System. The uniform rural address system shall extend over the entire unincorporated areas of Iowa County, Iowa, except for those areas already using the system of a nearby incorporated area. Unincorporated areas using an address system not attached to an incorporated area shall be subject to the provisions of this ordinance.

SECTION 4. Implementation of System. The Enhanced 911 Board shall adopt regulations to implement the system.

SECTION 5. Property Number Maps. The base map incorporating as part of the Iowa County Rural Address System, shall be adopted by resolution by the County Board of Supervisors as the official addressing maps, and no other property maps shall be used or displayed in the unincorporated areas of Iowa County. The base map shall be kept on file by the Enhanced 911 Board in and for Iowa County, Iowa. The addressing systems set out in said base map are hereby adopted by reference and declared to be part of this ordinance. Revisions in the event that either amendments,

additions or changes in the base map are necessary with such amendments, additions or changes entered on the base map after the alteration is approved by the Board of Supervisors. Such revisions as well as the original maps shall be signed by the Chairperson of the Board of Supervisors and attested to by the County Auditor.

SECTION 6. Penalty. Refusal to use the Uniform Rural Address System, or the removal, damaging, defacing, alteration or destruction of a rural address system marker intentionally by one who has no right to so act may be punished by fine of not more than \$100.00 or by imprisonment of not more than 30 days. In addition, any violation of this section shall be a county infraction which is punishable by a civil penalty of not more than \$100.00 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$200.00 for each repeat offense.

SECTION 7. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 9. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective Date: December 14, 1993

IOWA COUNTY ORDINANCE NO. 9

TITLE: AN ORDINANCE IMPLEMENTING THIS COUNTY'S RESPONSIBILITIES IN ISSUING SITING PERMITS FOR SOLID WASTE LANDFILLS AND PROVIDE FOR PROPER OPERATION OF THESE FACILITIES; CLOSURE OF THESE FACILITIES; WASTE REDUCTION AT THE SOURCE; PROTECTION OF THE ENVIRONMENT AND GROUND WATER; ASSESSMENT OF FEES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE IOWA COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

SECTION 1. Purpose. The purpose of this ordinance is to implement this county's responsibilities to issue siting permits under Section 455B.305A, The Code for solid waste landfills; to regulate their operation as required in Section 455B.302, The Code; to ensure the reduction of waste deposited in solid waste landfills as provided in Chapter 455D, The Code; and to protect the ground water of this county as provided in Chapter 455E, The Code. This ordinance is not to effect presently operating existing sites in regards to the intended use under their original permitting, and particularly regarding the current site located in Section One (1), Township Eighty (80) North, Range Nine (9) West of the 5<sup>th</sup> P.M., Iowa County, Iowa.

SECTION 2. Declaration of Policy. The Board of Supervisors has the obligation to provide for a supply of safe and potable water for its residents and to otherwise protect the environment of this county for the health, safety, and welfare of the resident. Disposal of solid waste in a sanitary landfill has the potential to contaminate ground water and otherwise damage the environment. Landfills are, thus, the least desirable way to dispose of solid waste. In order to fulfill its obligation, the Board finds that this ordinance is necessary to regulate the siting, establishment, and operation of sanitary landfills, and other sanitary disposal projects.

SECTION 3. Definitions. The following terms used in this ordinance shall mean:

- a. Municipality means a county or city.
- b. Joint Municipal Enterprise (JME) means an association pursuant to Chapter 28E, The Code, by municipalities to implement any of the purposes of Chapter 455B, 455D and 455E, The Code.
- c. Joint Municipal Private Enterprise (JMPE) means an association pursuant to Chapter 28E, The Code by municipalities and private organizations, whether for profit or non-profit, to implement any of the purposes of Chapter 455B, 455D and 455E, The Code.

d. Private organization means any entity whether for profit or non-profit, other than a municipality, jointly and severally.

e. Owner means a person, firm, corporation, or other entity, jointly and severally, that has an interest in real property that is a sanitary landfill or other sanitary disposal project.

f. Operator means a person, firm, corporation or other entity, jointly and severally, which operates a sanitary landfill or sanitary disposal project.

g. Incinerator means any enclosed device, mobile or stationary, including broilers and industrial furnaces utilizing the burning process for waste reduction or energy production.

h. Waste Provider means a municipality and any other person, firm, corporation, or other entity that provides waste to a sanitary landfill or sanitary disposal project.

i. Rules and regulations mean any applicable rules, regulations, and directives of the Iowa Department of Natural Resources (DNR), the Federal Environmental Protection Agency (EPA), and this county.

j. Transfer Station means a place where solid waste is temporarily collected, stored, or combined with other solid waste for the purpose of transportation to a sanitary landfill or other sanitary disposal project.

k. Board means Iowa County Board of Supervisors.

l. The definition of terms as defined in Section 455B.301, 455D.1 and 455E.2, The Code shall have the same meaning as in this ordinance.

SECTION 4. Acts Prohibited. It shall be unlawful for any person, firm, corporation or other entity to place, discard or dispose of solid waste as defined in Section 455B.301(20), The Code at any place within this county unless the Board of Supervisors shall have issued a siting permit or a transfer station permit pursuant to this ordinance. Permits for mobile or stationary incinerators shall also comply with this ordinance.

SECTION 5. Application for Permit. Any person, firm, public utility, corporation, municipality, JME, JMPE, private organization or other entity desirous of placing, discarding, or disposing of solid waste within this county outside the corporate limits of a city may apply to the Board of Supervisors for a permit to engage in such activity. The Board shall cooperate with the governing body of any county adjoining Iowa County when a landfill site is proposed within two (2) miles of the Iowa County boundary in which event the Board shall strive to promote and maintain the purposes of this ordinance. A landfill to be established or operated by a public utility will not be exempt

from the requirements of this ordinance. The applicant shall in the application or otherwise provide the Board with the following:

1. The name, address, social security number or federal identification number of all parties with an interest in the real estate to be utilized. If a corporation (profit or non-profit), the articles of incorporation, by-laws, certificate of incorporation, and names and addresses of all officers and directors shall be provided. If a chapter 28E organization, a true copy of the agreement shall be provided.
2. A legal description of the property to be utilized, its location, and number of acres to be utilized.
3. The name, address, social security number or federal identification number of all parties that will be involved in the operation of the facility. If a corporation (profit or non-profit) or a 28E organization, the same information as requested in one (1) above shall be supplied.
4. The projected life, in years, of the landfill.
5. The total capacity, in tons, of the facility; the projected number of average tons to be received daily; and the hours per day and days per week the facility will receive solid waste.
6. The area contemplated to be served.
7. Identification of the probable customers for municipal waste, commercial waste, and industrial waste.
8. A list of the equipment to be used and available on the site continuously for operation of the facility.
9. An organization chart of the personnel or positions to be needed.
10. A job description of each position.
11. A three year projection, on a yearly basis, of the various costs of operation and the gross income to be received.
12. A three year continuancy plan, year by year, for reduction of costs if the gross income falls below projections.
13. If either the owner or operator is an entity other than a municipality or JME, a financial statement certified by a certified accountant that the combined net worth of the owner and operator under general accounting principals is at least \$10,000,000. If the applicant establishes that this amount of net worth is more than reasonably needed to maintain the applicant's ability to properly operate the facility and to timely respond to

any corrective action directed to include on-site and off-site contamination, the Board may reduce this amount to an amount that will reasonably insure compliance. If, upon evaluation of the application, the Board determines that the amount of net worth would be increased from this amount, it may increase it to the reasonable amount determined to be needed. If a permit is issued, the net worth established shall be maintained and a yearly financial statement certified public accountant furnished to the Board. If a municipality or JME, the method and obligation of the participants to fund the facility to include mandatory yearly or fiscal funding in the event the volume of waste is insufficient to meet this obligation. A municipality and each member of a JME acknowledge in writing as part and parcel of the 28E Agreement that each member, jointly and severally, accepts full liability for the project.

14. If the owner or operator is an entity other than a municipality or JME; a) proof that a surety bond has been obtained from an insurance company licensed to do business in Iowa as required by Section 455 B.301, The Code, in an amount equal to \$1,000,000 plus fifteen cents per ton of capacity in excess of 1,000,000 tons and; b) a certificate of insurance for an Environmental Impairment Liability Insurance Policy to provide for the payment of any damage arising from the establishment or operation of the landfill or transfer station, including the impairment of land value. The amount of policy coverage to be determined upon formal consultation by the Board with a legally qualified professional insurance consultant.

15. Proof that an escrow account has been established in a minimum amount of \$50,000 upon which the Board is authorized to draw to pay for the costs which incur in evaluating the application. If these funds are thus depleted prior to the Board completing its evaluation, the applicant shall deposit further sums as determined by the board or the review process shall cease and the application dismissed, without prejudice to refilling. Any sums remaining after the Board completes its review process shall be returned to the applicant.

16. Proof of compliance with all requirements, rules and regulations of the EPA, DNR, Code of Iowa and any other applicable laws or regulations for the facility.

17. If the application is for a sanitary landfill, documentation that a landfill is needed as an alternative disposal method and why the hierarchy established in Section 455B.301A, The Code is insufficient.

18. The comprehensive plan as required by Section 455B.306, The Code, and directive, rules, and regulations of the DNR to include the following:

a. The plan by which waste from the contemplated service area will be reduced at its source by twenty-five percent (25%) from three and one-half (3 1/2) pounds of waste per person, per day as of July 1, 1988, by July 1, 1994, and fifty percent (50%) by July 1, 2000, as required by Section 455D.3, The Code. This requirement applies equally to waste generated outside this county as well as to waste generated within this county.

b. The amounts per ton of waste to be placed in a trust fund for: (a) financial assurance; (b) maintenance; (c) methane gas monitoring; (d) cost of closure; and (e) monitoring for thirty (30) years after closure as well as a true copy of the trust instrument adopted for these purposes. This trust instrument shall provide 1) that the trustee or custodian of these funds is an entity separate and distinct from the owner and operator and must be acceptable to the Board; 2) the method by which these deposits or payments will verify the accuracy of the deposits or payments; 3) that the funds can only be invested in the same manner as funds of Iowa municipalities; 4) that any interest earned shall become part of the funds; 5) that the funds are public funds and not monies of the owner or operator; 6) that these funds can only be utilized for the purposes provided for in the directives, rules and regulations of the EPA, DNR, and this county upon the joint certification of the permittee and this county or by order or directive of the DNR; 7) that an accounting of these funds shall be rendered to the county, owner, and operator quarterly; 8) that the trustee or custodian shall receive a reasonable fee for services as approved by the county; and 9) any funds remaining 30 years after the facility has been closed, shall become the property of this county and deposited in its general fund.

19. Establish that the facility is necessary to accommodate the solid waste management needs of the area which the project is intended to serve.

20. Establish that the project is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

21. Establish that the project is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

22. Establish that the plan of operations for the project is designed to minimize the damage to the surrounding area from fire, spills, or other operational accidents.

23. Establish that the traffic patterns to and from the project will not cause more damage or wear and tear upon this county's road system than it is now sustaining and the traffic patterns are designed to minimize the impact on existing traffic flows.

24. If the operator is not a municipality, provide information regarding the previous operating experience of the operator and his, her, or its subsidiaries or parent corporation or entity in the area of solid waste management or related activities.

25. Any other information or documentation requested by the Board which will assist the Board in making a determination as to whether the requirements of The Code and/or this ordinance will be satisfied.

SECTION 6. Notice to Adjacent Properties. An applicant shall, at least fourteen (14) days prior to filing an application for a siting permit, cause written notice of the application to be served either in person or by restricted certified mail on the owner of all

property within the proposed local site area not solely owned by the applicant and on all of the property within two (2) miles in each direction of the lot line of the proposed local site property. The owners shall be determined based upon the tax records of this county and any adjacent county, if applicable. The applicant shall file proof of this notice with the Board.

SECTION 7. Published Notice. The applicant shall publish written notice of his, her, or its application for siting permit in the official newspaper or newspapers to this county at least fourteen (14) days prior to the date of filing the application. The notice shall state the name and address of the applicant; the location of the proposed site; the nature and size of the development; the nature of the activity; the date when the application for site approval will be submitted; and a description of the right of persons to comment on the request. The applicant shall file proof of publication with the Board.

SECTION 8. Notice to DNR and Public Comment. The applicant shall file with the DNR a true copy of the application at least fourteen (14) days prior to its filing with the county. The applicant shall file proof of this filing with the Board. Any person may submit written comments concerning the appropriateness of the proposed site to the Board for its consideration no later than thirty (30) days after the date of the last public hearing. The application, other proof and documentation filed, and all copying upon payment of the actual costs of reproduction during usual business hours.

SECTION 9. Determination of Sufficiency of Application. The Board shall, within fourteen (14) days of the filing of the application, determine if it complies with the requirements of this ordinance. If it determines it does not, the Board shall notify the applicant, in writing, of the deficiencies and what must be done to correct these deficiencies within fourteen (14) days of receiving written notice, the application shall be automatically dismissed without prejudice to refiling the application in accordance with the requirement of this ordinance.

SECTION 10. Evaluation of Project. If the Board determines that the application is sufficient, it shall retain qualified engineers, environmentalists, attorneys and other experts to advise it of the accuracy and adequacy of the statements and proof submitted with the application and of any other facts and circumstances bearing upon the application that should be considered by the Board. Written reports shall be received by the Board from these engineers, environmentalists, and other experts no later than seventy-five (75) days from the date of filing the application. These services shall be paid from the escrow account established in Section 5 (15) upon certification by the Board. The Board shall furnish the applicant a copy of these reports, when received. These reports shall further be open to public inspection and copying upon payment of the actual costs of reproduction during usual business hours.

SECTION 11. Public Hearing. The Board shall set a public hearing upon an application found to be sufficient between ninety (90) and one hundred twenty (120) days from the filing of the application. Notice of this hearing shall be published as provided in Section 331.305, The Code. At the hearing, the applicant shall first present

his, her, or its factual evidence to sustain the application. The public also shall have equal opportunity to present its factual evidence. Board members may question each witness. Other factual evidence or circumstances for the Board to consider shall then be presented by the county attorney. The Board, a representative of the applicant and members of the public shall be permitted to ask questions.

SECTION 12. Board(s) Decision. The Board shall set a time to consider and decide whether or not the permit is to be granted within thirty (30) days of the close of the public hearing. This meeting shall be open to the public. However, the Board shall not receive any further evidence or comments from the applicant or the public. A majority vote of the Board shall be necessary for a decision. The Board shall cause its decision to be reduced to writing stating the reasons for its decision and executed by its chairperson within one-hundred eighty (180) days for the filing of the application. A copy of the decision shall be sent to the applicant by ordinary mail. A copy of the written decision shall be available for public inspection and copying upon payment of the actual cost of reproduction during usual business hours. The decision of the Board shall be final.

SECTION 13. Application Amendment. In the event the applicant amends his application each time limit specified in this ordinance shall be extended by ninety (90) days from the date of the amended application. Only One (1) amendment shall be permitted.

SECTION 14. Length of Permit. A permit granted under this ordinance shall be effective for three (3) years from the date of issue. An application for renewal may be filed within six (6) months of the expiration date by re-offering the statements and proof in the original application or altering or changing them as the circumstances warrant. A public hearing and decision on a renewal application shall be conducted in the same way as that for the original issuance.

SECTION 15. Issuance of Permit. The permit may include such special provisions pertaining to dust control, noise level, haul routes, hours of operation and any other provision the Board determines is in the best interest of the county and the residents in the vicinity of the facility. The permit shall be issued in the name of the owner and operator, jointly. The owner and operator, jointly and severally, shall be responsible for the landfill and its operation in accordance with the rules and regulations of the EPA, DNR, and this county. The owner and operator, jointly and severally, shall be responsible and liable for any on-site and off-site contamination or pollution and to respond to any order of abatement, clean up, and compliance with rules and regulations issued by the county, DNR, or other appropriate agency.

SECTION 16. Inspection. The sanitary landfill shall be subject to inspection by the county, DNR, or other appropriate agency with or without notice to the permit holders. If violations are found, the permit holder shall be notified, in writing, of each violation and given thirty (30) days for correction. After the expiration of thirty (30) days, the facility shall be re-inspected. If the violations have not been corrected the permit

holder shall be notified, in writing of its failure and that the permit is subject to cancellation and revocation.

SECTION 17. Permit Revocation. A permit shall be cancelled and revoked if it is found that the facility has received hazardous waste; failed to correct violations; the net worth of the owner and operator has fallen below \$10,000,000; failed to remit tonnage fees to this county; failed to pay the trust account fees provided for in Section 5 (18) (b); or is otherwise creating an immediate risk or hazard to the health, safety, and welfare of the residents in the vicinity of the facility or this county or adjacent counties.

SECTION 18. Hearing on Revocation. A permit can only be cancelled or revoked after a hearing before the Board of Supervisors and a finding, by a majority vote of the Board, that the permit holder has committed one of the grounds for revocation as provided in Section 17. The permit holder shall be served with written notice of hearing by certified mail to the permit holder's last known address. The notice shall state the grounds upon which revocation is sought. The hearing shall be held at least four (4) days but not more than twenty (20) days after service of the notice. At the hearing, evidence shall first be presented as to the grounds of revocation. The permit holder shall be permitted to present what evidence and witnesses it shall desire. The supervisors shall be permitted to ask questions. At the close of the hearing, the Board shall set a time, date and place for its deliberation and decision.

SECTION 19. Decision on Revocation. At the Board's deliberation no other parties shall participate except the supervisors. The Board shall, by a majority vote, decide if the permittee shall be allowed to continue to operate the facility or if the permit is to be cancelled, giving their reasons for either action. If the permittee is to be allowed to continue to operate, the Board may establish additional special provisions for the continued operation. The Board shall reduce its decision to writing and serve a copy upon the permittee by certified mail to the permittee's last known address. A copy of the written decision shall be available for public inspection and copying upon payment of the actual cost of reproduction during usual business hours. The decision of the Board shall be final.

SECTION 20. Fee payable to County. If the operator of the facility is a private entity or a JMPE that accepts waste from outside this county, a fee equal to \$3.00 per ton commencing (date to be set by Board of Supervisors) and thereafter the maximum fee allowed by law, shall be paid to the county by the 15<sup>th</sup> day of each month for the waste landfill for the preceding month. When making this the waste landfill for the preceding month. When making this remittance, the permittee shall render to the county a full accounting of all waste and fees received.

SECTION 21. Transfer Stations. The Board of Supervisors may issue a permit for operation of a transfer station within this county in conjunction with the operation of sanitary landfill or other sanitary disposal project. Application shall be on such forms as prescribed by the REIC. The applicant shall comply as in Section 5, subsection 14, letter b, of this ordinance and provide a certificate of insurance as stated.

SECTION 22. Prohibited Acts. It shall be unlawful for any person, firm, corporation, or other entity or a waste provider, to provide to a sanitary landfill yard waste, lead acid batteries, unprocessed tires, waste oil, and non-degradable plastic grocery bags or trash bags and a landfill operator shall not knowingly place such waste in a sanitary landfill or other sanitary disposal project. Persons, firms, corporations, and all other entities shall separate yard waste from other solid waste.

SECTION 23. Penalty. Any person, firm, corporation, or other entity convicted of a violation of Section 4, 21 or 22 of this ordinance shall be punished by a fine not to exceed \$100 or by imprisonment in the county jail not to exceed thirty (30) days.

SECTION 24. Severability. If any provision of this ordinance is declared void, ineffective, or unconstitutional, the other provisions shall remain in full force and effect.

SECTION 25. Effective Date. The ordinance shall be in full force and effect from and after its final passage and publication as provided by law.

Effective Date: January 7, 1993

IOWA COUNTY ORDINANCE NO. 10

TITLE: AIRPORT TALL STRUCTURE ZONING ORDINANCE.

Be it enacted by the Board of Supervisors of Iowa County, Iowa, an Ordinance regulating and restricting the height of structures and objects of natural growth in the vicinity of the Belle Plaine Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; defining certain terms used herein; referring to the Belle Plaine Municipal Airport height zoning map which is incorporated in and made a part of this Ordinance; providing for enforcement; establishing a board of adjustment; and imposing penalties.

This ordinance is adopted pursuant to the authority conferred on the Iowa County Board of Supervisors by Iowa Statutes Section 329.3 of the Iowa Code. IT IS HEREBY found that an airport hazard endangers lives and property or occupants of land in its vicinity. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard as a public nuisance and an injury to the county served by the Belle Plaine Municipal Airport.
2. It is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented.
3. That this should be accomplished to the extent legally possible by proper exercise of police power.
4. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which Iowa County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

IT IS HEREBY ORDAINED by the Iowa County Board of Supervisors as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as “The Belle Plaine Municipal Airport Height Zoning Ordinance”.

SECTION II: DEFINITIONS

1. Airport: The Belle Plaine Municipal Airport.
2. Airport Elevation: The highest point of the airport’s usable landing area measured in feet above mean sea level.
3. Obstruction: Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth in Section III of this Ordinance.

4. Airport Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in part seventy-seven of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway center line.
5. Airspace Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. Control Zone: Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. Runway: A defined area on an airport prepared for landing and take off of aircraft along its length.
9. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military layout plan, or by any planning document submitted to the FAA by competent authority.
10. Minimum Descent Altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
11. Minimum Enroute Altitude: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
12. Minimum Obstruction Clearance Altitude: The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route

segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

13. Board of Adjustment: A board consisting of three (3) members appointed by the Board of Supervisors as provided in Chapter 329.12 of the Code.

### SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Belle Plaine Municipal Airport Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Airport Height Zones

- A. Horizontal Zone – The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:
  - (1) Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Belle Plaine Municipal Airport Height Zoning Map.

- B. Conical Zone – The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet to 1 for a horizontal distance of 4,000 feet.

No structure shall penetrate the conical surface in the conical zone, as depicted on the Belle Plaine Municipal Airport Zoning Map.

- C. Instrument Runway Approach – The land lying under a surface longitudinally centered on the extended runway centerline and which slopes outward and upward, beginning at the end of and at the same elevation as the primary surface, at a slope of 20 feet to 1, and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.

No structure shall penetrate the instrument runway approach zone surface in the instrument runway approach zone, as depicted on the Belle Plaine Municipal Airport Zoning Map.

- D. Visual Runway Approach Zone – The land lying under a surface longitudinally centered on the extended runway centerline, and which slopes outward and upward, beginning at the end of and at the same elevation to a horizontal distance of 5,000 feet along the extended runway centerline. The inner edge of this approach zone coincides with the primary surface and is 250 feet wide.

No structure shall penetrate the visual runway approach zone surface in the visual runway approach zone, as depicted on the Belle Plaine Municipal Airport Zoning Map.

E. Transitional Zone – The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 feet to 1 from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Belle Plaine Zoning map.

F. Increase in Elevation of Structures – No structure shall be erected in Iowa County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Iowa County.

#### SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electronic interference with navigational signals or radio communication between the airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

#### SECTION V: LIGHTING

Notwithstanding any other provisions of this Ordinance, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

#### SECTION VI: VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations.

No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Iowa County Board of Supervisors or their designee for their opinion as to the aeronautical effects of such a variance. If the Iowa County Board of Supervisors or their designee does not respond to the Board of Adjustment within fifteen days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

Any variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Benton County at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

## SECTION VII: BOARD OF ADJUSTMENT

A. There is hereby created a Board of Adjustment to have and exercise the following powers:

- (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Board of Supervisors in enforcement of this Ordinance;
- (2) To hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass;
- (3) To hear and decide specific variances.

B. The Board of Adjustment shall consist of three (3) members appointed by the Iowa County Board of Supervisors and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times the Board of Adjustment may determine. The Chairperson, or in his/her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed with the office of the Iowa County Auditor, and on due cause shown.

D. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any

manner upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

#### SECTION VIII: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15.

#### SECTION IX: ENFORCEMENT

It shall be the duty of the Iowa County Board of Supervisors to administer and enforce the regulations prescribed herein. Applications for permits in variances shall be made to the Board upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Board shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted to the Chairperson of said Board.

#### SECTION X: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.

#### SECTION XI: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XII: SEVERABILITY

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XIII: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, this Ordinance shall be in full force and effect from and after its passage by the Iowa County Board of Supervisors and publication and posting as required by law.

Effective Date: December 7, 1993

IOWA COUNTY ORDINANCE NO. 11

TITLE: A SIGNING ORDINANCE FOR THE RURAL ADDRESS SYSTEM OF IOWA COUNTY, IOWA.

SECTION 1. Purpose. This ordinance mandates the use of a mandatory signing system in conjunction with the Uniform Address System for residents of Iowa County, Iowa, in order to promote the safety, convenience and general welfare of all residents, public and private providers, and provides for penalties for violations. This ordinance is being enacted in conjunction with the provision of Enhanced 911 Emergency Telephone Service to the residents of Iowa County, Iowa and in conjunction with County Home Rule Ordinance No. 15.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Enhanced 911 Emergency Telephone Service" and derivatives thereof are defined to be in conformity with the provisions of Chapters 34 and 34A of the Code of Iowa.
2. "Person" shall mean any individual, firm, corporation, unincorporated association or other entity.
3. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
4. "Building" shall mean a roof and/or wall structure built for permanent use.
5. "Board" shall mean the Iowa County Board of Supervisors.

SECTION 3. Extent of System. The Uniform Signing System shall extend over the entire unincorporated areas of Iowa County, Iowa, except for those areas already using the system of a nearby incorporated area. Unincorporated areas subject to the signing system not attached to an incorporated area shall be subject to the provisions of this ordinance. Homestead, South Amana, West, Middle, High, East Amana, Amana, Koszta and Conroy shall display their signs on the house front as set forth in 4(A) below and all other areas will display their signs at their driveway as set forth in 4(B).

SECTION 4. Placement of Signs. Signs shall be placed as follows:

4(A). House sign Placement.

1. On brick structures, signs will be horizontally placed on the building on a border base ten inches to twelve inches from the side of the door frame and

eighteen inches from the top of the door on the right side of the door. If this placement is not practical, vertical placement on the door frame, twelve inches down from the top of the door shall be made.

2. On wood structures, placement on the building shall be ten inches to twelve inches from the right side of the door frame and eighteen inches down from the top of the door shall be made.

3. Structures that do not have a front entrance to the street or where the entrance is obstructed, horizontal placement ten inches to twelve inches from the side of the structure and six feet up from the ground level.

4. Wherever the sign is placed, said sign shall be clearly visible from the street or road.

5. The property owner is responsible for making the sign visible from the road. Said property owner shall assume all liability of difficulty of location of their residence when the signing requirements are not met.

6. House sign shall be purchased by the property owner with a minimum number size of three inches.

#### 4(B). Driveway Placement.

1. Rural residents shall purchase their signs from the Engineer's Office as set forth in Section 5 below.

2. Rural signs shall be placed along the driveway on private property and not on the road right-of-way.

3. Rural driveway signs shall be placed on a separate post or pole which can be purchased from the Iowa County Engineer's Office. These signs shall be placed on the post or pole between three and five feet from the ground.

4. The driveway placed sign shall be at a 90 degree angle from the road so as to be clearly visible from the road.

#### SECTION 5. Provisions of Signs.

1. House signs can be purchased anywhere with the minimum number sizes of three inches.

2. The rural driveway placement signs must be purchased from the Iowa County Engineer's Office. These signs shall be purchased by the property owners at a fee that covers the cost of said markers.

SECTION 6. New Structures. Every person erecting a residence after the date of this uniform signing ordinance becomes effective shall within seven days of commencement of construction notify the Iowa County 911 Communications Center, which center shall within fourteen days assign a number to such structure.

SECTION 7. Future Subdivisions. All new subdivisions are required to comply with the Rural Address System and future subdivisions will have the placement of the signs decided by resolution by the Board.

SECTION 8. Liability. All property owners not complying with this signing order shall be liable for the inability of any emergency vehicle not being able to locate their residence.

SECTION 9. Penalty. Refusal to use the Uniform Signing System or the removal, damaging, defacing, alteration or destruction of a rural address marker intentionally by one who has no right to so act may be punished by a fine of not more than \$100.00 or by imprisonment of not more than 30 days. In addition, any violation of this section shall be a county infraction which is punishable by a civil penalty of not more than \$100.00 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$200.00 for each repeat offense.

SECTION 10. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective Date: December 14, 1993

IOWA COUNTY ORDINANCE NO. 12

AN ORDINANCE ESTABLISHING A LOCAL OPTION SALES AND SERVICES TAX APPLICABLE TO TRANSACTIONS WITHIN THE UNINCORPORATED AREAS OF IOWA COUNTY AND WITHIN THE INCORPORATED AREAS OF LADORA, MARENGO, MILLERSBURG, NORTH ENGLISH, PARNELL, VICTOR AND WILLIAMSBURG.

Be It Enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Local Option Sales and Services Tax. There is imposed an ordinance establishing a local option sales and services tax applicable to transactions within the unincorporated areas of Iowa County and within the incorporated areas of Ladora, Marengo, Millersburg, North English, Parnell, Victor and Williamsburg of Iowa County.

The rate of the tax shall be one percent upon the gross receipts taxes under 422, Division IV, of the Iowa Code in the following areas: Unincorporated area of Iowa County, incorporated cities of Ladora, Millersburg, North English, Parnell, Victor and Williamsburg.

The local sales and services tax is imposed on transactions occurring on or after April 1, 1995, within the unincorporated areas of Iowa County and within the incorporated areas of Ladora, Marengo, Millersburg, North English, Parnell, Victor and Williamsburg. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxes under 422A of the Iowa Code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99# of the Iowa Code, and on the sale of rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

All applicable provisions of the appropriate sections of Chapter 422, Division IV, of the Iowa Code are adopted by reference.

SECTION 2. When Effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by Law.

Effective: February 3, 1995



IOWA COUNTY ORDINANCE NO. 13

TITLE: ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM  
AND WELL PERMITS.

SECTION 1. Purpose. It is the Purpose of this chapter to adopt rules and regulations for on-site wastewater treatment and disposal systems in Iowa County, Iowa, and to provide for well permits; all promoting the public health of our residents and providing penalties for violations of the provisions hereof.

SECTION 2. State Guidelines. All Iowa Administrative Code regulations regarding on-site wastewater and disposal systems, wells, well plugging, and well construction contained in Chapters 38, 39, 49, and 69 of Section 567 of the Iowa Administrative Rules are adopted in its entirety and shall be considered part of the on-site wastewater rules and well plugging and well construction rules of Iowa County, Iowa.

SECTION 3. Definition. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Administrative Authority" shall be the Iowa County Board of Supervisors, or any individual designated by the Board, to act in its name in implementing these regulations.
2. "Department" shall mean the Iowa Department of Natural Resources.
3. "Director" shall mean the Iowa County Environmental Director or his designee.
4. "On-site wastewater treatment and disposal system" shall mean all equipment and devices necessary for the proper conduction, collection, storage, treatment and disposal of wastewater from a dwelling or other facilities serving the equivalent of ten (10) persons or less.

SECTION 4. General Requirement.

1. It is prohibited for any household drainage and/or sewer to discharge to any ditch, stream, lake, pond, natural, or artificial waterway, county drain tile, service water drain tile, or to the surface of the ground. Such waste disposal shall be disposed of in such a sanitary manner as is prescribed by these rules and regulations.
2. No person, firm or corporation shall begin construction of any on-site wastewater treatment and disposal system for any purpose in Iowa County without having first obtained a permit as set forth in this chapter. The permit for installation of the on-site wastewater treatment

and disposal system shall be obtained prior to the construction of a dwelling or building to be served by this system.

3. This ordinance shall not apply to presently constructed septic tank systems but shall apply to new and reconstructed septic tank systems.
4. No person, firm, or corporation shall begin construction of any private sewage disposal system until the owners comply with all the rules and regulations of the director and the Iowa State Department of Natural Resources.

#### SECTION 5. Permit Requirements

1. Any person, firm or corporation desiring a permit must file with the Director, an application stating the Owner's name, current mailing address, number of bedrooms in structure served, type of water supply, and other information as may be required by the Director on the application.
2. The Director will supply a list of names for the performance of percolation tests.
3. The Director will issue the permits.
4. The Director will also issue permits for the drilling of or construction of a new water well.
5. The Director will maintain a fee schedule for the obtaining of waste water treatment disposal systems permits and well permits.
6. Refusal to obtain a permit for the construction of an on-site wastewater treatment disposal system or digging a new well or compliance with any provision to this ordinance may be punished by a fine of not more than \$100 or by imprisonment of not more than thirty (30) days. In addition any violations of this section shall be a county infraction which is punishable by Civil penalty of not less than \$100 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$200 for each repeat offense.

SECTION 6. Severability. Should any section or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, that provision shall not affect the validity of the Ordinance as a whole or in any part thereof, other than the part so declared to be invalid.

SECTION 7. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective: April 17, 1996

## IOWA COUNTY ORDINANCE NO. 14

TITLE: AN ORDINANCE REGULATING THE DESIGN AND DEVELOPMENT OF NEW SUBDIVISIONS AND/OR RESUBDIVISIONS FOR IOWA COUNTY, IOWA.

SECTION 1. Purpose. The purpose of this ordinance is to establish minimum standards for the design, development, and improvement of all subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services, and to promote the health, safety, and general welfares of the citizens in Iowa County, Iowa.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Board" shall mean the Board of Supervisors of Iowa County, Iowa.
2. "Alley" shall mean a public thoroughfare which affords only a secondary means of access to abutting property.
3. "Auditor's Plat" mans a subdivision plat required by either the county auditor or the county assessor, and prepared by survey under the direction of the county auditor.
4. "Easement" means an authorization by property owner for another use of a designated part of this property for a specified purpose.
5. "Flood Hazard Area" means any area subject to flooding by 1% probability of flood otherwise referred to as a 100 year flood, as designated by the Iowa Natural Resources Counsel or the Federal Insurance Administration. Improvements mean changes to land necessary to prepare it for building sites, including but not limited to grading, filling, street paving, curb paging, sidewalks, walkways, water mains, sewers and drainage ways.
6. "Lot" means a tract or line represented and identified by a number or letter designation on an official plat.
7. "Metes and Bounds Description" means a description of land that uses distances in angles, uses distances in bearings, or describes the boundaries of the property by reference to physical features of the land.
8. "Owner" means the legal entity owning title to the property being subdivided, or such other representative or agent as is fully empowered to act on its behalf.
9. "Plat" means a map, drawing, or chart on which the subdividers plan for the subdivision of land is presented to the Board of Supervisors for approval, and is intended, in its final form to be recorded.

10. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
11. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
12. "Subdivision" means the division of land into three or more parts for the purpose of transfer of ownership or building development.
13. "Subdivision Plat" means the recorded graphical representation of the subdivision of land as prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and its name or title that is unique for the county where the land is located.
14. "Surveyor" means registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
15. "Tract" means an aliquot part of a section, a lot within and official plat or government lot.

### SECTION 3. General Provisions.

1. Subdivision plat requirements: A subdivision plat shall be required when a tract of land is subdivided by the same owner by repeated divisions or simultaneous divisions into three or more parcels, any of which are described by a metes and bounds description for which no plat or survey is recorded. A subdivision plat is not required when land is subdivided by conveyance to a governmental agency for public improvements.
2. Recording of Plat: No subdivision plat or resubdivision plat shall be filed for record with the county recorder, or recorded by the county recorder until a plat of survey of such subdivision or resubdivision has been reviewed and approved in accordance with the provisions of this ordinance. Upon the approval of the plat by the Board of Supervisors, it shall be the duty of the subdivider to immediately record such a plat with the county recorder, and an exact copy of the plat shall be filed in the office of the county auditor and county assessor with all attachments appended thereto. Approval of the final plat by the Board of Supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the county recorder within 120 days after date of approval, unless, within that time, and extension based upon unusual circumstances is granted by the Board of Supervisors.
3. Fee Established: The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee as

established by resolution of the Board of Supervisors and as required by this ordinance.

4. **Building Prohibited:** No building shall commence on any lot, nor shall any structure be moved onto any lot, parcel or tract, where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance and until the improvements required by this ordinance have been installed.
5. **Appeal of disapproval or Denial by Board of Supervisors:** Any appeal of the Board of Supervisors' decision shall be appealed to the District Court of Iowa County within twenty (20) days after the date of the denial of the application of the date of the receipt by applicant of the requirements for approval of the subdivision. Notice of appeal shall be served on the governing body in the manner provided for the service of original notice pursuant to the Iowa Rules of Civil Procedure.

#### SECTION 4: Improvements:

1. **Improvements Required:** The subdivider shall , at his or her expense, install and construct any improvement required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County.
2. **Inspection:** All improvements shall be inspected in ensure compliance with the requirements of the preliminary plat. The cost of such inspection shall be paid by the subdivider.
3. **Minimum Improvements:** The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare:
  - a. **Streets:** The subdivider of land being subdivided shall be responsible for the construction of all streets. Unless all streets shall be constructed so as to meet the standards of the County, streets and roads shall not become part of the county road system. Pursuant to Iowa Code Section 306.21, all road plans, plats, field notes and accurate diagrams of utilities for said subdivision shall be submitted to the Iowa County Engineer. The Engineer shall ensure that minimum specifications are met for roadways proposed for inclusion in the Iowa County road system or understood for those proposed for consideration in the future.
  - b. **Sanitary Sewer System:** Adequate provision for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonable foreseeable needs. The sewage disposal system shall meet the requirements of Iowa

County Home Rule Ordinance No. 23 dealing with on-sit wastewater treatment disposal systems.

- c. Water System: The developer shall make appropriate provision for a suitable water supply for each platted lot. Water systems shall comply with Iowa County Ordinance No. 23 dealing with well permits.
  - d. Drainage and Erosion Requirements: No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Board. No lot shall be located so as to include the land located with any floodway or flood hazard area unless the lot is of such size and shape that it will contain a building area not within the floodway or flood hazard area. The Natural Resources Conservation Service (NRCS) shall be requested to perform a site review and evaluation of the impacts of the subdivision. NRCS will comment on drainage, seeding plans, erosion control and suitability of soils.
4. All fencing shall be the responsibility of the subdivider and purchasers obtaining property from the subdivider. The county assumes no responsibility for fencing between the subdivision and property outside the subdivision or between the lots in the subdivision.

#### SECTION 5. Procedures and Submission Requirements for Plats

1. The plat of survey shall show the following as set forth in Chapters 354 and 355 of the Iowa Code:
  - a. The name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
  - b. Name and address of the owner and subdivider.
  - c. Scale, graphic bar scale, north arrow and date of each sheet.
  - d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
  - e. Sufficient survey data to positively describe the boundaries of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
  - f. All distance, bearing curve, and other survey data.
  - g. All adjoining properties shall be identified and, where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the previously recorded

subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

- h. Street names and clear designation of public alleys.
- i. Block and lot numbers
- j. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- k. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including: gas, power, telephone, cable television, water and sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- l. All interior excepted parcels, clearly indicated and labeled “not part of this plat.”
- m. Legal description.
- n. The minimum unadjusted accepted error of closure for all subdivision boundaries, which shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- o. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor’s direct personal supervision, signed and dated by the surveyor and bearing the surveyor’s Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
- p. Each lot shall include an area not to be in the amount of less than one acre, unless the lot has access to, or will be connected to, a public sewer system as defined in Chapter 69 of the Iowa Administrative Code.

#### SECTION 6. Attachments to Plat.

1. The following shall be attached to an accompany any subdivision plat:

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.
- b. An attorney's opinion showing that the fee title to the subdivision is free from encumbrances other than those secured by an encumbrance bond or which subdivision application is joined in by the encumbrance holder.
- c. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes and unpaid special assessments.
- d. A copy of any existing encumbrance bonds.
- e. A statement of restrictions that run with the land and become covenants in the deeds of lots.
- f. Where any improvements are to become the property of the County, a resolution accepting and approving such improvements.
- g. A resolution and certificate for approval by the Board of Supervisors.
- h. The application fee as set by the Board.
- i. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. When a mortgage or lien owner consents to the subdivision, a release of the mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.
- j. An executed Groundwater Hazard Statement.

SECTION 7. Procedure for Review of Plat.

- a. Six copies of the plat shall be filed in the office of the Iowa County Auditor and said plat shall be scheduled for review by the Board of Supervisors within sixty (60) days after filing with the Iowa County Auditor.
- b. Said plat shall be reviewed by the Iowa County Engineer, Iowa County Attorney, Iowa County Auditor, Iowa County Environmental Director, and Iowa County Natural Resources Conservation Service.

- c. If said plat complies with the requirements of this ordinance, the Board shall approve the plat and cause its approval to be entered on the plat. The Board shall also adopt and pass a resolution accepting said plat. Passage of a resolution by the Board accepting the plat shall constitute final approval of the plat of the area shown. The subdivider shall cause a certified copy of the approved plat to be recorded in the office of the Iowa County Recorder before Iowa County will recognize the plat as being in full force and effect.
- d. If the plat is disapproved by the Board, the reasons for such disapproval shall be conveyed in writing to the subdivider.

SECTION 8. Penalties.

Any person who shall transfer or sell any lot or lots within the area of jurisdiction of the ordinance before the plat thereof has been approved by the Board of Supervisors, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot transferred or sold. In addition, any violations of this section shall be a County infraction which is punishable by Civil penalty of not less than \$100 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$200 for each repeat offense.

SECTION 9. Severability Clause.

If any Section, Provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 10. Changes and Amendments.

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board.

SECTION 11. When Effective.

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

Effective Date: August 1, 1996

Amended: July 11, 2003

IOWA COUNTY ORDINANCE NO. 15

TITLE: AN ORDINANCE ESTABLISHING CONTROL AND MAINTENANCE OF PIONEER CEMETERIES.

SECTION 1. Purpose. The purpose of this ordinance is to assume jurisdiction and control of pioneer cemeteries pursuant to Chapter 1182, and House File 249, of the laws of the 76<sup>th</sup> General Assembly, 1996 Session, which provides that a County Board of Supervisors may adopt an ordinance assuming jurisdiction and control of pioneer cemeteries in the County.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Board" shall mean the Board of Supervisors of Iowa County, Iowa.
2. "Pioneer Cemetery" shall mean a cemetery where there have been six or fewer burials in the preceding 50 years.
3. "Jurisdiction and Control" shall mean exercising all authority that township trustees have over township cemeteries and shall include all maintenance, repair, establishment of access, condemnation of property, restoration and management of native prairie grasses and wildflowers, and taxation provisions as set forth below.

SECTION 3. General Provisions.

1. The Board assumes jurisdiction and control of pioneer cemeteries in Iowa County, Iowa.
2. The Board shall exercise the powers and duties of the township trustees relating to the maintenance and repair of cemeteries in the County similar to exercise of the authority of township trustees over township cemeteries.
3. The maintenance and repair expenses of pioneer cemeteries shall be paid from the County General Fund.

SECTION 4. Taxation. The Board may levy annually a tax not to exceed 6 <sup>3</sup>/<sub>4</sub> cents per \$1000 of the assessed value of all taxable property in the county to repair and maintain cemeteries under their jurisdiction, including pioneer cemeteries. Proceeds of the tax levy shall be credited to the county general fund and tax limitations of Sections 444.25B of the Iowa Code do not apply to these levies.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. Changes and Amendments. This ordinance or any provision of this ordinance may be changed or amended from time to time by the board.

SECTION 7. When Effective. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Effective Date: December 13, 1996

## IOWA COUNTY ORDINANCE NO. 16

### TITLE: AIRPORT ZONING REGULATIONS – EASTERN IOWA AIRPORT.

SECTION 1. Purpose. These regulations are adopted by the City Council of the City of Cedar Rapids, Iowa, and Board of Supervisors of Iowa County, Iowa, for the purpose of exercising to the fullest extent possible the power granted by Chapter 329 of the State Code of Iowa 1997 pertaining to the restriction of airport hazards in the vicinity of airports and creating airport hazard zones.

SECTION 2. Definitions. For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural shall include the singular and the word “shall” is mandatory and not directory.

1. Airport: The Eastern Iowa Airport as now exists or as may hereafter be added to or changed, located in Cedar Rapids, Iowa, and Linn County, Iowa, owned by the City of Cedar Rapids, and under the management and control of The Eastern Iowa Airport Commission by the provisions of Chapter 330 of the Iowa Code. The airport includes the area of land designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes. The word “Airport” as used in these regulations also means and includes The Eastern Iowa Airport as shown in the Cedar Rapids Municipal Airport Master Plan adopted by the Cedar Rapids Airport Commission on November 25, 1996, which is now on file in the office of the Airport Director in the Administration Building at said Airport.
2. Airport Elevation: The established elevation of the highest point on the usable landing area which is 863.9 feet above mean seal level.
3. Airport Hazard: Any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking off at the airport as herein defined, or is otherwise hazardous to such landing or taking off of aircraft. It shall also include any use of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the Airport and aircraft, or unreasonably interfere with electronic navigation aids, or make it difficult for pilots to distinguish between airport lights and others; or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the Airport while engaged in landing or taking off at the Airport; or any other use within any zone established by these regulations which is otherwise hazardous to such landing or taking off of aircraft at the Airport.
4. Airport Hazard Area: An area of land or water within the territorial limits of The Eastern Iowa Airport Zoning Map, which is made a part of these regulations, upon which an airport hazard might be established if not prevented, as provided by these regulations.

5. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
6. Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth in Section 3 of this Ordinance.
7. Board of Adjustment: A Board consisting of 5 members appointed as provided in Section 9.
8. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
9. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
11. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
12. Instrument Runway: A runway equipped or to be equipped with precision or non-precision electronic navigation aid or landing aid, or other air navigation facilities, suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
13. Landing Area: The general area of the Airport used for the landing, take-off, or taxiing of aircraft, as indicated upon the Airport Zoning Map.
14. Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
15. Municipalities: The City of Cedar Rapids, Iowa, and any city, town or county within the territorial limits of The Eastern Iowa Airport Zoning Map hereinafter described, within which an airport hazard area might be established.
16. Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
17. Noninstrument Runway: A runway other than an instrument runway.
18. Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
19. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5 of this Ordinance.
20. Person: An individual firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, or other similar representative thereof.

21. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on approved airport layout plan or any other planning document.
22. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 3 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
23. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
24. Structure: An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, and the poles or other structures supporting the same.
25. Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
26. Tree: Any object of natural growth.
27. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
28. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 3. Airport Zones. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to The Eastern Iowa Airport. Such zones are shown on the Airport Zoning Map dated December 30, 1997, and prepared by the Howard R. Green Company. An area located in more than one (1) of the following zones is considered to be only in the zone with more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility Visual Approach Zone: The inner edge of this approach-zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet

- at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Runway Larger Than Utility With a Visibility Minimum Greater Than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  3. Runway Larger Than Utility With a Visibility Minimum as Low as  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  4. Precision Instrument Runway Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
  5. Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.
  6. Horizontal Zone: The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
  7. Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION 4. Airport Zoning Map. There is hereby adopted and enacted an airport zoning district map dated December 30, 1997, signed by the Mayor, Chairman of the Board of Supervisors and attested by the Clerk, which map is on file in the office of the City Clerk, and is hereby incorporated into and made a part of these regulations and that the boundaries of the various zoning districts are herewith enacted and established as shown on said map subject to the provisions hereafter set out relating to subsequent boundary changes and amendments. Said map is designed and intended as a method and means of setting forth the boundaries of the various airport zoning districts as the same are now shown on said map. All modifications, references, markings and other information shown thereon are hereby enacted and established as a part of the official district map for The Eastern Iowa Airport and are made a part of these regulations.

As relates to Chapter \_\_\_\_\_, said district map shall not be set out in the Municipal Code and shall remain on file in the office of the City Clerk after adoption and publication and shall constitute a part of Chapter \_\_\_\_\_ of the Municipal Code the same as if set out herein.

SECTION 5. Airport Zone Height Limitations. Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger Than Utility Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Runway Larger Than Utility With a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. Runway Larger Than Utility With a Visibility Minimum as Low as  $\frac{3}{4}$  Mile Nonprecision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. Precision Instrument Runway Approach Zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. Transitional Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 863.9 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
6. Horizontal Zone: Established at 150 feet above the airport elevation or at a height of 1,013.9 feet above mean sea level.
7. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

8. Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

SECTION 6. Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 7. Nonconforming Uses.

1. Regulations not Retroactive. The regulations prescribed herein shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulation as of the effective date of these regulations, or otherwise interfere with the continuance of any nonconforming use. However, no pre-existing nonconforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher, or be replanted so as to constitute a greater airport hazard than it was when these regulations were adopted. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations and resolution is completed within one year thereafter.
2. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and light as shall be necessary to indicate to the operator of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of The Eastern Iowa Airport Commission.

SECTION 8. Airport Zoning Commission. An Airport Zoning Commission shall be provided as follows:

The Zoning Commission shall consist of 5 members, 2 of whom shall be appointed by the Iowa County Board of Supervisors and 2 of whom shall be selected by the City Council of Cedar Rapids, and one additional member to act as Chairman who shall be selected by a majority vote of the members appointed by the Board of Supervisors of Iowa County and the City of Cedar Rapids. The terms of such members shall be as provided by Section 329.9 of the Iowa Code of 1997. Such Airport Zoning Commission shall follow the procedures as provided in Sections 414.4 and 414.6 of the Iowa Code, as required by Section 329.9 of the Iowa Code of 1997.

SECTION 9. Board of Adjustment. A Board of Adjustment is hereby appointed as follows:

The Board shall consist of 5 members, 2 of whom shall be appointed by the Iowa County Board of Supervisors and 2 of whom shall be appointed by the City Council of Cedar Rapids, and one additional member to act as Chairman who shall be selected by a majority vote of the members appointed by the Board of Supervisors of Iowa County and the City of Cedar Rapids. The terms of such members shall be provided in Section 329.12 of the Iowa Code of 1997. Each such Board shall have the powers and duties, and shall follow the procedures, provided by Sections 329.11 and 329.12 of the Iowa Code of 1997.

SECTION 10. Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in a manner which would constitute a violation of these regulations, may apply to the Board of Adjustment having jurisdiction of the area which such violation would occur for a variance from these regulations. Such variances shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of these regulations and of Chapter 329 of the Iowa Code; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of Chapter 329 of the Iowa Code, including but not limited to the following:

1. The reservation of the right of the City of Cedar Rapids, and The Eastern Iowa Airport Commission, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.
2. To require the person requesting the variance at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

Any appeal from the decision of the Board of Adjustment shall be in accordance with the provisions of Section 414.15 et seq. of the Iowa Code.

SECTION 11. Finding Concerning Public Interest. The City Council of Cedar Rapids and Board of Supervisors of Iowa County specifically find that an airport hazard, as herein defined, within its territorial limits would endanger the lives and property of users of The Eastern Iowa Airport and all occupants of land, and other persons in the vicinity, and would also tend to destroy or impair the utility of the airport and the public investment therein; accordingly each municipality does hereby declare:

1. That the creation or establishment of an airport hazard, as herein defined, within its territorial limits is a public nuisance and an injury to the community served by The Eastern Iowa Airport.

2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards, as herein defined, be prevented.
3. That this should be accomplished to the extent legally possible by proper exercise of the police power.
4. That each municipality expressly declares that it shall not become liable for the expenditure of its public funds unless such expenditure shall be approved in advance by its governing body.

SECTION 12. Administration and Enforcement. The administration and enforcement of these zoning regulations shall be performed by The Eastern Iowa Airport Commission acting through the Airport Director, or through such other persons or representatives as The Eastern Iowa Airport Commission may from time to time by resolution direct, but as provided by Section 329.13 of the Iowa Code such duties of enforcement and administration may not be delegated to any person who is a member of any Board of Adjustment.

SECTION 13. Equitable Remedies. The City of Cedar Rapids and The Eastern Iowa Airport Commission may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards pertaining to The Eastern Iowa Airport in violation of these regulations for any area, whether within or without the territorial limits of the City of Cedar Rapids, as authorized by Section 329.5 of the Iowa Code.

SECTION 14. Conflicting Regulations. In the event of any conflict between these Airport Zoning Regulations and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

SECTION 15. Prohibited Acts. It shall be unlawful for any person to do any of the acts hereinafter stated unless a variance from the provisions of these regulations shall have been previously allowed by the Board of Adjustment.

1. No person shall erect or increase the height of any structure, or permit the growth of any tree, to a height in excess of that provided by Section 5 of these regulations for the zone or area where such act occurs.
2. No person shall hereafter place or cause to be placed, above ground, transmission lines or poles or other structures supporting the same within 200 feet of the outer boundary of the airport as said boundary is shown on the Airport Zoning Map.
3. No person shall otherwise use his property within a zone established by these regulations in such a manner as to create an airport hazard as defined herein.

The doing of any of the foregoing acts shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished as hereafter provided.

SECTION 16. Penalties. Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine of not more than \$100 or by imprisonment of not more than 30 days. Each day a violation occurs or continues to exist shall constitute a separate offense.

SECTION 17. Severability. It is the intention of the Board of Supervisors that each section, paragraph, sentence, clause, and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance, nor any part thereof than that affected by such decision.

SECTION 18. That the afore-described Chapter shall be included as part of the pages of the Iowa County, Iowa, Code and made a part of said Code as provided by law.

SECTION 19. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Effective Date: October 28, 1998

IOWA COUNTY ORDINANCE NO. 17

TITLE: AN ORDINANCE ESTABLISHING THE ELECTION PRECINCTS IN ALL AREAS OF IOWA COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF IOWA COUNTY, IOWA:

SECTION 1 -- PURPOSE

The purpose of this ordinance is to establish voting precincts for Iowa County, Iowa.

SECTION 2 – DEFINITIONS

For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

- A. “Voting Precinct” or “Precinct” shall mean a county or municipal subdivision for casting and counting votes in elections.
- B. “Township” shall mean a civil and political subdivision of the county, six miles on each side.
- C. “Township Officials” or “Township Officers” shall mean a board of officers to whom the affairs of a township are entrusted.

SECTION 3 – GENERAL PROVISIONS

The boundaries of all precincts to be used for all elections in Iowa County, Iowa, as established and defined as set forth hereinafter:

HONEY CREEK – MARENGO – WASHINGTON PRECINCT – includes all of Honey Creek, Marengo, and Washington townships. This does not include the City of Marengo. Voting in Marengo.

MARENGO CITY PRECINCT – includes only the City of Marengo. Voting in Marengo.

LENOX PRECINCT – includes all of Lenox Township. Voting in Middle Amana.

HARTFORD I – SUMNER PRECINCT – includes that part of Hartford Township lying East of D Ave. as extended northerly to 160<sup>th</sup> St. Including the City of Ladora and all of Sumner Township. Voting in Ladora.

HARTFORD II – LINCOLN PRECINCT – includes that part of Hartford Township lying West of D Ave. as extended northerly to 160<sup>th</sup> St. Including the City of Victor lying in Iowa County and all of Lincoln Township. Voting in Victor.

HILTON – IOWA PRECINCT – including all of Hilton and Iowa Townships. Voting in Conroy.

PILOT – YORK – TROY PRECINCT – including all of Pilot, York, and Troy Townships. This does not include the City of Williamsburg. Voting in Williamsburg.

WILLIAMSBURG CITY PRECINCT – includes only the City of Williamsburg. Voting in Williamsburg.

DAYTON – ENGLISH I PRECINCT – includes all of Dayton Township and the City of Millersburg and that portion of English Township lying North of 310<sup>th</sup> St. Voting in Millersburg.

ENGLISH II PRECINCT – including the City of North English, lying in Iowa County and that portion of English Township lying South of 310<sup>th</sup> St. Voting in North English.

FILLMORE – GREENE PRECINCT – includes all of Fillmore and Greene Townships, including the City of Parnell. Voting in Parnell.

#### SECTION 4 – REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### SECTION 5 – SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

#### SECTION 6 – EFFECTIVE DATE

This ordinance shall be effective on January 15, 2002, after its final passage, approval, and publication as provided by law.

Effective Date: January 15, 2002

IOWA COUNTY ORDINANCE NO. 18

ANIMAL TREATMENT, PROTECTION AND CONTROL

Sec. 1	Purpose	Sec. 10	Owner's Duty
Sec. 2	Definitions	Sec. 11	Confinement
Sec. 3	Cruelty to Animals	Sec. 12	At Large: Impoundment
Sec. 4	Abandonment	Sec. 13	Disposition of Animals
Sec. 5	Exhibitions and Fights	Sec. 14	Impounding Costs
Sec. 6	Injuries to Animals	Sec. 15	Penalties
Sec. 7	At Large Prohibited	Sec. 16	Liability
Sec. 8	Damage or Interference	Sec. 17	When Effective
Sec. 9	Immunization Required		

SECTION 1. Purpose. The purpose of this ordinance is to establish regulations regarding the treatment and control of animals in the unincorporated areas of Iowa County, Iowa, and to protect animals from the dangers of abuse, cruelty and neglect.

SECTION 2. Definitions. For use in this ordinance, the following terms or words are defined for use in the chapters of this Code of Ordinances pertaining to Animal Treatment, Protection and Control:

1. "Animal" means any non-human vertebrate.
2. "At Large" means any animal off the premises of its owner and on other premises against the wishes of the person in possession of such other premises or upon the public streets, alleys, public grounds, school grounds or parks within the County. An animal shall not be deemed at large if:
  - a. The animal is on the owner's property or a neighbor's property with that neighbor's consent; or
  - b. The animal is confined in a cage or motor vehicle; or
  - c. The animal is restrained by a leash of sufficient strength to control its action; or
  - d. The animal is actively engaged in training in animal obedience, for hunting or for other service under continual control of its owner or trainer provided that the owner or trainer is conducting the training in an open public area, is not endangering other users or animals in the area, has the animal within 30 yards and under continual voice control and has in his/her possession an animal leash appropriate to control the animal; or

- e. The animal is a draft animal engaged in drawing vehicles or conveyances.
- 3. "Owner" means any person owning, keeping, sheltering or harboring an animal. (Code of Iowa, Sec. 351.2)
- 4. "Animal Control Officer" shall be the Iowa County Sheriff who shall be the officer charged with the duty of enforcing any provisions pertaining to this ordinance or his designee.

SECTION 3. Cruelty to Animals. No person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animals by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently. (Code of Iowa, Sec. 717.2)

SECTION 4. Abandonment. A person who has ownership of an animal shall not abandon the animal, except the person may deliver the animal to another person who will accept ownership and custody or the person may deliver the animal to an animal shelter or pound. (Code of Iowa, Sect. 717.4)

SECTION 5. Exhibitions and Fights. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators. (Code of Iowa, Sec. 717.3)

SECTION 6. Injuries to Animals. No person, having no right to do so, shall maliciously kill, maim, or disfigure any animal of another, or maliciously administer poison to any such animal, or expose any poisonous substance with the intent that the same should be taken by any such animal. (Code of Iowa, Sec. 717.1)

SECTION 7. At Large Prohibited. It shall be unlawful for any owner to allow an animal to run at large within the unincorporated areas of Iowa County.

SECTION 8. Damage or Interference. It shall be unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

SECTION 9. Immunization Required. It shall be unlawful for any person to own or have a dog in the person's possession, six (6) months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements. (Code of Iowa, Sec. 351.33)

SECTION 10. Owner's Duty. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to the animal control officer or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies. (Code of Iowa, Sec. 351.38)

SECTION 11. Confinement. When the animal control officer receives information that any person has been bitten by any animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner the officer directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the animal control officer, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. (Code of Iowa, Sec. 351.39)

SECTION 12. At Large: Impoundment. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the animal control officer, the owner may be served a summons to appear before a proper court to answer charges made hereunder.

SECTION 13. Disposition of Animals. When an animal has been apprehended and impounded, written notice shall be given within two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law. (Code of Iowa, Sec. 351.37, 351.41).

SECTION 14. Impounding Costs. Impounding costs shall be established by resolution of the Board of Supervisors. (Code of Iowa, Sec. 351.37)

SECTION 15. Penalties. A violation of any provision of this ordinance shall constitute a misdemeanor.

SECTION 16. Liability. Nothing in this ordinance absolves the keeper of an animal that inflicts injury to a person or property from financial responsibility for the animal's actions.

SECTION 17. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective Date: June 12, 2003

IOWA COUNTY ORDINANCE NO. 19

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE IOWA COUNTY URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA.

BE IT ENACTED by the Board of Supervisors of Iowa County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Iowa County Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Iowa County to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Iowa County, Iowa.

“Urban Renewal Area” shall mean the Iowa County Urban Renewal Area, the description of which is set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on December 22, 2004:

All taxable property identified by County Parcel Number shown on Exhibit A to this Ordinance.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

- (a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other

property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area shall be used in determining the assessed valuation of the taxable property in the annexed area.

- (b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advances to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxed for the payment of bonds and interest of each taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
- (c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance in whole or in part projects in the Urban Renewal Area.
- (d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Effective Date: December 27, 2004

IOWA COUNTY ORDINANCE NO. 20

AN ORDINANCE ESTABLISHING A SCHOOL INFRA-STRUCTURE LOCAL OPTION SALES AND SERVICES TAX APPLICABLE TO TRANSACTIONS WITHIN IOWA COUNTY, IOWA

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF IOWA COUNTY, IOWA:

SECTION 1. School Infra-Structure Local Option Sales and Services Tax. There is imposed a School Infra-Structure local option sales and services tax applicable to transactions within Iowa County, Iowa. The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Iowa Code Chapter 423E-School Local Option Tax, in the following school districts: Belle Plaine Community, Benton Community, Clear Creek Amana Community, Deep River Millersburg Community, English Valley Community, HLV Community, Iowa Valley Community, Mid Prairie Community, Tri County Community and Williamsburg Community of Iowa County, Iowa.

The School Infra-Structure local sales and services tax is imposed on transactions occurring on or after January 1, 2006 until December 31, 2015 within Iowa County, Iowa. All persons required to collect state gross receipts taxes shall collect the tax pursuant to Iowa Code Section 423E.3 for school infra-structure local option sales and services tax.

All applicable provisions of the appropriate sections of Chapter 423, Division IV, of the Iowa Code are adopted by reference.

SECTION 2. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

SECTION 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

Effective Date: July 8, 2005

IOWA COUNTY ORDINANCE NO. 21

**CONROY SEWER SERVICE**

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWER, BUILDING SEWERS AND BUILDING DRAINS, ONSITE SYSTEMS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE PUBLIC SEWER SERVICE AREA, OWNED AND OPERATED BY POWESHIEK WATER ASSOCIATION, IN IOWA COUNTY, STATE OF IOWA.

Be it ordained and enacted by the Iowa County Board of Supervisors, Iowa County, State of Iowa as follows:

**ARTICLE I**  
**Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1. "PWA" Poweshiek Water Association is the owner of the sewage works.

Sec. 2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

Sec. 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from sewage pipes inside the walls of the building and conveys it outside the walls of the building to the building sewer.

Sec. 4. "Building Sewer" shall mean that part of the lowest horizontal pipe which begins outside of the wall of a building and connects the building drain with the public sewer or other disposal terminal.

Sec.5. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 6. "County" shall mean Iowa County, or its authorized deputy, agent, or representative.

- Sec. 7. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 8. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sewage.
- Sec. 9. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 10. "Person" shall mean any individual, firm, company, association, society, corporation, tenant, property owner, or group.
- Sec. 11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 12. "Private Sewer" shall mean a building sewer line.
- Sec. 13. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- Sec. 14. "Public Sewer" shall mean the sewage works.
- Sec. 15. "Sanitary Sewer" shall mean a pipeline which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- Sec. 16. "Service Area" shall mean the portion of the unincorporated area of Conroy served by the public sewer owned and operated by PWA as shown on the attached Exhibit A.
- Sec. 17. "Sewage" shall mean a combination of the water-carried wastes from toilets, sinks, kitchen, bath, shower, and laundry facilities of residences, business buildings, institutions, and industrial establishments.
- Sec. 18. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 19. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage, including onsite systems owned and operated by SIRWA.
- Sec. 20. "Sewer" shall mean a pipe or conduit for carrying sewage.

- Sec. 21. "Shall" is mandatory; "May" is permissive.
- Sec. 22. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 23. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
- Sec. 24. "Superintendent" shall mean the authorized deputy, agent, or representative of PWA.
- Sec. 25. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Sec. 26. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**ARTICLE II**  
**Use of Public Sewers Required**

- Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Service Area any sewage.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the Service Area any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance.
- Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the Service Area other than the Public Sewer owned and operated by PWA.
- Sec. 4. Each Person who owns a house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the Service Area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer is hereby required to connect that structure to the public sewer in accordance with the

provisions of this ordinance, within sixty (60) days after date of official notice to do so.

**ARTICLE III**  
**Private Sewage Disposal**

Sec. 1. Where a public sewer is not available within the Service Area, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the County Board of Health.

**ARTICLE IV**  
**Building Sewers and Connections**

Sec. 1. Specific Requirements:

- a. Rain Water Leaders: Roof leaders, surface drains, or ground water drains shall not be connected to the sanitary sewer.
- b. Connection to the Public Sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the Superintendent.
- c. Water softener recharge water may not be connected to the building sewer.

Sec. 2. Supervision. The Superintendent shall supervise all building sewers, connections, and excavations for the purpose of installing or repairing the same.

Sec. 3. Specifications:

- a. Material: Building sewers shall be constructed of materials approved by the Superintendent.

Sec. 4. Inspection. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or backfilled.

**ARTICLE V**  
**Use of Sanitary Sewers**

Sec. 1. No Person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer within the Service Area:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.
- c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- e. Any waters or wastes having (i) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (ii) containing more than 350 parts per million by weight of suspended solids, or (iii) having an average daily flow greater than 10 percent of the average sewage flow of the service area, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the Person shall provide, at its expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 2. No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the

quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor greater than 1-horsepower, shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.

- i. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 3. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers,
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by the sewer charges.
- e. Other agreed upon method.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be

subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

- Sec. 4. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 5. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the Person controlling the preliminary treatment or flow-equalizing facility shall maintain it in continuous and satisfactory operation at the Person's expense.
- Sec. 6. When required by the Superintendent, the Person who is the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by that Person at its expense, and shall be maintained by the Person so as to be safe and accessible at all times.
- Sec. 7. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 8. No statement contained in this article shall be construed as preventing any special agreement or arrangement between Superintendent and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Superintendent for treatment, subject to payment therefore, by the industrial concern.

**ARTICLE VI**  
**Powers and Authority of Superintendent**

Sec. 1. The Superintendent, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers or waterways.

Sec. 2. While performing the necessary work on private properties referred to in Article V, the Superintendent shall observe all safety rules applicable to the premises established by the Person and the Person shall be held harmless for injury or death to the Superintendent. PWA shall indemnify the Person against loss or damage to its property caused by the Superintendent and against liability claims and demands for personal injury or property damage asserted against the Person and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the Person to maintain safe conditions as required in Article V.

Sec. 3. The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private properties through which the PWA holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**ARTICLE VII**  
**Remedies**

Sec. 1. Any Person who shall violate or fail to comply with any provision of this ordinance shall be guilty of a misdemeanor and each day in which any such violation shall continue shall be deemed a separate offense. The offender shall be subject to a \$100.00 fine for the first offense and a \$200.00 fine for each subsequent offense.

Sec. 2. Any Person violating any of the provisions of this ordinance shall be liable to the County and PWA for any expense, loss or damage occasioned the County and PWA by reason of such violation.

**ARTICLE VIII**  
**Repealer**

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**ARTICLE IX**  
**Ordinance in Force**

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Sec. 2. Passed and adopted by Iowa County Board of Supervisors, Iowa County, Iowa

Effective Date: September 5, 2006

IOWA COUNTY ORDINANCE NO. 22

**IOWA COUNTY SNOW & ICE POLICY**

AN ORDINANCE REPEALING ESTABLISHING THE POLICY AND LEVEL OF SERVICE IN RESPECT TO CLEARANCE OF SNOW AND ICE AND MAINTENANCE OF IOWA COUNTY'S SECONDARY ROADS DURING THE WINTER MONTHS.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF IOWA COUNTY, IOWA:

**SECTION 1 – PURPOSE:**

The purpose of this ordinance is to establish Iowa County's new policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, specifically defined as November through April, as provided in Chapter 668.10(2), Code of Iowa and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, as contained in this County's secondary Road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. The clearance of roads at any cost, under any circumstances, day or night, is not the County's policy. If emergency situations arise, the Budget maybe revised.

**SECTION 2 – LEVEL OF SERVICE:**

Clearance of snow or ice and maintenance of secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in compacted condition. These conditions maybe continuous, or they maybe more concentrated on hills, valleys, curves and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. All clearance of snow or ice, sanding, salting and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch or right of way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right maybe greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance or visibility of motorists approaching these intersections maybe greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others.

Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, reduced or impaired

visibility and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions.

In respect to roadways that have only one lane open further extreme watchfulness and caution should be exercised by the motorist and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed warning of impaired sight distance, visibility at intersections, road blockages, one-lane conditions or that the road surface is slick or slippery, or what the advised speed should be.

### **SECTION 3 – SEQUENCE OF SERVICE:**

In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer or his/her delegated representative shall select the actual sequence of roads to be cleared as provide for in this Section of this Ordinance, and shall determine when drifting, wind velocity and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, for reasons of hazardous visibility or due to lack of progress in removal or that additional clearance of paved routes be accomplished prior to the clearance of other roads.

Generally, priorities will be all paved and oiled roads. Stone surfaced roads with residences will be the next priority and the main Farm to Market routes having preference in this category while dead end roads will be last in this category. Stone surfaced roads will first be cleared to enable everyone access from one direction. These roads then will be opened to two-way traffic. Next, the connecting type stone-surfaced roads will be plowed to provide for more direct travel between various points. Finally, dirt roads and stone surfaced roads with no residences along them will be the last priority and may not be plowed if there is no need. Stone-surfaced or dirt roads may be cleared out of sequence where it would contribute to efficiency or snow removal unit routing or progress.

Snow removal units will operate only during daylight hours or slightly before daylight, Monday through Friday. On Saturday, Sundays or holiday, the normal level of service will be implemented if conditions warrant. Only in cases of emergency as set out in this Ordinance will snow removal units operate from 6:00 PM to 6:00 AM. In the event of a severe storm with severe drifting, all roads will be opened to one-way traffic until all rural residents have a way out. Then plowing will continue to develop two-way traffic. There is no limit after a storm subsides within which any portion of the policy set by this Ordinance shall be implemented. The County Engineer's professional judgment or his/her designee's shall prevail unless it is clearly erroneous.

#### **A. PAVED ROUTES**

1. The initial effort will be to get all routes open to one-lane traffic as soon as possible. Operation will normally begin upon cessation of the storm, within the guidelines of this section.

2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hour.
3. It is not the policy of the county to provide “dry” pavement condition.
4. After roads have been plowed as provided in this section, intersections, hills and curves may have sand, salt or other abrasives placed on them. This spreading will normally stop when air temperature is 20 F or lower. These intersections, hills and curves may not be re-sanded, re-salted nor have abrasives applied to them between storms.
5. Snow removal units will normally begin operation after an accumulation of two (2) inches of snow.

There is not time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

#### **B. UNPAVED ROADS**

1. The initial effort will be to get all routes opened to one-lane traffic as soon as possible during daylight hours after a storm has subsided.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. Gravel roads may not be plowed if the wind is causing continual drifting.
4. Snow may not be removed from roads designated as Level B.

#### **SECTION 4 – LIMITATIONS OF SERVICE**

The policy and level of service provided for in this Ordinance shall not include the performance of the following services:

- A. Sanding, salting or placing of other abrasives upon the roadway that are slick, slippery and dangerous due to the formation of frost.
- B. Sanding, salting or placing of other abrasives upon the paved roadways due to freezing rain that occurs outside the County’s usual working hours, Monday through Friday. On Saturday s, Sundays and holidays, the normal level of service will be implemented if ice formations warrants.
- C. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockage, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed limit should be.

- D. Sanding, salting or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an “emergency” exists and ice has built up on hills and intersections on the gravel system that slope down to another road so as to become dangerous, abrasive materials may be applied at these locations as crew and equipment availability allows. This condition will not take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed.
- E. Re-sanding or re-salting for freezing and thawing between storms, outside the County’s usual working hours.
- F. Removing of sand, salt or other abrasives.

**SECTION 5 – EMERGENCY**

- A. The sequence of service may be suspended during “emergency” conditions. An “emergency” condition shall be considered as one where a loss of life is probable, where serious injury has occurred or where extensive loss of property is imminent. These conditions should be verified through the Sheriff’s Office. The County will respond to all “emergency” conditions, either during or after a snowstorm.
- B. The provision of this Ordinance shall be further suspended in the event the Governor, by proclamation, implements the State disaster plan or the Chairman of the Board of Supervisors, by proclamation, implements the County disaster plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors.

**SECTION 6 – MISCELLANEOUS**

**A. PRIVATE DRIVES**

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

**B. MAILBOXES**

The County will not pay for damaged mailboxes unless physical contact is made by snow removal equipment. Residents should mark mailboxes in drift prone areas to help road workers avoid them. Claims for damaged mailboxes are to be submitted to the Engineer’s Office within 48 hours to be considered for payment.

**C. FENCES**

The County will not pay for fences damaged during snow removal operations unless physical contact was made by snow removal equipment. Claims for damaged fences are to be submitted to the Engineer's Office within 30 days to be considered for payment.

**D. OBSTRUCTIONS**

Obstructions on the road right of way (hay bales, vehicles, fences, etc.) which may cause snow drifts and/or interfere with snow removal operations are to be removed by the owners.

The county will not be liable for damage to any obstructions interfering with snow removal operations.

Obstructions not removed by owner will be removed at owner's expense as provided in the Code of Iowa, in Sections 331.362(7) and 319.

**E. STALLED AND STRANDED VEHICLES**

The County will not be liable for damage to vehicles stalled or stranded on the traveled portion or shoulder of roads, during snow removal operations.

The owner of stalled vehicles should immediately notify the Sheriff's Department as to the location of the vehicle. Owners shall remove stalled or stranded vehicles as soon as possible. Vehicles obstructing snow removal operations will be removed at the owner's expense.

**G. AGRICULTURAL NECESSITIES**

Owners with livestock, feed or hay located on Level B roads are advised that regular snow removal on these roads will not be done and they should govern their livestock accordingly.

**SECTION 7 – REPEALER:**

Iowa County Ordinance No. 21 – SNOW AND ICE is hereby and herein repealed as are any and all other ordinances and resolutions or parts thereof in conflict herewith.

**SECTION 8 – SEVERABILITY:**

If any section, provision, or part of this policy shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the policy as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 9 – WHEN EFFECTIVE:**

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

Effective Date: November 15, 1999

## IOWA COUNTY ORDINANCE NO. 23

### FLOODPLAIN MANAGEMENT ORDINANCE

#### SECTION I - Statutory Authority, Findings of Fact and Purpose

- A. The Legislature of the State of Iowa has in Chapter 331, Code of Iowa, as amended, delegated the power to counties to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.
- B. Findings of Fact
1. The flood hazard areas of Iowa County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
  2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

#### C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Iowa County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB1 of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### SECTION II - General Provisions

##### A. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of Iowa County. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Hazard Boundary Map for the County of Iowa County, dated August 16, 1977, which is hereby adopted and made a part of this Ordinance.

**B. Rules for Interpretation of Flood Hazard Boundaries**

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Hazard Boundary Map. When an interpretation is needed as to the exact location of a boundary, the County Auditor shall make the necessary interpretation. The Board of Supervisors shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the County Auditor in the enforcement or administration of this Ordinance.

**C. Compliance**

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

**D. Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**E. Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

**F. Warning and Disclaimer of Liability**

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Iowa County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.

**G. Severability**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION III - Floodplain Management Standards**

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Hazard Boundary Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development within the special flood hazard areas shall:

1. be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the County Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.

When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood

forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

F. Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

- G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood.

Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

K. Accessory Structures

1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
  - a. The structure shall not be used for human habitation.
  - b. The structure shall be designed to have low flood damage potential.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
  - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes.

- M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

SECTION IV - Administration

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The County Auditor is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
  - a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
  - b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
  - c. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
  - d. Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been floodproofed.
  - e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
  - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

## B. Floodplain Development Permit

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - a. Description of the work to be covered by the permit for which application is to be made.
  - b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
  - c. Indication of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the 100-year flood.
  - e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
  - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.
4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

## C. Variance

1. The Board of Supervisors may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions

of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

- a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
2. Factors Upon Which the Decision of the Board of Supervisors Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept on to other land or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the County.
  - f. The requirements of the facility for a floodplain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
  - a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
  - e. Floodproofing measures.

#### SECTION V - Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
  1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
  2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### SECTION VI - Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the County of Iowa County from taking such other lawful action as is necessary to prevent or remedy violation.

#### SECTION VII - Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

## SECTION VIII - Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

**BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

**BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure."

**EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FACTORY-BUILT HOME** - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

**FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

**FLOOD ELEVATION** - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** - An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special hazards have been designated as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**FLOODPLAIN** - Any land area susceptible to being inundated by water as a result of a flood.

**FLOODPLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**HISTORIC STRUCTURE** - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved

state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IIID1 of this Ordinance and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

**NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

**ONE HUNDRED (100) YEAR FLOOD** - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

**RECREATIONAL VEHICLE** - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map or Flood Hazard Boundary Map.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
2. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
3. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### SECTION IX – When Effective

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

Effective Date: June 2, 2008

## COUNTY HOME RULE ORDINANCE NO. 24

TITLE: An ordinance readopting the existing county code and repealing certain provisions therein, Iowa County, Iowa.

Section 1: Purpose. Iowa Code Section 331.302(9) requires that once every five years a County shall compile its code of ordinances. This ordinance readopts ordinances already in effect, and repeals any ordinance deemed no longer necessary to the operation of Iowa County, Iowa, or to the health, safety, and welfare of its citizens.

Section 2. Readoption. The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. They are stated herein by number and subject matter and the ordinances have been renumbered to provide for the correct numerical order and comprise the Iowa County Code of Ordinances:

New Ordinance #	Old Ordinance #	Subject Matter
1.	1.	Area Service System B Road Class
2.	2.	General Relief Program
3.	4.	Veteran's Assistance Program
4.	6.	Standing or Parking Vehicles
5.	7.	Construction and Maintenance of Sidewalks
6.	8.	Accepting and Reporting of Gifts
7.	9.	Separation of yard wastes
8.	10.	Rural Address System
9.	11.	Landfill Responsibility & Fees
10.	12.	Airport Tall Zoning – Belle Plaine
11.	13.	Signing for the Rural Address System
12.	14.	Local Option Sales & Service Tax
13.	15.	On-Site Wastewater treatment & disposal
14.	16.	Subdivision Regulations
15.	17.	Control and Maintenance of Pioneer Cemeteries
16.	18.	Airport Zoning Regulations Eastern Iowa Airport
17.	24.	Election Precincts

18.	25.	Animal Treatment
19.	27.	Division of Taxes
20.	29.	Local Option Sales Tax
21.	30.	Conroy Sewer Service
22.	31.	Snow & Ice Policy (Secondary Roads)
23.	32.	Floodplain Management
24.	5.	Recodification of Ordinances

Section 3. Code of Ordinance. Copies of the code as adopted herein shall be on file and available for public inspection in the office of the Iowa County Auditor located in the East Annex of the Iowa County Courthouse, 970 Court Avenue, Marengo, Iowa.

IOWA COUNTY ORDINANCE NO. 25

PARTIAL PROPERTY TAX EXEMPTION FOR INDUSTRIAL PROPERTY

Sec. 1	Definitions
Sec. 2	Exemption Established
Sec. 3	Term & Amount of Exemption; Limitations
Sec. 4	Application for Exemption
Sec. 5	Application for Prior Approval
Sec. 6	Due Exemptions Prohibited
Sec. 7	Repeal of Exemption Provisions
Sec. 8	When Effective

SECTION 1. Definitions.

**ACTUAL VALUE ADDED:** The actual value added as of the first year for which the exemption is received, except actual value added by improvements to machinery and equipment means the actual value as determined by the county assessor as of January 1 of each year for which the exemption is received.

**DISTRIBUTION CENTER:** A building or storage used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. "Distribution center" does not mean a building or structure used primarily for any of the following purposes: to store raw agricultural products, by a manufacturer to store goods to be used in the manufacturing process, for the storage of petroleum products or for the retail sale of goods.

**NEW CONSTRUCTION:** New buildings and structures and new buildings and structures which are constructed as additions to existing buildings and structures. "New construction" does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors of the County.

**NEW MACHINERY AND EQUIPMENT:** New machinery and equipment assessed as real estate pursuant to the code of Iowa, as amended, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

RESEARCH SERVICE FACILITIES: A building or group of buildings devoted primarily to research and development activities, including but not limited to the design and production or manufacture of prototype products for experimental use and corporate research services which do not have a primary purpose of providing on site services to the public.

WAREHOUSE: A building or structure used as a public warehouse for the storage of goods pursuant to the code of Iowa, as amended, except it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

SECTION 2. Exemption Established. There is hereby established a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to the code of Iowa, as amended.

SECTION 3. Term and Amount of Exemption; Limitations.

A. Term and Amount of Exemption:

1. The actual value added to industrial real estate for the reasons specified in Section 2 of this ordinance is eligible to receive a partial exemption from taxation for a period of five (5) years.

For the first year	--	75 percent
For the second year	--	60 percent
For the third year	--	45 percent
For the fourth year	--	30 percent
For the fifth year	--	15 percent

2. However, if property ceases to be classified as industrial real estate or ceases to be used as a research service facility, warehouse or distribution center, the partial exemption for the value added shall not be allowed for subsequent assessment years.

B. Limitations: The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value for the industrial real estate before the start of the new construction added.

SECTION 4. Application for Exemption. An application shall be filed with the county assessor for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the property owner by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the state director of revenue and shall contain information pertaining to the nature of the improvement, its cost and other information deemed necessary by the state director of revenue or successor.

SECTION 5. Application for Prior Approval. A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for tax exemption on new construction. The Board, by ordinance, may give its prior approval of a tax exemption for new construction. The ordinance may be enacted not less than thirty (30) days after a public hearing is held in accordance with the code of Iowa, as amended. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found by the county assessor to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

SECTION 6. Dual Exemptions Prohibited. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

SECTION 7. Repeal of Exemption Provisions. When, in the opinion of the Board of Supervisors of Iowa County, continuation of the exemption granted by this chapter ceases to be of benefit to the County, the Board of Supervisors may repeal this chapter, but all existing exemptions shall continue until their expiration.

SECTION 8. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Effective Date: July 20, 2010

IOWA COUNTY ORDINANCE NO. 26

TITLE: AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2010 ADDITION TO THE IOWA COUNTY URBAN RENEWAL AREA.

SECTION 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2010 Addition to the Iowa County Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, monies advanced to or indebtedness, including bonds proposed to be issued to finance projects in the area.

SECTION 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Iowa County, Iowa.

“2010 Urban Renewal Area Addition” shall mean that portion of the property included in the 2010 Addition to the Iowa County Urban Renewal Area, described as set out below, approved by the Board of Supervisors by resolution adopted on the 21<sup>st</sup> day of May, 2010:

Parcel 10-33-0202-2 W 29.76A of Auditor’s Parcel 2001-56 (S of Millrace)  
Parcel 10-28-0403-4 Center 97.18A of Auditor’s Parcel 2001-56 (S of Millrace)  
Parcel 10-28-0401-6 E 6.37A of Auditor’s Parcel 2001-56 (S of Millrace)  
Parcel 10-50-1004-4 Parcel 2001-57 Middle  
Parcel 10-50-1005-1 N 2.02A of Auditor’s Parcel 2001-56 (S of Millrace),  
located in Iowa County, Iowa.

SECTION 3. Provisions for Division of Taxes Levied on Taxable Property in the 2010 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2010 Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the County and any school district or other taxing district in which the 2010 Urban Renewal Area Addition is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the 2010 Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County Board of Supervisors certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which

all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the 2010 Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the 2010 Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected by paid into a special fund of the County to pay the principal of and interest on loans, monies advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the 2010 Urban Renewal Area Addition, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the 2010 Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the 2010 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the 2010 Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the 2010 Urban Renewal Area Addition.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Effective Date: June 10, 2010