

**CHAPTER 1  
CODE OF ORDINANCES**

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**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of Sac County, Iowa.

**1.02 DEFINITIONS.** Where words and phrases used in this Code are defined in Chapter 4 and Chapter 331 of the Code of Iowa, such definitions apply to their use in this Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code.

1. “Amendment” means a revision or repeal of an existing ordinance or code of ordinances.
2. “Auditor” means the County Auditor of Sac County, Iowa.
3. “Assessor” means the County Assessor of Sac County, Iowa.
4. “Board of Health” means the Board of Health of Sac County, Iowa.
5. “Board of Supervisors” means the Board of Supervisors of Sac County, Iowa.
6. “Code” means the specific chapter of this Code in which a specific subject is covered and bears a descriptive title word (such as the Building Code or a standard code adopted by reference).
7. “Code of Ordinances” means the Code of Ordinances of Sac County, Iowa.
8. “County” means Sac County, Iowa.
9. “County Attorney” means the Sac County Attorney.
10. “County civil infraction” means a violation of a County ordinance which provides for a civil penalty as authorized by Section 331.307 of the Code of Iowa.
11. “County Engineer” means the Sac County Engineer.
12. “May” confers a power.
13. “Measure” means an ordinance, amendment, resolution or motion. For the purposes of this Code of Ordinances, “measure” and “legislation” are synonymous. Adoption of “legislation” or a “measure” is the method used by the Board of Supervisors to perform duties and exercise power granted by the Constitution and Laws of the State.
14. “Month” means a calendar month.
15. “Motion” means a statement of policy or an order for action to be taken. A “motion” is a proposal made to evoke action on the part of the Board of Supervisors, and if adopted, becomes the will and a resolution of the Board.
16. “MPH” means miles per hour.
17. “Must” states a requirement.
18. “Oath” means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” are equivalent to the words “swear” and “sworn.”
19. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

20. “Or” may be read “and” and “and” may be read “or” if the sense requires it.
21. “Ordinance” means a County law of a general and permanent nature. An “ordinance” is a local law, a rule of conduct prospective in its operation, applying to persons and things of the County.
22. “Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.
23. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof.
24. “Preceding” and “following” mean the next before and the next after, respectively.
25. “Property” includes real property and tangible and intangible personal property unless clearly indicated otherwise.
26. “Property owner” means a person owning private property in the County as shown by the County Auditor’s plats of the County.
27. “Public place” includes in its meaning (but is not restricted to) any County-owned open place, such as parks and squares.
28. “Public property” means any and all property owned by the County or held in the name of the County by any of the departments, commissions or agencies within the County government.
29. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
30. “Recorder” means the County Recorder of Sac County, Iowa.
31. “Resolution” means a statement of policy or an order for action to be taken. A “resolution” is not a local law but merely the form in which the Board of Supervisors expresses an opinion or will as to some given matter or thing, and is only to have a temporary effect. A “resolution” may be used to govern the procedures of the Board in the case of their ministerial functions and may direct performance.
32. “Shall” imposes a duty.
33. “Sheriff” means the Sac County Sheriff.
34. “State” means the State of Iowa.
35. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.
36. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
37. “Treasurer” means the County Treasurer of Sac County, Iowa.
38. “Writing” or “written” includes printing, typing, lithographing or other mode of representing words and letters.
39. “Year” means a calendar year. Words that are not defined in this Code or by the Code of Iowa have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Board of Supervisors, or repugnant to the context of the provision.

**1.03 RULES OF CONSTRUCTION.** In the construction of this Code, the rules of statutory construction as set forth in Chapter 4 of the Code of Iowa shall be utilized to ascertain the intent of the Board of Supervisors with the understanding that the term “statute” as used therein will be deemed to be synonymous with the term “ordinance” when applied to this Code.

**1.04 EXTENSION OF AUTHORITY.** Whenever an officer or employee is required or authorized to do an act by a provision of this Code, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

**1.05 AMENDMENTS.** All ordinances which amend, repeal, or in any manner affect this Code shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the County.

**1.06 CATCHLINES AND NOTES.** The catchlines of the several sections of the Code, titles, headings (chapter, section, and subsection), editor’s notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

**1.07 ALTERING CODE.** It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the County to be misrepresented thereby.

**1.08 SEVERABILITY.** If any section, provision, or part of the Code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**1.09 GENERAL POWERS.** The County may, except as expressly limited by the State Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the County and of its residents, and preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents and each and every provision of this Code shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

*(Code of Iowa, Sec. 331.301)*

**1.10 DELEGATION OF POWERS.** The Board of Supervisors shall not delegate legislative powers, or any power vested by State statute or rule exclusively in the Board or in any other County officer or agency, except as authorized by Chapter 28E of the Code of Iowa. The Board may delegate administrative functions and some discretion may be vested in a County official or agency in the exercise of these functions. County officers and agencies may review administrative decisions when requested by the Board and recommend action.

**1.11 LEGISLATIVE CONSIDERATION.** Legislation may be effectively introduced, filed, discussed, amended, changed, read, adopted, or otherwise considered at any session of the Board of Supervisors subject to the limitations of Section 331.302 of the Code of Iowa. Publication and notice requirements must be in compliance with Sections 331.302, 331.305 and Chapter 21 of the Code of Iowa. Legislation may be considered for a reasonable length of time after filing provided there is reasonable continuity in the consideration. Irregular acts of the Board may be corrected at subsequent meetings prior to final passage. Actions may be reconsidered until the final vote on that action. Actions may be rescinded before the legislation becomes effective or at any time unless vested personal or property rights will be affected. Actions may be repealed or amended in accordance with Section 331.302 of the Code of Iowa. Legislative acts are prospective.

**1.12 ORDINANCE ADOPTION PROCEDURE.**

1. Application of Section. The procedures in this section shall be used by the Board of Supervisors of the County for the adoption or amendment of all ordinances in the County.
2. Procedure for Consideration; Adoption and Publication.
  - A. A proposed ordinance shall be considered and receive a favorable vote for passage in accordance with Section 331.302(6) of the Code of Iowa.
  - B. The title of the proposed ordinance shall be published in accordance with Section 331.305 of the Code of Iowa prior to its first consideration by the Board. Copies of the full text of the ordinance

shall be made available to the public at the time of publication at the office of the County Auditor, and the published notice shall specify where such copies may be obtained.

- C. A summary of the ordinance or the complete text of the ordinance, in accordance with Section 331.302(8) of the Code of Iowa shall be published not more than 10 days following its final passage.
  - D. If, during consideration of an ordinance, a substantial change is made by amendment, the amended ordinance shall be made available at the office of the County Auditor, with the change indicated, no less than three workdays following the date of the change.
3. Amendment. All ordinances which amend, repeal, or in any manner affect this Code shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the County, and shall set forth in full the chapter, section, subsection, or paragraph, as amended. Procedure for consideration and publication of amendments shall be as set forth in Subsection 2 above for proposed ordinances.
  4. Majority Requirement. Passage of an ordinance or of an amendment to an existing ordinance requires an affirmative vote of at least a simple majority of all County Supervisors. Each member's vote on an ordinance must be recorded in the Board's official minutes.
  5. Effective Date. Ordinances or amendments adopted pursuant to the procedures stated herein and signed by the supervisors voting for adoption shall become effective upon publication, unless a subsequent effective date is provided by the ordinance or amendment.
  6. Maintenance and Publication. The County Auditor shall cause all publications required by Subsection 2 of this section to be published in at least one newspaper having general circulation in the County. Each ordinance or amendment concerning zoning or similar matters affecting land records and titles shall be recorded by the County Recorder. All adopted and amended ordinances shall be printed or otherwise reproduced for adequate distribution.

**1.13 RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any ordinance, or whenever there is reasonable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the County, any authorized official of the County may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by ordinance; provided that, except in emergency situations, such official shall first give the owner or occupant, if they can be located after reasonable effort, 24 hour written notice of the authorized official's intention to inspect. In the event the owner or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.