

CODE OF ORDINANCES

OF

SAC COUNTY, IOWA

Commented [JM1]: You will see comments, notes, and questions throughout this document in the comments. Please note that in an effort to get the draft to you as quickly as possible our proofreader will be reviewing the draft at the same time as the County.

Below is the color coding that was used throughout the code:

Purple - Legislative Changes - These are changes made by the legislature that impact County Codes. We have made the changes to bring the County's code into compliance with the *Code of Iowa*.

Green - County Changes - These are changes requested by the County either through ordinances or during the review/question stage of the process.

Red - Questions - These are questions that we need responses to in order to keep the project moving forward through the code update process.

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CODE OF ORDINANCES SAC COUNTY, IOWA

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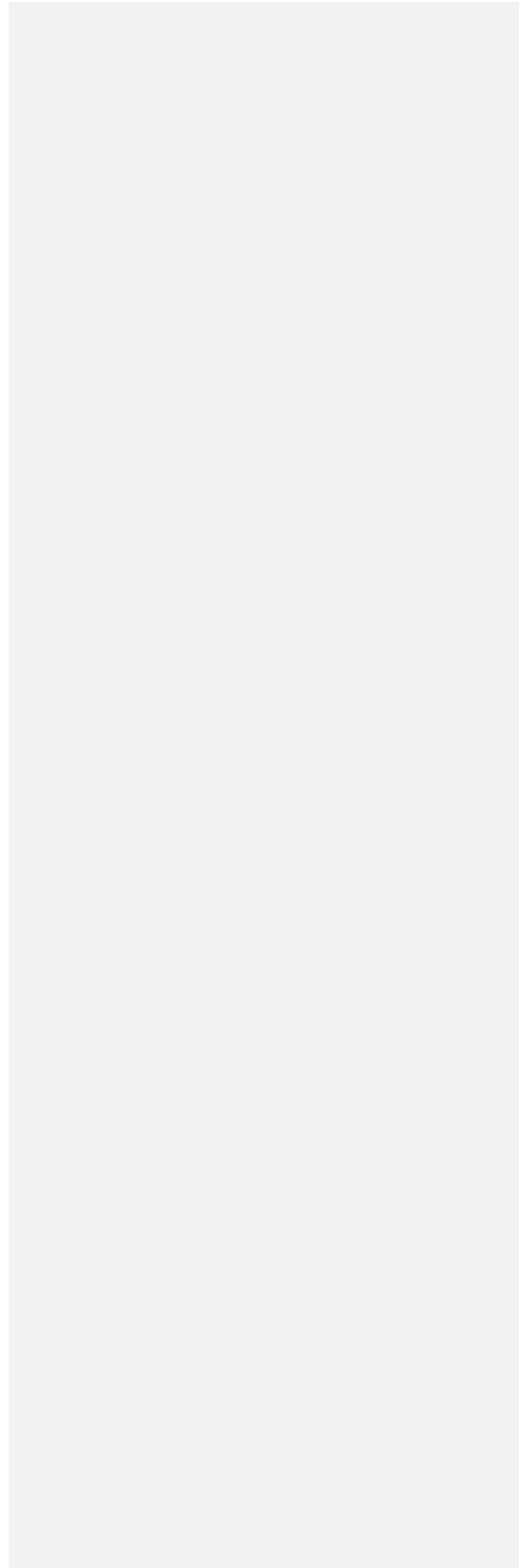
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CHAPTER 1
CODE OF ORDINANCES

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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.

CHAPTER 1

CODE OF ORDINANCES

[The next page is 11]

CHAPTER 2
ELECTION PRECINCTS

2.01 Purpose
2.02 Definitions
2.03 General Provisions

2.04 Election Precincts
2.05 Supervisor Districts

2.01 PURPOSE. The purpose of this chapter is to establish voting precincts in the County based upon population figures of the 2020 Federal Decennial Census in accordance with Section 49.4 of the *Code of Iowa*.

2.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Township” shall mean a civil and political subdivision of the County, six miles on each side.
2. “Voting precinct” or “precinct” shall mean a County or municipal subdivision for casting and counting votes in elections.

2.03 GENERAL PROVISIONS. Precincts established as provides in Section 49.4 of the *Code of Iowa*, shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections.

1. No precinct shall have a total population in excess of 3,500, as shown by the most recent federal decennial census.
2. Each precinct is contained wholly within an existing legislative district.
3. Precincts shall be composed of contiguous territory within a single county. The boundaries of all precincts shall follow the boundaries of areas for which official population figures are available from the most recent federal decennial census.

2.04 ELECTION PRECINCTS. In accordance with Sections 49.3, 49.4, 49.5, 49.6, 49.7, and 49.8 of the *Code of Iowa*, the County election precincts shall be:

Precinct	Boundary
Schaller	City of Schaller, Eureka Township, Eden Township, and Cook Township (Population - 1,227)
Nemaha	City of Nemaha, Delaware Township, and Douglas Township (Population - 360)
Early	City of Early and Boyer Valley Township (Population - 760)
Sac City	City of Sac City and Jackson Township (Population - 2,247)
Lytton	City of Lytton, Cedar Township, and Coon Valley Township (Population - 627)
Odebolt	City of Odebolt, Richland Township, and Clinton Township (Population - 1,323)
Lake View	City of Lake View, Wall Lake Township, Viola Township except that part of the City of Wall Lake in Viola Township (Population - 1,627)
Auburn	City of Auburn and Sac Township (Population - 509)

Precinct	Boundary
Wall Lake	City of Wall Lake, Levy Township, Wheeler Township, and that part of the City of Wall Lake within Viola Township (Population - 1,134)

2.05 SUPERVISOR DISTRICTS. Supervisor Districts shall be established as follows:

Commented [JM2]: Section 6-5-4 of County's current code.

1. District 1.

District 1 shall be composed of the cities of Schaller, Early, and Odebolt; the Townships of Eureka, Cook, Boyer Valley, Richland, Wheeler, Sections 6, 7, 18, 19, 30, 31, and 32 of Eden Township (That part of Eden Township west of Fox Avenue from 160th to 200th Street and West of Gard Avenue from 200th to 200th Streets) and Clinton Township except Sections 32, 33, 34, 35, and 36 (That part of Clinton Township south of 330th Street and east of Ira Avenue). Total Population, 3,843.

2. District 2.

District 2 shall be composed of the Cities of Nemaha, Sac City, and Lytton; the Townships of Delaware, Douglas, Jackson, Cedar, and Eden Township except Sections 6, 7, 18, 19, 30, 31, and 32 of Eden Township (that part of Eden Township west of Fox Avenue from 160th to 200th Street and West of Gard Avenue from 200th to 200 Streets). Total Population, 3,845, deviation of 2.

3. District 3.

District 3 shall be composed of the Cities of Lake View, Wall Lake, and Auburn; the Townships of Wall Lake, Levy, Viola, Sac, Coon Valley, and Sections 32, 33, 34, 35, and 36 (That part of Clinton Township south of 330th Street and east of Ira Avenue). Total Population, 3,841, deviation of two.

[The next page is 17]

CHAPTER 3

Commented [JM3]: Title 1, Chapter 1 of County's current code.

STANDARD PENALTY OR COUNTY INFRACTIONS

3.01 Standard Penalty

3.02 County Infractions

3.01 STANDARD PENALTY. Unless another penalty is expressly provided by this Code for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code or otherwise violating any provision of this Code or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00.

(Code of Iowa, Sec. 331.302(2))

Commented [JM4]: This section was updated by a legislative change that increased the minimum and maximum fines.

3.02 COUNTY INFRACTIONS. A violation of this Code or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a county infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 331.307)

1. **Penalties.** A county infraction is punishable by the following civil penalties:
 - A. First Offense - Not to exceed \$750.00.
 - B. Each Repeat Offense - Not to exceed \$1,000.00.

Commented [JM5]: A legislative change increased the not to exceed amounts of penalties.

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. **Civil Citations.** Any officer authorized by the County to enforce this Code may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in *Rule of Civil Procedure* 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in *Rule of Civil Procedure* 1.310 and subject to the conditions of *Rule of Civil Procedure* 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed.

3. **Alternative Relief.** Seeking a civil penalty as authorized in this chapter does not preclude the County from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

4. **Criminal Penalties.** This section does not preclude a peace officer from issuing a criminal citation for a violation of this Code or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the County to enforce the provisions of this Code by criminal sanctions or other lawful means.

CHAPTER 3

STANDARD PENALTY OR COUNTY INFRACTIONS

[The next page is 35]

CHAPTER 5

Commented [JM6]: Ordinance 05-1004

LOCAL OPTION SALES AND SERVICE TAX

5.01 Imposition of Tax
5.02 Tax Rate

5.03 Exceptions

5.01 IMPOSITION OF TAX. There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Schaller, Nemaha, Early, Sac City, Lytton, Odebolt, Lake View, Auburn, and Wall Lake, and the unincorporated area of Sac County.

5.02 TAX RATE.

1. The rate of tax shall be one percent upon the sales price taxed under Chapter 423B, Local Option taxes of the *Code of Iowa*, in the incorporated areas of Schaller, Nemaha, Early, Sac City, Lytton, Odebolt, Lake View, Auburn, and Wall Lake, and the unincorporated area of Sac County.
2. The local sales and services tax approved by voters currently imposed in Marion County on transactions remains in effect and renews on or after the following dates:

Taxing Authority	Renewal Date	Sunset Date
City of Schaller	01/01/2006	No sunset
City of Nemaha	01/01/2006	No sunset
City of Early	01/01/2006	No sunset
City of Sac City	01/01/2006	No sunset
City of Lytton	01/01/2006	No sunset
City of Odebolt	01/01/2006	No sunset
City of Lake View	01/01/2006	No sunset
City of Auburn	01/01/2006	No sunset
City of Wall Lake	01/01/2006	No sunset
Unincorporated Area	01/01/2006	No sunset

Commented [JM7]: QUESTION - Please confirm there is no sunset on the LOST for these cities. If there is a sunset please provide the sunset date.

5.03 EXCEPTIONS. In all areas 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 452A of the *Code of Iowa*, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 423A of the *Code of Iowa* during the period that a 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 99G of the *Code of Iowa*, and on the sale or rental of tangible personal property described in Chapter 423 of the *Code of Iowa*. All applicable provisions of the appropriate Sections of Chapter 423B of the *Code of Iowa* are adopted by reference.

[The next page is 53]

CHAPTER 7

INDUSTRIAL PROPERTY TAX EXEMPTIONS

7.01 Purpose	7.06 Applications
7.02 Definitions	7.07 Approval
7.03 Period of Partial Exemption	7.08 Exemption Repealed
7.04 Amounts Eligible for Exemption	7.09 Dual Exemptions Prohibited
7.05 Limitations	

7.01 PURPOSE. The purpose of this chapter is to provide for 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, and distribution centers.

7.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure 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 to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures that are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure that 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 competitively to manufacture or process those products, which determination shall receive prior approval from the Council.
4. “Research-service facilities” means 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 that do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

7.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers is eligible to receive a partial exemption from taxation for a period of

five years. The exemption shall also apply to the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1(1)(e) of the *Code of Iowa*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

(Code of Iowa, Sec. 427B.3)

7.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added, which is eligible to be exempt from taxation, shall be as follows:

(Code of Iowa, Sec. 427B.3)

1. For the first year, 75 percent.
2. For the second year, 60 percent.
3. For the third year, 45 percent.
4. For the fourth year, 30 percent.
5. For the fifth year, 15 percent.

7.05 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 of the industrial real estate before the start of the new construction added.

(Code of Iowa, Sec. 427B.3)

7.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

7.07 APPROVAL. A person may submit a proposal to the Council to receive prior approval for eligibility for a tax exemption on new construction. If the Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least 30 days after such hearing, the Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with city zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

7.08 EXEMPTION REPEALED. When in the opinion of the Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

7.09 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.

(Code of Iowa, Sec. 427B.6)

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CHAPTER 8

TAX SALE CERTIFICATE

8.01 Purpose	8.05 Verified Statement
8.02 Definition	8.06 Assignment of Tax Sale Certificates
8.03 Purchasing Delinquent Taxes	8.07 Purchase of Tax Sale Certificates
8.04 Procedure	8.08 Intent to Rehabilitate the Property

Commented [JM8]: Chapter 81 of the County's current code.

8.01 PURPOSE. The purpose of this chapter is to allow the County and cities within the County the opportunity to utilize Section 446.19A of the *Code of Iowa*, which states that the Board of Supervisors of a county may adopt an ordinance authorizing the County and each city in the County to bid on and purchase delinquent taxes and to assign Tax Sale Certificates of abandoned property.

8.02 DEFINITION. For purposes of this chapter, the following terms are defined:

1. "Abandoned" or "abandonment" means that a building is vacant, or is occupied only by trespassers, and in violation of the housing code or building code of the city in which the property is located or the housing code or building code applicable in the County in which the property is located if outside the limits of a city.

Commented [JM9]: Updated the definitions of "abandoned" and "public nuisance" to match the definitions in Section 657A.1 of the *Code of Iowa*.

2. "Abandoned property" means a lot or parcel containing a building which is used or intended to be used for residential purposes and which has remained vacant and has been in violation of the housing code of the city in which the property is located or of the housing code applicable in the county in which the property is located if outside the limits of a city, for a period of six consecutive months.

Commented [JM10]: Added the definitions of "abandoned property" and "vacant lot." These definitions match those in Section 446.19A(5)(a-b) of the *Code of Iowa*.

(*Code of Iowa, Sec. 446.19A(5)(a)*)

3. "Public nuisance" a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(*Code of Iowa, Sec. 657A.1(7)*)

4. "Vacant lot" means a lot or parcel located in a city or outside the limits of a city in a county that contains no buildings or structures and that is zoned to allow for residential structures.

(*Code of Iowa, Sec. 446.19A(5)(b)*)

8.03 PURCHASING DELINQUENT TAXES. Pursuant to Section 446.19A of the *Code of Iowa*, as amended by the 78th General Assembly, the County and each city in the County are hereby authorized to bid on and purchase delinquent taxes and to assign Tax Sale Certificates of abandoned property acquired under Section 446.19A of the *Code of Iowa*.

8.04 PROCEDURE. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the County Treasurer on behalf of the County or a city may bid for and purchase abandoned property or public nuisance property assessed as residential property or as commercial multifamily housing property a sum equal to the total amount due. The County or

city shall not pay money for the purchase, but each of the tax levying and tax certifying bodies having interest in the taxes shall be charged with the total amount due the tax levying or tax certifying body as its just share of the purchase price.

8.05 VERIFIED STATEMENT. Prior to the purchase, the County or city shall file with the County Treasurer a verified statement that at parcel to be purchased is abandoned and deteriorating in condition, or is likely to become, a public nuisance.

8.06 ASSIGNMENT OF TAX SALE CERTIFICATES. After the date that a parcel is sold pursuant to Sections 446.18, 446.19A, 446.38, or 446.39 of the *Code of Iowa*, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or a public nuisance pursuant to a verified statement filed pursuant to Section 8.05, a city or county may require the assignment of the Tax Sale Certificate that had been issued for such parcel by paying the holder of such certificate the total amount due on the date the assignment of the certificate is made to the County or city and recorded with the County Treasurer. If the certificate is not reassigned by the County or city, the County or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Section 447.1 of the *Code of Iowa*, as of the date of reassignment.

8.07 PURCHASE OF TAX SALE CERTIFICATES. The city or County may assign or reassign the Tax Sale Certificate obtained pursuant to this chapter. Persons who purchase certificates from the city or County pursuant to this chapter are liable for the total amount due the certificate holder pursuant to Section 447.1 of the *Code of Iowa*.

8.08 INTENT TO REHABILITATE THE PROPERTY. All persons who purchase certificates from the city or County under this chapter shall demonstrate the intent to rehabilitate the property for habitation if the property is not redeemed. In the alternative, the County or city may, if the title to the property has vested in the County or city under Section 448.1 of the *Code of Iowa*, dispose of the property in accordance with Section 331.811 or Section 814.7 of the *Code of Iowa*, as applicable.

[The next page is 67]

CHAPTER 9
ACCEPTING GIFTS

9.01 Purpose

9.02 Gifts

9.01 PURPOSE. The purpose of this chapter is to prohibit the accepting of gifts by a public official, public employee or candidate, or that person's immediate family member, except as otherwise provided in Chapter 68B of the *Code of Iowa*.

9.02 GIFTS. Except as otherwise provided in Chapter 68B of the *Code of Iowa*, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B of the *Code of Iowa* and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee, or candidate.

(Code of Iowa, Sec. 68B.22)

[The next page is 73]

CHAPTER 10

GENERAL ASSISTANCE PROGRAM

Commented [JM11]: This chapter has been updated.

10.01 Purpose	10.05 General Assistance Application
10.02 Definitions	10.06 Review by the Board
10.03 Eligibility for General Assistance	10.07 Appeal
10.04 General Assistance Manual	10.08 Appeal Hearings

10.01 PURPOSE. It is the position of the County that provision of assistance to poor or needy persons is a matter of public benefit as well as a statutory duty of the County, and to that end general assistance, as defined herein, shall be administered to poor or needy families and individuals, as identified by *General Assistance Manual* guidelines, promptly, humanely, and equitably, in order to assure those persons decent, healthful living situations.

10.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Designee” means qualified General Assistance staff appointed by the Director to help administer the County’s General Assistance program.
2. “Director” means the General Assistance Director appointed or designated by the Board of Supervisors to oversee the County’s General Assistance program.
3. “Family” means the person applying for general assistance, that person’s spouse, children under 18 years of age, older children who are dependent on the applicant due to school attendance or incapacity, and anyone else domiciled with the applicant and dependent upon the applicant according to guidelines used by the State Department of Revenue in collecting income tax.
4. “General assistance” means County payment made on behalf of poor or needy persons for rent, utilities, food, medical services, burial, and miscellaneous expenses.
5. “Poor” defined by Section 252.1 of the *Code of Iowa*, as persons who have no property, exempt, or otherwise and are unable, because of physical or mental disabilities, to earn a living by labor.
6. “Needy” means a lack of resources to maintain self or family in a decent, healthful situation defined by Section 252.1 of the *Code of Iowa*, as persons who have some means when conducive to their welfare and the best interests of the public.
7. “Vendor payment” means a County Auditor’s warrant to the supplier of goods or services.

10.03 ELIGIBILITY FOR GENERAL ASSISTANCE. Eligibility for general assistance shall be determined on the basis of need as established and verified by the General Assistance Director or designee, according to the guidelines set out in Sections III and IV of the *General Assistance Manual* and shall be determined without regard to race, creed, religion, national origin, sex, or age.

10.04 GENERAL ASSISTANCE MANUAL.

1. The rules, regulations, standards, and guidelines for administrating general assistance shall comprise the *General Assistance Manual*.

2. The *General Assistance Manual* shall be adopted by resolution of the Board of Supervisors.
3. Amendments to the *General Assistance Manual* shall be made by resolution pursuant to Section 331.302 of the *Code of Iowa*, following publication of notice of the proposed change and opportunity for the public to be heard.
4. Copies of the *General Assistance Manual* shall be available to the public in the office of the Director.

10.05 GENERAL ASSISTANCE APPLICATION. Application for general assistance shall be made to the Director or designee on forms supplied by the General Assistance Office. Upon receipt of a completed application, the Director or designee shall give written notification to the applicant of the decision to grant, pend, or deny the application within five working days. Such notice shall include the factual basis for the Director's or designee's decision, a statement of the right to appeal, and a recital of appeal procedures.

10.06 REVIEW BY THE BOARD. The Board of Supervisors may review the determination of eligibility made by the Director or designee. If the Board of Supervisors questions any allowance of assistance benefits allowed by the Director or designee, it shall take no action concerning such allowance until it conducts a hearing. Notice of the hearing shall be given to the applicant in the same manner as if the applicant had taken the appeal. This hearing shall proceed in the same manner as an appeal by the applicant from the Director's or designee's determination.

10.07 APPEAL.

1. Every applicant, whether granted assistance or not, shall be informed in the Director's or designee's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed:
 - A. Of the method by which an appeal may be taken; and
 - B. That they may represent themselves or may be represented by counsel at applicant's expense.
2. The written appeal or communication shall be made to the Director within 10 days after the Director's or designee's determination, shall provide the applicant's current address and telephone number, and shall state the reasons for the appeal. Any written appeal or communication to the Director, by or on behalf of an applicant requesting appeal of the Director's or designee's determination, shall be received by the Director and put upon the Board of Supervisors agenda in accordance with Chapter 21 of the *Code of Iowa*, for the next regular Board of Supervisors meeting, provided that such appeal shall not be heard sooner than five working days after appeal is taken. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Board of Supervisors. Applicant and applicant's attorney, upon written authorization from applicant, shall be granted access by the Director to applicant's case file upon request.

10.08 APPEAL HEARINGS.

1. The Board of Supervisors shall hear applicant's appeal at the time scheduled in the agenda unless continuance is requested by applicant and granted by the Board of Supervisors. Applicant shall be permitted to present any evidence desired in support of the appeal by personal testimony, by having other witnesses testify, by offering

documentary evidence and by reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board of Supervisors may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board of Supervisors may question the applicant, and the Director shall present the Board of Supervisors with the reasons for the determination. The appeal shall be tape recorded. The hearing before the Board of Supervisors shall not be an open meeting under Chapter 21 of the *Code of Iowa*, since the confidential files of the applicant will be in evidence. When the Board of Supervisors deliberates on the appeal, no persons other than Board of Supervisors members shall be present. The Board of Supervisors deliberations shall not be tape recorded.

2. The Board of Supervisors shall make a decision on the appeal within 10 working days after the hearing. The Board of Supervisors findings of fact and decision shall be based only on the evidence submitted during the hearing. Immediately after making its decision, the Board of Supervisors shall mail to the applicant at their last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action and shall also state that an appeal may be taken to District Court from the Board of Supervisors determination, and shall state the method by which such appeal may be taken.

3. Any appeal from the Board of Supervisors decision to the District Court shall be allowed within the time and by the manner and procedures established under the *Iowa Administrative Procedures Act*, Chapter 17A of the *Code of Iowa*.

[The next page is 81]

CHAPTER 11

VETERAN AFFAIRS PROGRAM

Commented [JM12]: Per County - this chapter has been added. Please review and let me know if any changes need to be made.

11.01 Purpose
11.02 Definition
11.03 Eligibility for Veteran's Benefits
11.04 Veteran Benefits Manual

11.05 Application for Veteran Benefits
11.06 Review by the Commission
11.07 Appeal
11.08 Appeal Hearings

11.01 PURPOSE. It is the position of the County that provision of assistance to needy veterans and their dependents is a matter of public benefit as well as a statutory duty of the County, and to that end, veteran benefits, as defined herein, shall be administered to needy veterans and their families, as identified by *Veteran Benefits Manual* guidelines, promptly, humanely, and equitably, in order to assure those veterans and their dependents decent, healthful living situations. Together, this chapter and the *Sac County Veteran Benefits Manual* fulfill the duties imposed upon the County by Chapter 35B of the *Code of Iowa*.

11.02 DEFINITION. For purposes of this chapter, the following terms are defined:

1. "Commission" means the Sac County Commission on Veteran Affairs.
2. "Director" means the Veteran Affairs Director hired by the Commission, subject to the approval of the Board of Supervisors, to administer the County's veteran affairs program.
3. "Family" means the person applying for veteran benefits, that person's spouse, children under 18 years of age, older children who are dependent on the applicant due to school attendance or incapacity, and anyone else domiciled with the applicant according to guidelines used by the State Department of Revenue in collecting income tax.
4. "Needy" means a lack of resources to maintain self or family in a decent, healthful situation.
5. "Vendor payment" means a County Auditor's warrant to the supplier of goods or services.
6. "Veteran assistance" means County payment made on behalf of needy veterans for rent, utilities, food, medical services, burial, and miscellaneous expenses.

11.03 ELIGIBILITY FOR VETERAN'S BENEFITS. Eligibility for veteran benefits shall be determined on the basis of need, as established and verified by the Director, according to the guidelines set out in Sections II and III of the *Veteran Benefits Manual*, and shall be determined without regard to race, creed, religion, national origin, sex, or age.

11.04 VETERAN BENEFITS MANUAL.

1. The rules, regulations, standards, and guidelines for administering veteran benefits shall comprise the *Veteran Benefits Manual*.
2. The *Veteran Benefits Manual* shall be adopted by resolution of the Board.

3. Amendments to the *Veteran Benefits Manual* shall be made by resolution pursuant to Section 331.302 of the *Code of Iowa*, following publication of notice of the proposed change and opportunity for the public to be heard.
4. Copies of the *Veteran Benefits Manual* shall be available to the public in the office of the Director.

11.05 APPLICATION FOR VETERAN BENEFITS. Application for veteran benefits shall be made to the Director on forms supplied by the Director. The Director shall give written notification to the applicant of the decision to grant or deny the application within five working days after receipt of the completed application. Such notice shall include the factual basis for the Director's decision, a statement of the right to appeal, and a recital of appeal procedures.

11.06 REVIEW BY THE COMMISSION. The Commission may review the determination of eligibility made by the Director. If the Commission questions any allowance of veteran benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. Notice of the hearing shall be given to the applicant in the same manner as if the applicant had taken the appeal. This hearing shall proceed in the same manner as an appeal by the applicant from the Director's determination.

11.07 APPEAL.

1. Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal from such decision to the Commission on Veteran Affairs. The applicant shall be informed:
 - A. Of the method by which an appeal may be taken; and
 - B. That they may represent themselves, or may be represented by counsel at applicant's expense.
2. The written appeal or communication shall be made to the Director within 10 days after the Director's determination, shall provide applicant's current address and telephone number, and shall state the reasons for the appeal. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination shall be received by the Director and put immediately upon the Commission's agenda in accordance with Chapter 21 of the *Code of Iowa*, for the next regular Commission meeting, provided that such appeal shall not be heard sooner than five working days after appeal is taken. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Commission. Applicant and applicant's attorney, upon written authorization from applicant, shall be granted access by the Director to applicant's case file upon request.

11.08 APPEAL HEARINGS.

1. The Commission on Veteran Affairs shall hear applicant's appeal at the time scheduled in the agenda unless continuance is requested by applicant and granted by the Commission. Applicant shall be permitted to present any evidence desired in support of the appeal by personal testimony, by having other witnesses testify, by offering documentary evidence and by reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Commission may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Commission may question the applicant, and the Director shall present the Commission with the reasons for the determination. The

appeal shall be tape recorded. The hearing before the Commission shall not be an open meeting under Chapter 21 of the *Code of Iowa*, since the confidential files of the applicant will be in evidence. When the Commission deliberates on the appeal, no persons other than Commission members shall be present. The Commission's deliberations shall not be tape recorded.

2. The Commission shall make a decision on the appeal within 10 working days after the hearing. The Commission's findings of fact and decision shall be based only on the evidence submitted during the hearing. Immediately after making its decision, the Commission shall mail to applicant at their last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action and shall also state that an appeal may be taken to District Court from the Commission's determination, and shall state the method by which such appeal may be taken.

3. Any appeal from the Commission's decision to the District Court shall be allowed within the time and by the manner and procedures established under the *Iowa Administrative Procedures Act*, Chapter 17A of the *Code of Iowa*.

[The next page is 89]

CHAPTER 12

Commented [JM13]: Title 1, Chapter 2 of the County's current code.

HOUSING DISCRIMINATION

12.01 Purpose

12.02 Discriminatory Practices Defined

12.03 Exemptions

12.04 Complaints Filed

12.01 PURPOSE. The purpose of this chapter is to provide for the general welfare of the citizens of the County by declaring discriminatory practices in housing to be against public policy and to provide for proper procedures for the enforcement of this chapter.

12.02 DISCRIMINATORY PRACTICES DEFINED. It shall be an unlawful discriminatory housing practice to engage in any of the following acts if they are based on race, creed, color, age, disability, sex, national origin, religion, or ancestry:

1. Refusing to sell or rent to, deal, or negotiate with any person.
2. Discriminating in terms, conditions, or privileges for buying, renting, or any transfer of housing.
3. Discriminating by advertising that housing is available only to persons of a certain race, etc.
4. Denying that housing is available for inspection, sale, or rent when in fact it is so available.
5. For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood.
6. Denying or making different rates, terms, or conditions for home loans by commercial lenders, such as banks, savings, and loan association and insurance companies.
7. Making a record or making available for public knowledge in any way a person's race, etc.
8. Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services, and other facilities related to the selling or renting of housing.

12.03 EXEMPTIONS. Nothing in this section, except for discrimination based on race, shall be construed to apply to:

1. The sale or rental of single-family houses owned by a private, individual owner of three or fewer such single-family houses provided:
 - A. A broker is not used.
 - B. Discriminatory advertising is not used.
 - C. No more than one house in which the owner was not the most recent resident is sold during any two-year period.
2. Rental of rooms or units in owner-occupied multi-unit dwellings for two to four families, if discriminatory advertising is not used.

3. Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color, or national origin.

4. Limiting to its own members the rental or occupancy of lodging which a private club owns or operates for other than a commercial purpose.

12.04 COMPLAINTS FILED. In order that the rights of all parties will adequately be protected, the following procedures are available:

1. Any person claiming to be aggrieved by a discriminatory or unfair practice within the County may, by themselves or through their attorney, make, sign, and file a verified written charge of discriminatory practice with the County Attorney.

2. If the local Equal Opportunity Officer is unable to obtain voluntary compliance, the complainant also may send a notarized complaint to the U.S. Department of Housing and Urban Development within 180 days of the alleged discriminatory act.

3. A person also may take a complaint directly to the U.S. District Court or State or local court within 180 days of the alleged discriminatory act.

4. Information about possible discrimination in housing may also be brought to the attention of the Attorney General.

[The next page is 95]

CHAPTER 13
MENTAL HEALTH ASSISTANCE

13.01 ASSISTANCE PROVIDED THROUGH CICS. It is the position of the County that provision of assistance to financially needy persons is a matter of public benefit, and to that end, the County is a member of Central Iowa Community Services (CICS) Region formed under Chapter 28E of the *Code of Iowa* to create a mental health and disability service region in compliance with Section 331.390 of the *Code of Iowa*. Mental health assistance shall be administered to financially needy individuals, as identified by the *Central Iowa Community Services Policies and Procedures Manual*. It is the intent of the County that this chapter and the *Central Iowa Community Services Policies and Procedures Manual* fulfill the obligations and duties imposed upon the County by Chapters 229 and 230 of the *Code of Iowa*. The website address for the Central Iowa Community Services Region is www.cicsmhds.org.

Commented [JM14]: QUESTION - Is this the region that Sac County is a part of? If not, please provide the name of the region.

[The next page is 101]

CHAPTER 14

HISTORIC COMMISSION

Commented [JM15]: Title II, Chapter 1 of the County's current code.

(Reserved)[†]

[†] **EDITOR'S NOTE:** The Historic Preservation Commission was established by resolution by Sac County in June 1990. The establishment of the Commission was not done by ordinance. If the County desires to have the Commission established by ordinance, it would fall into this section of the compiled Code.

[The next page is 151]

CHAPTER 20

ALCOHOLIC BEVERAGE REGULATION

Commented [JM16]: Title III, Chapter 1 of the County's current code.

20.01 UNDERAGE PERSONS PROHIBITED FROM PREMISES. Underage persons prohibited from premises where alcoholic liquor is sold or dispensed.

1. It shall be unlawful for any person under the age for lawful purchase or possession of alcoholic beverages to enter any premises between the hours of 11:00 p.m. and closing where more than 35 percent of the business conducted on such premises is the sale or dispensing of liquor, wine, or beer except as set forth in Subsection 2 of this section. The phrase "business conducted on such premises" shall be defined as the total business revenue generated on such premises during the previous calendar year.
2. The prohibition of Subsection 1 above shall not apply:
 - A. To an underage person who is an employee of the licensee or permittee, or performing a contracted service for the licensee or permittee on the premises;
 - B. To an underage person who is accompanied on the premises at all times by a parent, guardian, or spouse who is not under the age for lawful purchase or possession of alcoholic beverages;
 - C. To an underage person on the premises during a period of time when the licensee or permittee, in accordance with a written plan given to and approved by the Sheriff, has suspended dispensing alcoholic liquor, wine, or beer on the licensed or permitted premises or in clearly delineated area of the licensed or permitted premises. During such period of time, the licensee or permittee shall not permit any underage person to purchase or possess alcoholic liquor, beer, or wine on the premises. Law enforcement officers shall be admitted to the premises at any time to monitor compliance with all applicable laws.
 - D. To an underage person on the premises during a period of time when the licensee or permittee is conducting a special event. A licensee or permittee may host no more than seven special events in a calendar year. A special event is defined as an event which is not part of the regularly conducted business of the licensee or permittee and may not last for a period of more than 72 hours. The licensee or permittee shall notify the Sheriff's office of all special events in writing. Law enforcement officers shall be admitted to the premises at any time to monitor compliance with all applicable laws.
3. No licensee or permittee, or a licensee or permittee's agent or employee shall allow any person under the age for lawful purchase or possession of alcoholic beverages to enter or remain upon the premises between the hour of 11:00 p.m. and closing where the business conducted includes the sale and dispensing of alcoholic liquor, wine, or beer, except as permitted in Subsections 1 and 2 of this section. The licensee or

permittee of any business that sells alcoholic liquor, wine, or beer for on-premises consumption shall be required to post in a conspicuous place a notice stating:

Notice to Persons Under the Age for Lawful Purchase or Possession of Alcoholic Beverages: You are subject to a maximum fine of \$500.00 for being on these premises between the hours of 11:00 p.m. and closing unless you are employed by the owner or are accompanied by a parent, guardian, or spouse who is not under the age of lawful purchase or possession of alcoholic beverages.

[The next page is 157]

CHAPTER 21

POSSESSION OF ALCOHOLIC BEVERAGE BY MINOR

Commented [JM17]: Title III, Chapter 2 of the current County Code

21.01 Underage Person Prohibited from Possession of an Alcoholic Beverage 21.02 Penalty

21.01 UNDERAGE PERSON PROHIBITED FROM POSSESSION OF AN ALCOHOLIC BEVERAGE. It shall be unlawful for a person under the age of 21 years old to purchase or attempt to purchase or individually or jointly have within their possession or control any alcoholic liquor, wine, or beer except in the case of such beverages given or dispenses to that person within a private home and with the knowledge, presence, and consent of the parent or guardian, or as administered to the person by either a physician or dentist and for medical purposes, and except to the extent that a person may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee or wine or beer permittee pursuant to Chapter 123 of the *Code of Iowa*.

21.02 PENALTY. A person, who is under legal age, other than a licensee or permitted, who violates this section regarding the purchase, attempt to purchase, possession, or control of alcoholic liquor, wine, or beer, commits a simple misdemeanor punishable by a fine of \$100.00 for the first offense. A second or subsequent offense shall be a simple misdemeanor punishable by a fine of \$200.00. However, when a person under the age of 18 commits this offense, the matter shall be disposed of in the manner provided in Chapter 232 of the *Code of Iowa*.

CHAPTER 21

POSSESSION OF ALCOHOLIC BEVERAGE BY MINOR

[The next page is 163]

CHAPTER 22

PUBLIC INTOXICATION

22.01 Definition

22.02 Public Intoxication Prohibited

22.03 Arrest, Testing, and Alcohol Level Prohibited

22.04 Penalties for Violation

22.01 DEFINITION. The definition as utilized by Section 123.46 of the *Code of Iowa* shall hereby be adopted for utilization by this chapter.

22.02 PUBLIC INTOXICATION PROHIBITED. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this section shall be guilty of a simple misdemeanor.

22.03 ARREST, TESTING, AND ALCOHOL LEVEL PROHIBITED. When a peace officer arrests a person on a charge of public intoxication under this chapter, the peace officer shall inform the person that the person may have a chemical test of the person's blood, urine, or breath, administered at the person's own expense. If a device approved by the Commission of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In prosecution for public intoxication, evidence of the results of a chemical test performed under this section is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of the arrest. A person commits the violation of public intoxication while in a public place, while having an alcohol concentration of zero point eight or more.

22.04 PENALTIES FOR VIOLATION. Any person convicted of a violation of any provisions of this chapter shall be guilty of public offenses or misdemeanors as identified in Chapter 3.

Commented [JM18]: Title III, Chapter 3 of the County's current code.

Commented [JM19]: Removed the last portion of this section from the County code, and referenced Chapter 3 where the penalties are stated.

[The next page is 169]

CHAPTER 23

DRUG PARAPHERNALIA PROHIBITED

23.01 Purpose
23.02 Definitions
23.03 Determining Factors
23.04 Drug Paraphernalia Prohibited

23.05 Manufacture or Delivery of Drug Paraphernalia Prohibited
23.06 Penalties for Violation

Commented [JM20]: Title III, Chapter 4 of the County's current code.

23.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture, and delivery of drug paraphernalia as defined herein.

Commented [JM21]: We added this section to describe the purpose of this chapter. Please let me know if you want anything changed.

23.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Controlled substance" has the same meaning as contained in the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*.
2. "Drug paraphernalia" means all equipment, products, and material of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*. It includes, but is not limited to:
 - A. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - B. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - C. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any plant that is a controlled substance.
 - D. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances except for such equipment of a peace officers or any person acting as an agent of or under the direction of any police agency.
 - E. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
 - F. Dilutents. Dilutents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, or lactose used, intended for use, or designed for use in cutting controlled substances.
 - G. Separators. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

H. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

I. Containers. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

J. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

K. Injecting Devices. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

L. Ingesting or Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, methamphetamine, hashish, or hashish oil into the human body such as:

- (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (2) Water pipes, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, bonds, ice pipes, or chillers;
- (3) Carburetion tubes and devices;
- (4) Smoking and carburetion masks;
- (5) Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
- (6) Miniature cocaine spoons and cocaine vials.

23.03 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the *Uniform Controlled Substance Act*, Chapter 124 of the *Code of Iowa*.
4. Proximity to Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom they know, or should reasonably know, intend to use the object to facilitate a violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*. The innocence of an

owner, or of anyone in control of the object, as to a direct violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

7. Instructions. Instructions, either oral or written, provided with the object concerning its use.
8. Descriptive Materials. Descriptive materials accompanying the object, which explain or depict its use.
9. Manner Displayed. The manner in which the object is displayed for sale.
10. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
11. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
12. Expert Testimony. Expert testimony concerning its use.

23.04 DRUG PARAPHERNALIA PROHIBITED. No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*.

23.05 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED. No person shall deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*.

23.06 PENALTIES FOR VIOLATION. Any person convicted of a violation of any provisions of this chapter shall be guilty of public offenses or misdemeanors as identified in Chapter 3.

Commented [JM22]: As noted in a previous chapter, we changed all penalty sections to refer to Chapter 3 to avoid a future conflict if one of these sections is changed.

[The next page is 229]

CHAPTER 30

AREA SERVICE ROAD CLASSIFICATION

30.01 Purpose
30.02 Definitions
30.03 Powers of the Board
30.04 Authority to Establish
30.05 Notice of Hearing

30.06 Hearing - Area Service System B Road Established
by Resolution
30.07 Maintenance Policy
30.08 Exemption from Liability

30.01 PURPOSE. The purpose of this chapter is to classify certain roads on the Area Service System in the County to provide for a reduced level of maintenance.

30.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Area Service System" means those 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 truck, 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 a private lane to a farm building or dwelling.

30.03 POWERS OF THE BOARD. All jurisdiction and control over Area Service System B Roads as provided by this chapter shall rest with the Board of Supervisors.

30.04 AUTHORITY TO ESTABLISH. The Board of Supervisors is empowered under authority of Chapter 309.57 of the *Code of Iowa*, to classify secondary roads on the Area Service 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 the County after consultation with the County Engineer.

30.05 NOTICE OF HEARING. The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the 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.

30.06 HEARING - AREA SERVICE SYSTEM B ROAD ESTABLISHED BY RESOLUTION. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit to due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence and if the Board finds the proposed Area Service System B Road is practicable, it may establish it by proper resolution.

30.07 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 limitation. For the

Commented [JM23]: We split the "B" and "C" Roads into two different chapters. This chapter covers Title IV, Chapter 1, Sections 4-1-12 through 4-1-8 of the County's current code.

Commented [JM24]: We removed the definitions of "Board" and "Engineer" as they are defined in Chapter 1 and cover the entire Code.

various maintenance activities, the minimum maintenance on Area Service System B Roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow Removal. Snow may not be removed.
3. Signing. Except for stop signs and load limit posting for bridges, signing will not be continued or provided.[†]
4. Weeds and Brush. Mowing or spraying weeds and cutting brush may not be performed.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structures will be appropriate for the traffic thereon.

30.08 EXEMPTION FROM LIABILITY. The County, 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 30.07.

[The next page is 235]

[†] **EDITOR'S NOTE:** All Area Service System B Roads will be identified with a sign at all points of access to warn the public of the lower level of maintenance.

CHAPTER 31

AREA SERVICE SYSTEM C ROADS

31.01 Purpose
31.02 How Established
31.03 Access
31.04 Signs
31.05 Trespass

31.06 Reclassification
31.07 Powers of the Board
31.08 Exemption from Liability
31.09 Maintenance Policy

Commented [JM25]: This is from Title IV, Chapter 1, Sections 4-1-9 through 4-1-17.

31.01 PURPOSE. The purpose of this chapter is to classify certain roads on the area service system in the County as Area Serviced C Roads so as to provide for the reduced level of maintenance effort and restricted access, pursuant to Section 309.57 of the *Code of Iowa*, as amended.

31.02 HOW ESTABLISHED.

Commented [JM26]: The definitions section 4-1-10 was removed as all words are already defined in Chapter 1.

1. Request. A request may be filed with the Board of Supervisors. The request shall list the road that is being requested for classification as an Area Service Class C Road. The request shall also list the limits of the proposed classification.
2. Resolution. Roads may only be classified as Area Service C by ordinance or resolution of the Board of Supervisors. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The County shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty is to supervise the use or perform maintenance of the road.
3. Notice of Action. Before the Board of Supervisors may take action on a request to establish an Area Service C Road, a notice of the proposed action, including the location of the Area Service C Road and the time and place of the meeting at which the Board of Supervisors proposes to take action on the request, shall be provided in Section 331.305 of the *Code of Iowa*.
4. Board of Supervisors Action. At the meeting, the Board of Supervisors shall receive oral or written objections from any resident or property owner of the County. After all objections have been received and considered, the Board of Supervisors, at that meeting or a date to which it is adjourned, may take action on the request after consultation with the County Engineer.

31.03 ACCESS. Access to any Area Service C Road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased and installed by the County and maintained by the adjoining landowners. If not so maintained the County may remove the gate.

Commented [JM27]: Resolution 05-1220B

1. The only persons who will have access rights to the roads shall be:
 - A. The owner, lessee, or person in lawful possession of any adjoining land,
 - B. The agent or employee of the owner, lessee, or person in lawful possession of any adjoining land,

- C. Any peace officer,
- D. Any magistrate,
- E. Any public employee whose duty it is to supervise the use or perform maintenance of the road,
- F. Any agent or employee of any utility located upon the road.

31.04 SIGNS. Area Service C Roads shall have signs conforming to the *Iowa Signing Manual* installed and maintained by the County at all access points to the Area Service C Roads from other public roads, to warn the public that they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.
(IAC, Ch. 30)

31.05 TRESPASS. Entering an Area Service C Road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass punishable by a \$100.00 fine.

31.06 RECLASSIFICATION. A road with an Area Service C classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

31.07 POWERS OF THE BOARD. All jurisdiction and control over Area Service C Roads shall rest with the Board, pursuant to Section 309.67 of the *Code of Iowa*.

31.08 EXEMPTION FROM LIABILITY. As provided in Section 309.57 of the *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 the road which is classified as Area Service C, if the road has been maintained to the level of maintenance effort described in establishing the resolution.

31.09 MAINTENANCE POLICY. The minimal level of maintenance 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 on a regular basis, 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 C 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 on a regular basis. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss structures may not be replaced.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System C Roads on a regular basis.
7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.

Commented [JM28]: Resolution 05-1220B of Sac County

CHAPTER 31

AREA SERVICE SYSTEM C ROADS

9. Repairs. There will be no road repair on a 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

[The next page is 243]

CHAPTER 32

SNOW AND ICE REMOVAL

32.01 Purpose
32.02 Level of Service
32.03 Sequence of Service

32.04 Limitation of Service
32.05 Emergency Conditions

Commented [JM29]: Title IV, Chapter 2 of the County's current code.

Commented [JM30]: REVIEW - Please review this chapter to ensure the processes and information are correct. Let me know if any changes need to be made.

32.01 PURPOSE. The purpose of this chapter is to establish the County's 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 Section 668.10(2)(2001) of the *Code of Iowa*, and pursuant to the provisions of Section 309.67 of the *Code of Iowa*. This policy and level of service are to be implemented within the amount of money budgeted for this service, and 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.[†]

32.02 LEVEL OF SERVICE. Clearance of snow or ice and maintenance of the 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 may be continuous, or they may be more concentrated on hills, in valley, curves, or intersections. The County's existing snow removal equipment will be utilized for this purpose.

On occasion, County personnel may be rendered unavailable due to the requirements of the *Omnibus Transportation Employee Testing Act* of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or their designee acting in their absence, on a case-by-case basis, 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 and as practicable.

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 may be greatly reduced or impaired. The snow removed from intersections will be piled in its comers in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these intersections may be 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, and reduced or impaired visibility, and are advised to reduce their speed at least 25 MPH below that legally permitted or advised under normal conditions.

[†] **EDITOR'S NOTE:** Ordinance No. 97-1110, adopting snow and ice removal for the City, was passed and adopted on November 10, 1997 by the Board of Supervisors.

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 MPH. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

32.03 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 shall select the actual sequence of roads to be cleared as provided for in this section of the chapter, and shall determine when drifting, wind velocity, and other additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved roads be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or their designee's, shall prevail, unless it is clearly erroneous.

1. Paved Routes.
 - A. The initial effort will be to get all routes open to two-lane traffic as soon as possible or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.
 - B. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
 - C. The truck mounted snowplows and spreaders will not normally be in operation between the hours of 5:00 p.m. to 6:00 a.m. The trucks may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer or their delegated representative.
 - D. When required, due to drifting snow, motor graders may be used to keep the paved roads open, and the opening of gravel may be delayed.
 - E. It is not the policy of the County to provide a "dry" pavement condition.
 - F. After roads have been plowed, as provided in the section, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be re-sanded, re-salted, or have other abrasives replaced on them between snowstorms.
2. Unpaved Roads.
 - A. The initial effort will be to get all routes opened to one-lane traffic as soon as possible or practicable after a storm has passed.
 - B. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
 - C. Motor graders or truck plows will not normally be in operation between the hours of 5:00 p.m. to 6:00 a.m. The motor graders or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer or their delegated representative.
 - D. Snow may not be removed from roads designated as Level B or C.

Commented [JM31]: QUESTION - Please confirm the times in this subsection and in Subsection 2(C) below.

3. Private Drives.
 - A. 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.
4. Mailbox Replacement.
 - A. The County will furnish a new conventional mailbox or four by four wood post to replace those which were broken by County snow removal equipment. The County will not provide the labor necessary to put them up. The County will not replace mailboxes damaged or knocked down by the force of snow thrown from the plow.

There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

32.04 LIMITATION OF SERVICE. Notwithstanding anything else stated in this chapter, the policy and level of service provided for in this chapter shall not include the following, and the following services shall not be performed:

1. Sanding, salting, or placing other abrasives upon the roadways that are slick, slippery, and dangerous due to the formation of frost.
2. Sanding, salting, or placing of other abrasives upon paved roadways due to freezing rain that occurs outside the County's usual working hours.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.
4. Sanding, salting, or placing abrasives upon any unpaved road. If in the opinion of the County Engineer, or their 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 material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, 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, such as scraping with motor graders.
5. Removing of sand, salt, and other abrasives.
6. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the County, unless it is agreed to do so by the 28-E Agreement between the County and the entity having jurisdiction of the road.

32.05 EMERGENCY CONDITIONS. Service or the level or sequence of service may be suspended during "emergency" conditions. An "emergency" condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff's office. The County may respond to all "emergency" conditions, either during or after a snowstorm. Any person who makes a false report of an "emergency" to an officer, official, or employee of the County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$100.00.

Service, or the level or sequence of, service 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.

[The next page is 251]

CHAPTER 33

PARKING ON RIGHT-OF-WAY

33.01 Purpose
33.02 Signing

33.03 Penalty

33.01 PURPOSE. Pursuant to the authority of Section 321.239 of the *Code of Iowa*, the Board of Supervisors does hereby set out certain portions of the secondary roads of the County on which the parking of vehicles on the right-of-way of said secondary roads is prohibited.

33.02 SIGNING. The County Engineer shall erect signs along the right-of-way of the above designated portions of the County secondary roads to indicate to the public the locations of these zones in which parking is prohibited.

33.02 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

Commented [JM32]: Title IV, Chapter 3 of the County's current code.

Commented [JM33]: Per the County we removed Section 4-3-2 - Description.

[The next page is 257]

CHAPTER 34

RURAL ADDRESS SYSTEM

34.01 Title	34.06 Assignment of House Numbers
34.02 Definitions	34.07 Posting Designated Addresses
34.03 Property Numbering Map	34.08 Installing and Maintaining Road Markers
34.04 Address System	34.09 Auditor to Maintain Copy
34.05 Assignment of Roadway Names	

Commented [JM34]: Title IV, Chapter 4 of the County's current code.

34.01 PURPOSE. This chapter may be known and cited as the "Rural Address System" of the County.

34.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

Commented [JM35]: Removed the definitions of Board of Supervisors and County Engineer as they are defined in Chapter 1.

1. "Avenues" means all public or private roadways that generally run north and south; usually a through street, but may end in a dead end.
2. "Drives" means winding, meandering roadways less than two miles in length which do not generally run in any one direction.
3. "E-911 Service Board" means the County E-911 Service Board.
4. "Meandering public roads" or "Drives" means winding roadways which do not head generally east-west or north-south,
5. "National Manual of Uniform Traffic Control Devices, 11th Edition (2023)" means the manual for traffic control devices for streets and highways as approved by the Iowa Department of Transportation including all revisions (both existing and future) adopted in accord with Title 23 of the *U.S. Code*.
6. "Principal building" means the main use of a structure as distinguished from an accessory use.
7. "Private road" means a non-public roadway officially recognized by the Board of Supervisors as an access for vehicles from a public road to a private driveway leading to the principal building; usually a subdivision road platted on the final plat, serving a number of subdivision lots. These roads are not recognized as public roadways by the State and the County and are, therefore, not maintained as such.
8. "Property Numbering Map" means the official set of maps, which display the official name for every rural roadway and the designated address for every business or residence.
9. "Public road" means all land between the right-of-way lines perpetually dedicated to the City, County, State, or federal government as an access for vehicles. The term does not include public easements on private property where the roadway has not been dedicated to a jurisdiction or the jurisdiction has not accepted ownership. These roads are recognized by the State and the County as public roadways and maintained by the appropriate jurisdiction.
10. "Resident" means the landowner, tenant, or person in charge of a house or business on public and private property.

Commented [JM36]: Updated this edition.

11. "Road marker" means the street name sign along with the required hardware and post specified in the *National Manual of Uniform Traffic Control Devices* (Sections 20-39).
12. "Roads" means public roadways which are greater than miles in length and that generally do not follow an east-west or north-south direction.
13. "Streets" means all public or private roadways that generally run east and west, usually a through street, but may end in a dead end.
14. "Subdivision" means a division of land into three or more lots or parcels which has been recorded in the County Recorder's office, and added to the official plat books of the County.
15. "Unincorporated area" means all land located outside the city limits of municipalities which are incorporated with the State. Such land is under the jurisdiction of the Board of Supervisors.

34.03 PROPERTY NUMBERING MAP. A property numbering map entitled "Rural Address System - Sac County, Iowa" shall be adopted by resolution by the Board of Supervisors as the Official Property Numbering Map for the unincorporated area of the County. All property numbers shall be assigned in accordance with this map, and no other property numbers shall be used or displayed in the unincorporated area of the County. The property numbering map shall be kept on file in the County Courthouse.

34.04 ADDRESS SYSTEM.

1. All streets, roads, highways, and other public thoroughfares running generally north and south, shall be designated "Avenues" and are named in alphabetical order beginning at the County's western boundary, each mile starting at the western most road (A) and proceeding in sequence through the alphabet for each mile east of the western boundary... B, C, D, etc.
2. All streets, roads, highways, and other public thoroughfares running generally east and west shall be designated "Streets" and are numbered in a sequence beginning with the number 10 on the road which is on or nearest to the northern most boundary of the County and increasing by increments of 10 for each mile south of the northern boundary... 170, 180, etc.
3. Meandering public roads less than two miles in length may be designated "Drives," or they may be assigned a "Street", "Avenue," or "Road" depending upon the general direction.
4. Long diagonal roads greater than two miles in length will be assigned a common person or place name and called "Roads" or "Highways."
5. The official street designation within a new subdivision shall comply with the standards set forth in this chapter. Any final plat shall show the assigned road name or number prior to recording. Only those names or numbers assigned by the E-911 Service Board are allowed on private road intersections. Any other roadway designations are in violation of the chapter and shall be removed.

34.05 ASSIGNMENT OF ROADWAY NAMES. The responsibility for naming all public and private "Avenues," "Streets," "Drives," and "Roads" for the Property Numbering Map shall be the responsibility of the E-911 Service Board in compliance with Sections 34.03 and 34.04.

The developer of a subdivision may make recommendations to the E-911 Service Board regarding the naming or numbering of roads.

34.06 ASSIGNMENT OF HOUSE NUMBERS.

1. The responsibility for assigning house numbers to all residences and businesses in unincorporated County shall be the responsibility of the E-911 Service Board in compliance with Section 34.04. It shall be the E-911 Service Board's responsibility to accomplish notification, and to obtain and install the posts, blades, and numbers of every County resident and every business proprietor whose property has received an assigned number.
2. Addresses for residences and businesses on all public and private streets shall be assigned by the E-911 Service Board at the time a building site is started in accordance with Section 34.04. The number assigned to the new residence or business will be provided to the resident and also the Post Office, utility companies, and appropriate County departments. Final approval for a Certificate of Occupancy of any principal building erected or repaired after the effective date of this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements of Section 34.07.

34.07 POSTING DESIGNATED ADDRESSES.

1. The E-911 Service Board will notify the Post Office of every resident who has been assigned a new rural address.
2. To promote uniformity and ease of identification, all property address posts shall be installed by the County. The County shall maintain a record of all address markers distributed. Sign locations shall be determined by the County Engineer. Each resident and business proprietor shall be responsible for the cost of the complete post assembly and installation in accordance with this chapter.
3. It shall be the duty of the resident or business proprietor to keep the marker free and visible, or to remove any different number, which might be mistaken for, or confused with, the number assigned to said structure.
4. Numerals indicating the official numbers for each residence or business shall be of four-inch white numerals on a reflective blue background. They shall be posted so as to be read horizontally on the driveway post between four to six feet above the grade of the road. The sign "plate" or "blade" shall be 0.080 inch thick aluminum, six inches tall by 15-18 inches long, having two bolt holes located an inch in and from the end. The signpost shall be a steel, U-channel post weighing two point zero pounds per foot, with a length of eight feet. Address signs shall be mounted perpendicular to the road along which they are placed and in a manner legible and distinguishable from the public and private road on which the property is located.

34.08 INSTALLING AND MAINTAINING ROAD MARKERS.

1. Road markers shall be installed under the County Engineer's supervision by the Secondary Roads Department or a contractor if so designated by the E-911 Service Board. Such road markers shall be installed at the side of the roads in unincorporated areas of the County and shall be mounted at a height of at least five feet above the grade level of the road. The E-911 Service Board shall be responsible for the purchase, repair, and replacement of road identification signs at designated road intersections in the unincorporated areas of the County.

2. Property owners within a subdivision or private roadways are responsible for the purchase, installation, and maintenance of road identification markers at private road intersections or those within a subdivision. Only those names or numbers assigned in the Property Numbering Map are allowed on private roadway intersections. Any other roadway designations are in violation of the chapter and must be removed within a reasonable time period.

3. Every person erecting a building shall, within seven days of commencement of construction, notify the E-911 Service Board who shall within 14 days assign a number to such a structure.

34.09 AUDITOR TO MAINTAIN COPY. The County Auditor is directed to keep and maintain a copy of this chapter in the County Auditor's office.

[The next page is 265]

CHAPTER 35

SPEED LIMITS

35.01 Purpose

35.02 Establishing Speed Limits

35.03 County Engineer to Place Signs

35.04 Penalty

35.01 PURPOSE. The purpose of this chapter is to establish speed limits and the penalties for violations thereof, upon the roadways of the County for the welfare of the people of the County.

35.02 ESTABLISHING SPEED LIMITS. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law on some County roads or portions thereof is inappropriate for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon those roads or portions thereof described in the master list of such roads as maintained by the County Engineer shall be set by individual resolution of the Board of Supervisors at one of the following speed limits:

1. Speed limit.
2. Speed limit- 45 MPH.
3. Speed limit- 35 MPH.
4. Speed limit- 30 MPH.
5. Speed limit- 10 MPH.

35.03 COUNTY ENGINEER TO PLACE SIGNS. The County Engineer is hereby directed to have signs placed at the designated zone setting the established speed limits and achieve the proper notification to all concerned parties.

35.04 PENALTY. Violation of this chapter shall be a scheduled violation as provided in Section 805.8A(5) of the *Code of Iowa*.

Commented [JM37]: Title IV Chapter 5 of the County's current code.

Commented [JM38]: QUESTION - In the County's chapter there was a section in the mini-index here for Changing Speed Limits on Certain Roads but there was no section in the chapter. Do you have the information for this section that you want to add to this chapter?

Commented [JM39]: QUESTION - We are going to remove this unless there is a specific speed limit to add.

[The next page is 271]

CHAPTER 36

Commented [JM40]: Title IV, Chapter 6 of the County's current code.

STOP SIGNS

36.01 Recommendations
36.02 Notification

36.03 Penalties

36.01 RECOMMENDATIONS. The Board of Supervisors realizes that some locations in the County require stop signs to be placed at intersections. In accordance with Section 321.322 of the *Code of Iowa*, engineering studies and traffic investigations at these locations were and shall be conducted by the County Engineer, and the Board of Supervisors, and in accordance with the recommendation of the County Engineer and other information received, the location of stop signs shall be established at those locations, as needed, by resolution of the Board of Supervisors. The County Engineer shall maintain a master list of the established locations of the stop signs within the County.

36.02 NOTIFICATION. The County Engineer shall place stop signs at the intersections as prescribed by resolution of the Board of Supervisors and place stop ahead signs in advance of the stop signs and described in the manual on *Uniform Traffic Control Devices*. The County Engineer shall give proper notification to all concerned parties.

36.03 PENALTIES. Violation of this chapter shall be a scheduled violation as provided in Section 805.8 *Code of Iowa*.

[The next page is 277]

CHAPTER 37

Commented [JM41]: Title IV, Chapter 7 of the County's current code.

UTILITIES IN PUBLIC RIGHTS-OF-WAY

37.01 Purpose
37.02 Definitions
37.03 Powers of Board of Supervisors

37.04 County Engineer to Administer
37.05 Authority to Establish
37.06 Penalty

37.01 PURPOSE. The purpose of this chapter is to adopt provisions for the inspection and regulation of utility line installations, including the issuance of permits and the collection of inspection fees, and to provide penalties for the violation of this chapter in order to protect public safety, health, and welfare.

37.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Applicant" means a person, persons, company, corporation, or governmental entity desirous of placing a utility line on or under the County's secondary road system.
2. "Utility line" means a telecommunications, electric, gas, water, or sewer line.

37.03 POWERS OF BOARD OF SUPERVISORS. An applicant shall not place a utility line on or under the secondary road system without a Utility Permit issued by the County. An applicant shall not place a utility line on or under the secondary road system which violates a Utility Permit issued by the County. All jurisdiction and control over the issuance of a Utility Permit shall rest with the County.

37.04 COUNTY ENGINEER TO ADMINISTER. The County Engineer shall perform the issuance and approval of Utility Permits. The County Engineer may make rules and regulations, not inconsistent with this chapter, as are necessary to carry out the administration of this chapter. The utility permit form, and all amendments thereto, shall be adopted by the Board of Supervisor's resolution.

37.05 AUTHORITY TO ESTABLISH. The Board of Supervisors is empowered to establish and require a Utility Permit under the authority of Chapters 306, 320, 331, 477, 478, 479, 479A, and 480 of the *Code of Iowa*.

Commented [JM42]: Removed Chapter 319 from this list as it was repealed in 2006.

37.06 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

[The next page is 283]

CHAPTER 38

Commented [JM43]: Title IV, Chapter 8 of the County's current code.

UNAUTHORIZED USE OF SECONDARY ROAD RIGHT-OF-WAY

38.01 Purpose
38.02 Definitions
38.03 Authorization Process

38.04 Abatement Cost
38.05 Penalty
38.06 Enforcement

38.01 PURPOSE. The purpose of this chapter shall be to prevent the unauthorized use of the County's secondary roadway right-of-way.

38.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Any persons responsible" means any person who personally does any act, which constitutes the unauthorized use of the County secondary roadway right-of-way. Any persons responsible shall include any person who authorizes or contracts with another to do any act, which leads to the unauthorized use of the County secondary roadway right-of-way. It is not a defense to this chapter that a person contracted with another person or entity and that the contractor did the act, which constituted the unauthorized use of the County secondary roadway right-of-way. A person contracting with another shall have an ongoing duty not to permit the contractor to do work which involves the unauthorized use of the County secondary roadway right-of-way and to oversee the work done in order to ensure that it does not involve the unauthorized use of the County secondary roadway right-of-way.

A. Evidence that work done on or to benefit a piece of property involved the unauthorized use of the County secondary roadway right-of-way shall be prima facie evidence that the owner or lessee of that property did authorize or permit the unauthorized use of the County secondary roadway right-of-way.

B. A landlord and tenant shall both be in violation of this chapter if the unauthorized use of the County secondary roadway right-of-way was done with the knowledge, consent, approval, or encouragement of the landlord. It shall be an "Affirmative Defense" to action under this chapter if the unauthorized use of the County secondary roadway right-of-way was done solely by the authority of the tenant without any knowledge, approval, consent, or encouragement by the landlord. A tenant has an independent duty not to violate this chapter. It is not a defense under this chapter for the tenant that the unauthorized use of the County secondary roadway right-of-way was done with the knowledge, approval, consent, or encouragement of the landlord unless the tenant played no part, directly or indirectly, in the action constituting the unauthorized use of the County secondary roadway right-of-way.

2. "County secondary roadway right-of-way" means the entire width, distance, and portion of any property that the County has the right to use, whether by easement or fee, for roadway purposes. County secondary roadway right-of-way includes the traveled portion of the roadway, the shoulders and the ditches and embankments, including both fore slopes and back slopes, attached to any County secondary road that

are used for roadway purposes. Width of these properties varies and have been removed from taxation due to their public usage.

3. “Unauthorized use of the County secondary roadway right-of-way” means any use of the County secondary roadway right-of-way that is not pre-authorized in writing by the County Engineer and that occurs after the effective date of this chapter. It includes, but is not limited to, excavating, filling, or making any physical changes to any part of the County secondary roadway right-of-way; the cultivation and growing of crops on the County right-of-way; the destruction of plants placed in the County right-of-way; the placing of fences or ditches on the County right-of-way; the alteration of ditches, water breaks, and drainage tiles on the County right-of-way; the placement of trash, junk, rocks, corn cobs, brush, vehicles, machinery, or other items on or in the County right-of-way; and the placement of billboards, signs, hazardous mailbox supports, and advertising devices on the County right-of-way.

A. Unauthorized use of the County secondary roadway right-of-way does not include the mowing or harvesting of grasses in the County right-of-way so long as the mowing or harvesting of grasses does not destroy or adversely affect the grasses or other plants in the County right-of-way or is not in violation of an integrated roadside vegetation management plan promulgated pursuant to Section 314.22(2) of the *Code of Iowa*.

B. Secondary roadway right-of-way does not include driving on the traveled portion of the roadway or parking a vehicle on the shoulder of the roadway for less than two hours or parking a disabled vehicle on the shoulder of the roadway for less than 24 hours.

C. Unauthorized use of the County secondary roadway right-of-way does not include the actions of the County Engineer or any agency of the County or the State.

38.03 AUTHORIZATION PROCESS.

1. No action shall be a violation of this chapter if done with the written pre-authorization of the County Engineer.

2. Written pre-authorization shall be in the form of a permit, which shall be issued at no charge.

3. The County Engineer may set forth conditions, limitations, or specifications in the permit and may require the posting of a bond.

4. A permittee under this section may, when appropriate, seek a modification of the permit. The granting of the modification shall be at the discretion of the County Engineer.

5. A violation of the conditions, limitations, or specifications in the permit shall be considered the unauthorized use of the County secondary roadway right-of-way and a violation of this chapter.

6. Upon the violation of the conditions, limitations, or specifications of a permit, the County Engineer may, at their discretion:

A. Modify the permit.

B. Give the permitted notice of the violation and an opportunity, as set out in the notice, to cure the violation by a specified removal deadline.

- C. Take steps to cure the violation and to assess the costs of the cure to the permitted.
- D. Refer the matter to the County Attorney for legal action.
- E. Take other appropriate action.

7. The Board of Supervisors may, at its discretion, by majority vote, waive any violation of this chapter that has not been referred to the County Attorney for legal action.

38.04 ABATEMENT COST. Any persons responsible for the unauthorized use of the County secondary roadway right-of-way shall be strictly liable and responsible for the abatement and the costs of the abatement of the unauthorized use of the County secondary roadway right-of-way and for any damages caused by the unauthorized use of the County secondary roadway right-of-way. The County's costs for abatement or correction of the violation may be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

(Code of Iowa, Sec. 331.307(a)(5))

38.05 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3. Each 24 hour period following the removal deadline specified in Section 38.03(6)(B) that a person is in violation of this chapter is a separate and distinct offense.

38.06 ENFORCEMENT. It shall be the duty of the County Engineer to identify violations of this chapter. Upon the request of the County Engineer, the County Attorney shall take those steps that they deem appropriate to enforce this chapter.

CHAPTER 38

UNAUTHORIZED USE OF SECONDARY ROAD RIGHT-OF-WAY

[The next page is 343]

CHAPTER 45

Commented [JM44]: Title V, Chapter 5 of the County's current code.

LITTER AND YARD WASTE

45.01 Definitions
45.02 Littering Prohibited
45.03 Separation of Yard Wastes

45.04 Violations
45.05 Enforcement

45.01 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Refuse" means any solid waste matter consisting of, but not limited to, garbage, junk vehicles (or parts thereof), machinery (or parts thereof), household trash, yard trash, commercial trash, building materials, trees, rocks, tires, brush, boards, etc.
2. "Hazardous and industrial waste" means chemicals such as poison, acids and caustics, infected materials, explosives, sewage sludge, and sludges and liquids created by factories, processing plants, or other manufacturing enterprises.
3. "Litter" means any refuse improperly discarded upon any public place within the County.
4. "Commercial collector of refuse" means a person or firm who hauls refuse for compensation.
5. "Public place" means any and all streets, sidewalks, alleys, or other public ways and any and all public spaces, grounds, or buildings.

45.02 LITTERING PROHIBITED.

1. It shall be unlawful for any person to scatter, place, or burn any refuse, or hazardous or industrial wastes upon or along any public rights-of-way, stream, body of water, or upon any other public place within the County unless permitted by law.
2. No person or firm shall haul, transport, or otherwise convey any refuse or hazardous or industrial waste within the County unless the same is contained in covered receptacles or is otherwise secured either to or within the vehicle so that the said waste matter does not fall or blow off or out of the vehicle hauling the same, with the following exceptions:
 - A. Construction debris, sand, gravel, or dirt may be hauled in a vehicle with an open, metal, leakproof box, provided that the box is designed to prevent spillage.
 - B. Tree limbs, brush, leaves, lawn, and garden trimmings may be hauled in a vehicle with an open box, secured to prevent spillage.

45.03 SEPARATION OF YARD WASTES.

1. All yard waste shall be separated by the owner or occupant from all other refuse accumulated on the premises and shall be composted or disposed of by other methods as approved by law and the Department of Natural Resources administrative rules. If yard waste is to be set out for collection by commercial collectors, it shall be placed in separate bags, as regulated by County ordinance, for separate collection from other refuse.

2. Yard waste may be composted, burned on the premises, or otherwise disposed of on the property of the owner or operator originating it. Land application of yard waste must meet the requirements of Section 567, Chapter 121 of the *Iowa Administrative Code* and subject to State regulations. Composting or direct land application of yard waste shall not create a nuisance unless otherwise deemed a nuisance under Section 657.2 of the *Code of Iowa*, or any other nuisance sections of the *Code of Iowa*.

45.04 VIOLATIONS. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

45.05 ENFORCEMENT. Enforcement of this chapter shall be by the Sheriff's department, or any other certified peace officers.

Commented [JM45]: At the County's request we removed Title V, Chapter 7 - Mandatory Recycling.

[The next page is 349]

CHAPTER 46

HAZARDOUS MATERIALS

46.01 Purpose
46.02 Definitions
46.03 Cleanup Required
46.04 Liability for Cleanup Costs
46.05 Notification

46.06 Law Enforcement Authority
46.07 Liability
46.08 Penalty
46.09 Enforcement

46.01 PURPOSE. In order to reduce the danger to public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal, and cleanup of leaks and spills with the County.

46.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. **“Cleanup”** means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.
2. **“Hazardous condition”** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of Subchapter IV of the *Code of Iowa*, a site which is a hazardous waste or hazardous substance disposal site as defined in Section 455B.411, Subsection 4, of the *Code of Iowa*, is a hazardous condition.
3. **“Hazardous substance”** means a hazardous substance as defined in 42 U.S.C. §9601 of the federal *Comprehensive Environmental Response, Compensation, and Liability Act* and any element, compound, mixture, solution, or substance designated pursuant to 40 C.F.R. §302.4.
4. **“Hazardous waste”** means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either the following effects:
 - A. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - B. Poses a substantial present or potential hazard to danger to human health or the environment. Hazardous waster may include, but is not limited to, wastes that are toxic, corrosive, or flammable or irritants, strong sensitizers, or explosives.
 - C. Hazardous waste does not include:
 - (1) Agricultural wastes, including matures and crop residues that are returned to the soil as fertilizers or soil conditioners.
 - (2) Source, special nuclear, or by-product materials as defined in the *Atomic Energy Act* of 1954, as amended to January 1, 1979.
(*Code of Iowa, Sec. 455B.411(3)*)

Commented [JM46]: Title V, Chapter 46 of the County’s current code.

Commented [JM47]: The definitions of “cleanup” and “hazardous condition” were updated to match the current definitions in Section 455B.381 of the *Code of Iowa*.

Commented [JM48]: The definitions of “hazardous substance” and “hazardous waste” were updated to match the current definitions in Section 455B.411 of the *Code of Iowa*.

5. "Responsible person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance or hazardous waste the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or waste or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or waste.

(Code of Iowa, Sec. 455B.381(1))

6. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing design to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

46.03 CLEANUP REQUIRED.

1. Whenever a hazardous condition is created so that a hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, defined by Section 46.02(1), as rapidly as feasible to an acceptable safe condition, and restore the affected area to its state prior to the hazardous condition as far as practicable. The cost of cleanup shall be borne by the responsible person.

2. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, by an authorized officer, give reasonable notice based on the character of the hazardous condition, setting a deadline for commencing and accomplishing the cleanup or the County may provide clean-up services. If the cost of the cleanup is beyond the capacity of the County to finance, the authorized officer shall report to the Board of Supervisors and immediately seek any State or federal funds available for such clean up.

46.04 LIABILITY FOR CLEANUP COSTS.

1. The reasonable person shall be strictly liable to the County for all of the following:

A. The reasonable cleanup costs incurred by the County as a result of the failure of the person to cleanup a hazardous substance or waste involved in a hazardous condition caused by that person, including emergency treatment of the hazardous condition.

B. The reasonable costs incurred by the County to evacuate people from the area threatened by a hazardous condition caused by the person.

C. The reasonable damages to the County for the injury to, destruction of, or loss of County property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

46.05 NOTIFICATION.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the County Communications Center in Sac City or contact the Department of Natural Resources, of the occurrence of a hazardous condition as soon as possible, but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. If the incident is reported to any local fire department, or law enforcement agency, they shall notify the County Communications Center who will notify the proper State agencies in the manner established by the State.

2. Any County employee or any member of a law enforcement agency, or any member of a fire department who discovers a hazardous condition shall notify the County Communications Center, who will notify the proper State agencies in the manner established by the State.

46.06 LAW ENFORCEMENT AUTHORITY. If the circumstances reasonably so require, a law enforcement officer or their representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to clean-up personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

46.07 LIABILITY. The County shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, except, if the County is the responsible person as defined in Section 46.02.

46.08 PENALTY. Any person violating any provision, section, or paragraph of this chapter shall be guilty of a simple misdemeanor, or on conviction thereof be subject to a fine as outlined in Chapter 3.

46.09 ENFORCEMENT. This chapter may be enforced by any peace officer certified by the State, by any County emergency management employee, Weed Control Commissioner, Roadside Maintenance Manager, or any member of, or employee of, the County Secondary Roads Department.

[The next page is 357]

CHAPTER 47

CONTROLLED OPEN BURNING

47.01 Purpose
47.02 Definitions
47.03 Regulatory Authority
47.04 Restrictions on Controlled Open Burning

47.05 Compliance
47.06 Enforcement
47.07 Penalties

Commented [JM49]: Per the County, this chapter was added. Please review and let me know if any changes need to be made.

47.01 PURPOSE. The purpose of this chapter is to provide for the safety and welfare of residents and property in the County during controlled open burning and to define the provisions and procedures for implementing penalties for noncompliance.

47.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Building” means any roofed or walled structure built for temporary or permanent use.
2. “Controlled open burning” means the intentional setting of a fire to dispose of property, or for the maintenance of brush, grass, or farmlands, or for any other lawful purpose in the County, outside the corporate limits of cities within the County.
3. “Fire suppression” means providing an ample water supply to spray or dump water directly onto a fire for suppression and control or having equipment available to impede the progress of a fire. Equipment may be farm machinery, farm implements, or other general equipment or implements capable of creating a firebreak to suppress or control a fire.

47.03 REGULATORY AUTHORITY. The authorities responsible for implementation and enforcement of this chapter are the Sheriff’s Department, the Fire Chief of the individual fire district in which a fire is located within the County, or the Coordinator for the County Emergency Management Office, and those officers are hereby authorized to issue civil citations for the violation of this chapter. The Emergency Management Coordinator is designated to receive and disburse funds collected for violation of this chapter.

47.04 RESTRICTIONS ON CONTROLLED OPEN BURNING. Any person who intentionally ignites a fire shall provide fire suppression sufficient to control the fire from spreading out of control. The fire suppression method shall be in place prior to ignition of the fire. Other than the supervised use of outdoor fireplaces, barbecue grills, properly supervised landfills, or the burning of trash incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh with no openings greater than one inch square, all persons engaging in open burning shall be required to give notification to the Sheriff’s Office prior to the controlled open burn. Notification shall be given as to the name, address, location, and time when the controlled burn is to take place and the fire suppression methods utilized. Any person who fails to give proper notification to the proper authorities prior to the controlled open burn may be found in noncompliance with this chapter.

47.05 COMPLIANCE. In the event additional fire suppression is requested or required from the jurisdictional fire department to extinguish any fire that is out of control, the person responsible for the controlled open burn will be deemed to be in noncompliance with this chapter.

47.06 ENFORCEMENT. In the event additional help is requested or required from the jurisdictional fire department to extinguish a controlled fire, an officer of the Sheriff's Office shall be dispatched to the scene of the fire to file a report of the incident. If after investigation and a finding that fire suppression was not sufficiently provided for prior to the ignition of the fire, or the fire was out of control, or entered upon another person's property, the person responsible for the fire may be cited for noncompliance with this chapter.

47.07 PENALTIES. Penalties collected for noncompliance of this chapter shall, to the extent provided by law, be payable to the County Emergency Management Agency for deposit into a fund for reimbursement to the individual fire department for their response to the fire scene.

[The next page is 363]

CHAPTER 48

ANIMAL CONTROL

48.01 Purpose	48.08 Keeping of Vicious Dogs and Dangerous Animals Prohibited
48.02 Definitions	48.09 Vicious Dog and Dangerous Animal Exceptions
48.03 Responsibilities of Owners	48.10 Abatement Procedures Pertaining to Vicious Dogs and Dangerous Animals
48.04 Conditions for Impoundment	48.11 Animal Welfare and Care
48.05 Confinement	48.12 County Infractions
48.06 Keeping of Potentially Dangerous Dogs	
48.07 Right to Kill	

Commented [JM50]: Per County, this chapter was added. Please review carefully and make sure that this meets the needs of the county and that the processes and sections to be enforced are what the County wants.

48.01 PURPOSE. This chapter provides for the regulation of the keeping of any domesticated animals, the conditions for the impoundment of such animals, and the providing of penalties. This chapter provides not only for the regulation of household animals but also the regulation of livestock and breeding animals and vicious dogs and dangerous animals kept as pets.

48.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Animal" means any nonhuman vertebrate.
2. "At large" means any animal found off the premises of its owner and not under the control of a competent person, restrained within a motor vehicle, or fenced-in area, housed in a veterinary hospital or kennel, on a leash (electronic or otherwise) or "at heel" beside a competent person and obedient to that person's command.
3. "Attack" means an act committed by an animal with the ability to execute such an act that either by threat of physical contact or actual physical contact causes fear, pain, or injury to the human being or a domestic animal so long as the latter has not first committed such an act on the offending animal.
4. "Breeding animal" means any animal kept for the purpose of breeding.
5. "Cats" means both male and female animals of the feline species, whether altered or not.
6. "Control" is established when an animal is secured by a leash or lead, confined in a fenced-in area or vehicle, or obedient to a competent person's commands.
7. "County Agent" is a public or private entity either employed or under contract with the County to assist the County in regulating various sections of this chapter.
8. "Dangerous Animal" means
 - A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animals declared to be dangerous by the Board of Health upon reasonable notice to the owner thereof who shall be entitled to a hearing before the Board; and,

- C. The following animals which shall be deemed dangerous animals per se:
- (1) Wolves, coyotes, and foxes;
 - (2) Badgers, wolverines, weasels, mink, and other Mustelids;
 - (3) Bats;
 - (4) Bears;
 - (5) Gila monsters, and lizards that are venomous or poisonous;
 - (6) All apes (including chimpanzees), baboons, and macaques;
 - (7) Monkeys, except the squirrel monkey;
 - (8) Elephants;
 - (9) Wild boar;
 - (10) Black widow and brown recluse spiders and scorpions;
 - (11) Snakes which are naturally venomous or poisonous;
 - (12) Snakes which are constricting and exceeding six feet in length;
 - (13) All cats, except domestic cats (Carnivora of the family Felidae, including, but not limited to, lions, cougars, tigers, jaguars, leopards, lynx, ocelots, bobcats, etc.);
 - (14) Raccoons, opossums, and skunks;
 - (15) Any animal that while running at large has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct by acting in the following manner:
 - a. By biting a person or persons on two separate occasions within a 12 month period; or
 - b. Did bite a person once causing injuries above the shoulders of the person.
9. "Disturbance" means the act of trespassing, chasing, maiming, or killing domestic livestock or fowl; damaging or killing domestic livestock or fowl; damaging or destroying personal property; biting or attempting to bite a person.
10. "Dogs" means both male and female animals of the canine species, whether altered or not.
11. "Domestic animal" means all livestock, household animals, breeding animals, and kennel animals.
12. "Household animal" means any companion animal normally kept by an owner anywhere on that owner's property, whether indoors or outdoors, for the purposes of pleasure, protection, working, or hunting.
13. "Kennel animal" means any animal that under normal conditions is housed in a veterinary hospital or registered kennel.
14. "Livestock" means animals kept for use or pleasure, especially farm animals kept for use and profit including fowl.

15. "Neglected" or "Suffering conditions" means any condition or situation in which the animal is in imminent danger.
16. "Owner" includes, in addition to its ordinary meaning, any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.
17. "Potentially dangerous dog" means any of the following:
- A. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the dog.
 - B. Any dog which, when unprovoked, inflicts injury upon a person less severe than as defined in Section 48.02(21).
 - C. Any dog which, when unprovoked, on two separate occasions, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.
18. "Proper enclosure" means any pen or kennel with sides attached to a secured top and a secured bottom, floor, or foundation. In lieu of a top, a fence may be used that is at least six feet in height or six feet taller than any internal structure that the dog can jump from. In lieu of a bottom, a fence may be used that is imbedded into the ground at least two feet to prevent any digging under the fence.
19. "Provoked" means, but is not limited to:
- A. Any willful trespass or other tort upon premises occupied by the owner or keeper of the dog.
 - B. Any act of teasing, tormenting, abusing, or assaulting or threat to act; being committed by a person or domestic animal against a dog or the owner or keeper of the dog.
20. "Sanitarian" means the Sac County Sanitarian.
21. "Severe injury" means any physical injury to a human being that results in muscle or tendon tears, joint injuries, disfiguring lacerations, or requires multiple sutures.
22. "Stray" means any animal unlawfully running at large, the ownership of which cannot with reasonable investigation be ascertained or any animal which has been abandoned by its owner.
23. "Unincorporated areas" means areas not within the confines of an incorporated city.
24. "Vicious dog" means any of the following:
- A. Any dog, which, when unprovoked and in an aggressive manner, bites a human being above the waist (excluding the hands) or inflicts severe injury upon or kills a human being.
 - B. Any dog previously determined to be potentially dangerous by the Sac County Board of Health which, after its owner or keeper has been notified of the determination, continues the behavior described in Section 48.02(17) or is maintained in violation of Section 48.06.

48.03 RESPONSIBILITIES OF OWNERS. It shall be the responsibility of an owner of any animal, through the use of methods deemed reasonable and proper and in accordance with all other laws, to comply with the following conditions:

1. It is unlawful for an owner of any animal to permit such animal to run at large within the County.
2. It is unlawful for an owner of any animal to permit such animal to pass upon the premises of another person, thereby causing damage to, or interference with, the premises.
3. It is unlawful for an owner of any animal to permit such animal to cause serious noise or disorder to any persons by frequent and habitual howling, yelping, barking, or otherwise; or by running after or chasing persons, bicycles, automobiles, or other vehicles; or in any way posing a public hazard, a public nuisance, or a disturbance.
4. 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 a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the Board of Health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

48.04 CONDITIONS FOR IMPOUNDMENT.

1. All strays and any dog found at large.
2. Any dog, licensed or not, which is causing a disturbance is subject to seizure and impoundment.
3. Citations may be issued to the owner of an animal in lieu of impoundment. Impoundment may be required when no owner can be identified after a reasonable amount of investigation.
4. Any vicious dog or dangerous animal believed to pose a risk or threat of harm to any person or domestic animal may be seized and impounded.
5. Any animal against which multiple complaints for running at large and causing a disturbance have been made is subject to restraint on the property of the owner. This is to include all animals within the County.

48.05 CONFINEMENT. When the Board of Health, Public Safety Officer, or any County Agent (Humane Society) receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, the Board of Health, Public Safety Officer, or County Agent shall order the owner to confine such animal in the manner provided herein.

1. An animal must be quarantined by a licensed veterinarian at the owner's expense, if:
 - A. The animal, over four months of age, has no record of current rabies vaccination. Unvaccinated animals cannot be vaccinated until the end of the quarantine period, at which time the animal must be vaccinated at the owner's expense.
 - B. The events leading to the incident are such that rabies is suspected. There was no due cause for the incident, or the animal has suspicious recent

history. This will be utilized even if the animal has a record of being currently vaccinated for rabies.

2. Home quarantine may be permissible if:
 - A. Conditions listed in Subsection 48.05(1) are not applicable and the owner can provide proper confinement of the animal, complete with the posting of a sign in a conspicuous place, warning of possible rabies infection. Confinement will be done by the penning of the animal so that there is a metal barrier as to prevent the intimate approach of any other animal or person.
 - B. The owner of the animal shall sign an agreement to adhere to the rules of confinement for the designated length of time, and also agrees to notify the County immediately if the animal sickens, dies, or escapes.
 - C. The animal must be examined by a licensed veterinarian at the end of the quarantine period, and revaccinated if the bite occurred within two months of the expiration date of the current vaccination.

The quarantine period shall be 10 days for all animals. With the approval of a licensed veterinarian, said animal may be euthanized and the brain sent for examination at the owner's expense, if it is not practical to confine the animal for reasons of health and safety. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded and after 10 days the animal may be humanely destroyed. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

48.06 KEEPING OF POTENTIALLY DANGEROUS DOGS. A potentially dangerous dog shall at all times be kept confined within a residence or in a secured proper enclosure. The enclosure shall be locked with a key or combination lock to prevent the entry of children. When off the premises, the dog must be kept on a substantial leash of no more than six feet in length and under the control of a responsible adult. If there are no additional instances of the behavior described in Section 48.02(17) within a 36-month period from the date of designation as a potentially dangerous dog, the dog may be removed from the list of potentially dangerous dogs.

48.07 RIGHT TO KILL. The County reserves the right to euthanize any animal not under observation for rabies or under rabies quarantine for which no reasonable veterinary care would prove to be practical to sustain said animal, when said animal is afflicted with a contagious disease which would endanger the welfare of the other animals in the shelter, or any dog declared as vicious by the Board of Health.

48.08 KEEPING OF VICIOUS DOGS AND DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the County except as provided in Section 48.09. No dog declared as vicious shall be allowed to be taken out of or brought into the County.

48.09 VICIOUS DOG AND DANGEROUS ANIMAL EXCEPTIONS. The prohibition contained in Section 48.08 shall not apply to the keeping of illegal animals in the following circumstances:

1. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study.

2. The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
5. Dogs while utilized by any law enforcement officer in the performance of enforcement work.

48.10 ABATEMENT PROCEDURES PERTAINING TO VICIOUS DOGS AND DANGEROUS ANIMALS. In the event that the County Agent has probable cause to believe that a dog is vicious, or a dangerous animal is in violation of this chapter, the County Agent shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious or the dangerous animal is in violation and constitutes a hazard. The County Agent shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the vicious dog or dangerous animal that a hearing will be held at which said owner or keeper may have the opportunity to present evidence why the dog or dangerous animal shall not be declared a hazard. The hearing shall be held promptly within no less than five days or more than 10 days after the service of notice upon the owner or keeper of the dog or dangerous animal. The hearing shall be informal and shall be open to the public. After the hearing, the owner or keeper of the dog or dangerous animal shall be notified in writing of the determination. If a determination is made that the dog is vicious or the dangerous animal is a hazard, the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the County Agent, but in no case more than 30 days subsequent to the date of determination. If the owner or keeper of the dog or dangerous animal contests the determination, they may bring a petition in the district court within the judicial district wherein the dog or dangerous animal is kept, praying that the court conduct its own hearing on whether or not the dog be declared vicious or the dangerous animal be found to be in violation and a threat to the public safety. After service of notice upon the County Agent, the court shall conduct a hearing anew and make its determination as to alleged viciousness or endangerment. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be vicious, or the dangerous animal to be a threat to the public safety, the court may establish a time schedule to insure compliance with this chapter. The court may decide all issues for or against the owner or keeper of the dog or dangerous animal regardless of the fact that said owner or keeper fails to appear at said hearing. The determination of the district court shall be final and conclusive upon all parties thereto. However, the County Agent shall have the right to declare a dog vicious or an animal dangerous for any subsequent actions of the dog or animal. In the event that the County Agent has probable cause to believe that the dog in question is vicious or the animal is dangerous, and poses a threat of serious harm to human beings or domestic animals, the County Agent may seize and impound the dog or dangerous animal pending the aforesaid hearings. The owner or keeper of the dog or dangerous animal shall be liable to the County when the dog or dangerous animal is impounded for costs and expenses of keeping such dog or dangerous animal.

48.11 ANIMAL WELFARE AND CARE. All animals shall be maintained with a “minimum level of care.” This shall mean the care sufficient to reasonably preserve the physical health and condition of the animals, and except for emergencies or circumstances beyond the reasonable control of the owner includes, but is not limited to, the following requirements:

1. A quantity of wholesome feed suitable for the animal’s species and age, sufficient to maintain reasonable levels of nutrition, at intervals of not more than 24 hours or longer if the dietary requirements of the animal require.
2. Reasonable access to a supply of clean, fresh water provided for drinking in amounts and at intervals suitable for the species, not to exceed 24 hours at any interval.
3. If the animal is a pet, adequate access to a shelter sufficient to ensure that the pet does not suffer unreasonable distress due to natural elements, including, but not limited to, wind, rain, snow, sun, cold, or dampness.
4. If the animal is livestock, adequate access to a natural or constructed barrier sufficient to offer reasonable protection against temperature extremes, wind, rain, or snow.
5. If the animal is restricted in a confinement area for an extended period, the area shall be kept reasonably clean and free from contaminates, including animal waste, which may threaten the health of the animal.
6. Veterinary or farrier care, if a reasonably prudent person would advise such care to relieve distress from injury, disease, or neglect.
7. If the animal is a pet, a confinement area with adequate space for the exercise necessary to preserve the health of the animal and which provides a dry area for the animal to rest. The air temperature or ventilation in the confinement area shall be suitable to preserve the health of a normal animal of the same species.
8. If an animal is fastened by a leash, including a rope or chain, which restricts the movement of the animal, a leash shall be attached to the animal by a well-fitting collar or harness that is fastened to the animal in a manner designed to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food or water.

In the event that the County Agent finds animals in neglected or suffering conditions, the County Agent shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner’s expense, providing that the owner is notified by certified mail or by personal service by the County Agent before removal. If it is determined by the County Agent that the animal is of critical nature, the County Agent make take immediate steps to protect the animal, to include having the animal checked by a veterinarian. Return of the animal to the owner shall not be permitted until the owner shall have made full payment for all expenses so incurred by the County Agent. Said payment shall not be considered in lieu of any charges which may be filed.

48.12 COUNTY INFRACTIONS. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

[The next page is 375]

CHAPTER 49

Commented [JM51]: Title V, Chapter 8 of the County's current code.

RABIES CONTROL

49.01 Purpose
49.02 Duty to Report

49.03 Confinement
49.04 Penalty

49.01 PURPOSE. The purpose of this chapter is to establish specific procedures and requirements to enable the Board of Health to effectively carry out functions relating to rabies control which are imposed upon it by Chapter 351 of the *Code of Iowa*. This chapter is intended to be consistent with the purposes and procedures of Chapter 351 of the *Code of Iowa*.

49.02 DUTY TO REPORT. 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 Health Department or a law enforcement official. Any law enforcement official receiving such information shall report it immediately to the Health Department. To the extent such matters are not privileged, it shall be the duty of physicians and veterinarians to report to the Health Department the existence of any animal known or suspected to be suffering from rabies.

49.03 CONFINEMENT.

1. When the Health Department receives information that such a person has been bitten by an animal or that an animal is suspected of having rabies, it shall order the owner to confine the animal in the manner it directs for 14 days. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded. At the end of the observation period, if the owner pays the costs of impoundment, the Health Officer may return the animal to its owner. Otherwise, the animal shall be humanely destroyed.
2. If the animal involved is a dog or cat, with no apparent owner, the Health Officer shall have the animal confined for rabies observation.
3. When these standard procedures will threaten the health of a victim of animal attack, the Health officer may order destruction and laboratory examination of an owned animal. However, this can only be ordered on request of the victim's physician and advice of State Department of Health personnel, and then, only if the victim or their parent or guardian requests such action and agrees to hold harmless and indemnify the County for any damage caused by said action.
4. The owner of any animal reasonably subjected to the foregoing procedures shall pay all costs resulting from apprehension, confinement, examination, or destruction. Any person directed to pay under this paragraph shall, if demand is made in writing within 30 days of written notification by the County of damage assessed, be entitled to a hearing to determine liability and damages under this ordinance.
5. If at any time the *Code of Iowa* is amended to specify a shorter time period than 14 days for rabies observation, the provision of this chapter shall automatically change to become consistent with the *Code of Iowa*.

49.04 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

[The next page is 381]

CHAPTER 50
ASSAULT AND HARASSMENT

50.01 Assault
50.02 Harassment

50.03 Penalties for Violation

50.01 ASSAULT. No person shall, without justification, commit assault defined as follows:

Commented [JM52]: Sections 50.01 and 50.02 were updated to match the current *Code of Iowa* sections for assault and harassment.

1. Types of Assault.
 - A. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1(2)(a))
 - B. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1(2)(b))
 - C. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.
(Code of Iowa, Sec. 708.1(2)(c))
2. Exceptions. An act described as assault in Subsection 1 shall not be an assault under the following circumstances:
 - A. If the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social, or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity and does not create an unreasonable risk of serious injury or breach of the peace.
(Code of Iowa, Sec. 708.1(3)(a))
 - B. If the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.
(Code of Iowa, Sec. 708.1(3)(b))

50.02 HARASSMENT.

1. Definition. The following term is defined for use in this section.
 - A. “Personal contact” means an encounter in which two or more people are in visual or physical proximity to each other. Personal contact does not

require a physical touching or oral communication, although it may include these types of contacts.

(Code of Iowa, Sec. 708.7(8)(b))

2. Harassment. No person shall commit harassment. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

A. Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(Code of Iowa, Sec. 708.7(1)(a)(1))

B. Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or car, or boat occupied by another person.

(Code of Iowa, Sec. 708.7(1)(a)(2))

C. Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.

(Code of Iowa, Sec. 708.7(1)(a)(3))

D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.

(Code of Iowa, Sec. 708.7(1)(a)(4))

3. Act of Harassment. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate, or alarm that other person.

(Code of Iowa, Sec. 708.7(1)(b))

4. Exceptions. The following do not constitute harassment.

A. A photograph or film involving voluntary exposure by a person in public or commercial settings.

(Code of Iowa, Sec. 708.7(6)(a))

B. Disclosures made in the public interest, including but not limited to, the reporting of unlawful conduct, disclosures by law enforcement, news reporting, legal proceeding disclosures, or medical treatment disclosures.

(Code of Iowa, Sec. 708.7(6)(b))

C. Disclosures by an interactive computer service of information provided by another information content provider, as those terms are defined in 47 U.S.C. §230.

(Code of Iowa, Sec. 780.7(6)(c))

50.03 PENALTIES FOR VIOLATION. A person who commits assault or harassment as defined in this chapter shall be guilty of a simple misdemeanor as stated in Chapter 3.

Commented [JM53]: We removed the section on "stalking" as it is more than a simple misdemeanor.

[The next page is 463]

CHAPTER 60
PUBLIC HEALTH NUISANCES

60.01 Purpose	60.06 Public Health Nuisance Defined
60.02 Applicability	60.07 What Deemed Nuisances
60.03 Authority	60.08 Inspections
60.04 Designated Agency	60.09 Closing of Premises
60.05 Public Health Nuisance Prohibited	

60.01 PURPOSE. The purpose of this chapter is to provide minimum standards for the protection and safeguard of life, health, property, and the general public welfare by regulating and controlling health nuisances.

60.02 APPLICABILITY. The provisions contained herein apply to all nuisances occurring within unincorporated County and all incorporated places in the County which have not established a city Board of Health.

60.03 AUTHORITY. Pursuant to Chapter 137 of the *Code of Iowa*, local Boards of Health, the Board of Health adopts the rules contained in this chapter necessary for the protection and improvement of public health.

60.04 DESIGNATED AGENCY. Pursuant to Chapter 137 of the *Code of Iowa*, local Boards of Health, the Environmental Health Department (EH) is the designated agency to interpret, monitor, and enforce the rules contained in this chapter.

60.05 PUBLIC HEALTH NUISANCE PROHIBITED. The creation or maintenance of a public health nuisance is prohibited.

60.06 PUBLIC HEALTH NUISANCE DEFINED. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance

60.07 WHAT DEEMED NUISANCES.

1. All decayed or unwholesome food offered for sale to the public.
2. All diseased animals running at large.
3. Carcasses of animals not buried or destroyed within 24 hours.
4. Garbage or refuse cans which are not fly tight.
5. The pollution of any well, cistern, spring, tile system, lake, river, stream, canal, or body of water.
6. The use, sale, or storage of any toxic substance in such a manner as to constitute a hazard to the public.
7. Any building or structure in which people are housed or congregate for any purposes, which building has become dangerous for further occupancy because of structural, sanitary, or other defects.

8. Any building or place that is conducive to the breeding, harboring, feeding, or shelter of any vermin or pests, such as (but not limited to) flies, mice, cockroaches, or rats.
9. Any water supply for human consumption which is pathogenically or chemically unsafe according to the latest Federal Environmental Protection Agency's standards.
10. Accumulations of manure, rubbish, derelict appliances, broken furniture, or other solid waste that remains in place for a duration that would be injurious to public health and safety.
11. Any home, building, structure, or site where hazardous material has been found following clinical reporting, departmental investigation, or analytical testing resulting in positive identification of the hazard. Examples of some common hazardous materials include:
 - A. Lead,
 - B. Asbestos,
 - C. Molds,
 - D. Carbon monoxide gas,
 - E. Radon gas, and
 - F. Formaldehyde gas.
12. Emission of dense smoke, noxious fumes, or fly ash into the air.

60.08 INSPECTIONS. Whenever Environmental Health Department has reasonable grounds to believe that a public health nuisance exists, an inspection may be made of such premises, dwelling, or other building in order to gather information and evidence. Information and evidence may include, but is not limited to, taking statements from residents and neighbors, taking pictures, measuring distances, and collecting water samples, soil samples, and other necessary specimens for the purpose of laboratory analysis. The Environmental Health Department shall enter such premises to make inspections and to obtain samples as are necessary for the investigation. Such inspection shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and at other times with the consent of the occupant, or in case of emergency. The provisions of this section shall apply to all premises, buildings, or dwellings, vacant or occupied. Environmental Health Department may make as many additional inspections of such premises as are deemed necessary.

60.09 CLOSING OF PREMISES. In such cases, the Board of Health may order the occupants to vacate premises where a nuisance exists, and determine a reasonable time to abate the nuisance violation or cause the reduction of hazards. If the order is not complied with, said Board of Health may cause the occupants to be forcibly removed and close the premises, and said place shall not again be occupied as a dwelling or place of business without the written permission of the Board of Health.

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CHAPTER 62

Commented [JM54]: Title V, Chapter 1 of the County's current code.

PRIVATE WATER WELLS - PERMITTING AND CONSTRUCTION

62.01 Definitions
62.02 Registration and Permit Required
62.03 Application for Permit
62.04 Fees
62.05 Standards for Private Water Wells

62.06 Notice of Construction
62.07 Contractor's Report Required
62.08 Enforcement
62.09 Variances
62.10 Penalty

62.01 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Construction" means the physical act or process of making a water well including, but not limited to, siting, excavation, construction, and installation of equipment and materials necessary to maintain and operate the well.
2. "Contractor" means a person engaged in the business of well construction or reconstruction. The term may include a corporation, partnership, sole proprietorship, association, or any other business entity, as well as any employee or officer of such an entity.
3. "Health Officer" means the County Sanitarian or their authorized representative.
4. "Landowner" means an individual, trust, partnership, corporation, government or governmental subdivision or agency, association, or other legal entity that has legal or equitable title to a piece of land.
5. "Landowner's agent" means a person who acts for or in place of the landowner by authority from the landowner.
6. "Permit" means a formal written approval to construct a private water well.
7. "Private water well" means a well that does not supply a public water supply system.
8. "Public water supply system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
9. "Water well" means an excavation that is drilled, cored, bored, augured, washed, driven, dug, jetted otherwise constructed for accessing groundwater. Water well does not include an open ditch or drain tiles.

62.02 REGISTRATION AND PERMIT REQUIRED. No person, including landowners, landowner's agents, or contractors, shall construct a private water well within the boundaries of the County unless that person is registered with the Iowa Department of Natural Resources as a water well contractor and a permit has been issued to the landowner by the Health Officer.

62.03 APPLICATION FOR PERMIT.

1. Any landowner or landowner's agent desiring a permit to construct a private water well must file with the Health Officer an application supplying information as may be required to identify and describe the proposed project, along with the required fee.
2. Upon receipt of the application and the required fee, the Health Officer shall review the application. If the proposed project, as described in the application, will conform with the provisions of this chapter, the Health Officer shall approve the application and issue a permit. If the application does not indicate conformance, the permit shall be denied and the applicant shall be promptly notified in writing of the reason for denial. When permits have been denied, the applicant may submit an amended application with no additional payment of fees.
3. Permits shall expire one year following the date of issuance. If the proposed project has not been completed by the expiration date, a new permit must be applied for and granted before work begins.

62.04 FEES. The fee for a permit for the construction of a non-public water well shall be set by rule of the Board of Health.

62.05 STANDARDS FOR PRIVATE WATER WELLS. Standards for siting, procedures, materials, and equipment used in the construction of private water wells shall be set forth in *Iowa Administrative Code 567-49*, which is hereby adopted as a part of this chapter by reference. Failure to conform to these or other applicable rules of the State shall be deemed a violation of this chapter.

62.06 NOTICE OF CONSTRUCTION. To allow proper inspection, the Health Officer must be notified in advance by the contractor of intention to begin construction of a private water well. An estimated time and date for project completion must also be stated at that time.

62.07 CONTRACTOR'S REPORT REQUIRED. Any contractor, who has constructed a private water well in the County, must supply to the Health Officer within 30 days of completion, a copy of the driller's log which is required by [Iowa Administrative Code 567-37](#) to be submitted to the Iowa Department of Natural Resources.

62.08 ENFORCEMENT. It shall be the duty of the Health Officer to enforce the provisions of this chapter.

62.09 VARIANCES. Variances to these rules may be granted by the Board of Health upon written request. A variance may be justified where substantially equal protection of health shall be afforded by alternate means, or where the degree of variance from the rule is so small that no significant risk is incurred and the rule involved places a substantial and unreasonable burden on the applicant.

62.10 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

[The next page is 487]

CHAPTER 63

ABANDONED WELLS

63.01 Purpose
63.02 Applicability

63.03 Adoption of State Code
63.04 Designated Agency

Commented [JM56]: We updated this chapter to be more current.

63.01 PURPOSE. The purpose of this chapter is to protect groundwater resources by promoting, enforcing, and overseeing the proper plugging of abandoned wells.

63.02 APPLICABILITY. The provisions contained herein apply to all abandoned wells in the County, including the incorporated areas. An abandoned well is any well that is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing water is unsafe or impractical.

63.03 ADOPTION OF STATE CODE. Pursuant to Chapter 137 of the *Code of Iowa*, the Board of Health adopts, in its entirety, by reference, the following *Iowa Administrative Code* chapter: 567 IAC 39 - *Requirements for Properly Plugging Abandoned Wells*.

63.04 DESIGNATED AGENCY. Pursuant to Chapter 137 of the *Code of Iowa*, the County Environmental Health Department (EH) is the designated agency to interpret, monitor, and enforce the rules contained in this chapter.

[The next page is 493]

CHAPTER 64

Commented [JM57]: Title V, Chapter 3 of the County's current code.

STANDARDS FOR ON-SITE WASTEWATER TREATMENT SYSTEMS

64.01 Purpose	64.12 Reserved
64.02 Definitions	64.13 Disposal of Septage
64.03 General Requirements	64.14 Variances
64.04 Permit Requirement	64.15 Right of Entry
64.05 Permit Procedure	64.16 Refusal of Admittance
64.06 Emergency Work	64.17 Notice
64.07 Final Inspection Requirement	64.18 Appeal
64.08 Fees	64.19 Jurisdiction
64.09 Site Criteria	64.20 Separate Offenses
64.10 Additional Subsurface Absorption System	64.21 Penalty
64.11 Installer License Required	

64.01 PURPOSE. The purpose of this chapter is to protect the health of the public from hazards resulting from inadequate treatment of human waste and sewage.

64.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Drop box" means a watertight device for distribution of wastewater which requires each trench to stand full before allowing wastewater to flow to successive trenches.
2. "Effluent" means the liquid that flows out of a sewage treatment device (septic tank, aerobic tank, or sand filter).
3. "Health Department" means the personnel and property under the jurisdiction of the Board of Health.
4. "Health Officer" or "Sanitarian" or "Sanitation Officer" means the person appointed as such by the Board of Health and the Board of Supervisors.
5. "Holding tank" means a buried watertight tank used to hold sewage until it is remove for transport to an approved sewage treatment facility.
6. "Installer" means a person, firm, or corporation who constructs, alters, or repairs an on-site wastewater treatment and disposal system, whether on their own behalf or as agent for another.
7. "On-site wastewater treatment and disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis, which does not discharge into the waters of the State. Included within the scope of this definition are house drains, house sewers, septic tanks, leaching or seepage pits, privy vaults, subsurface filters, or any other device that will properly conduct, collect, store, treat, or dispose of sewage or human waste.
8. "Septage" means the contents of a septic tank, private aerobic sewage treatment tank, or holding tank.
9. "Septage hauling" means the business of pumping, transporting, and disposing of septage.

64.03 GENERAL REQUIREMENTS.

1. The provisions of *Iowa Administrative Code 567-69*, On-Site Wastewater Treatment and Disposal Systems, or revisions thereof, are adopted by reference and made a part of this chapter.
2. All private sewage disposal systems hereafter installed shall be operated and maintained so that no public health hazard is created. Public health hazards include, but are not limited to, failure of the system to drain sewage from a building, and seepage of sewage to the surface of the ground or onto any surface or subsurface drainage or groundwater system before receiving adequate secondary treatment.
3. No private sewage disposal system hereafter installed shall serve more than one dwelling unit or more than one structure.
4. All private sewage disposal systems, in existence before the effective date of this chapter, shall be made to comply with the requirements of this chapter when any of the following occur:
 - A. The Board of Health determines that health hazard exists;
 - B. A dwelling which has been unoccupied for 12 consecutive months is re-occupied;
 - C. A mobile home, new or reconstructed dwelling, or other structure, is connected to or is to be served by an existing private sewage disposal system.

64.04 PERMIT REQUIREMENT. No person shall construct, alter, extend, or repair a private sewage disposal system in the County until a written permit has been obtained from the Health Officer.

1. Permits shall be displayed during system construction to be plainly visible from the public road.
2. Permits shall expire one year from the date of issuance. If the permitted work is not completed before the permit expires, the permit must be renewed before beginning or continuing the work.

64.05 PERMIT PROCEDURE.

1. Applications for permits shall be made to the Health Officer, on forms provided. Applicants shall include all relevant information requested on the form, and shall be accompanied by the current application fee. Applications shall include a report of a percolation test conducted on the site by a licensed installer, engineer, or other such firm or individual authorized to perform such a test in the State, and a proposed system design plan in sufficient detail to enable review for compliance.
2. The Health Officer, after a site evaluation, shall, within 30 days of receipt of the application, deny or approve the permit in writing based on conformance with this chapter and reasonable consideration for the public health. A denial shall state the grounds for denial and inform the applicant of the rights of appeal and the variance procedures.
3. No permit, which requires as a precondition the granting of an easement or a variance, shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

64.06 EMERGENCY WORK. In the event of an emergency situation, work may be initiated without first obtaining a permit. However, an application for permit must be submitted at the first. All emergency work must be done in conformity with the provisions of this chapter and shall be inspected by the Health Officer for full compliance.

64.07 FINAL INSPECTION REQUIREMENT.

1. Notice of readiness for final inspection of all private sewage disposal system installations by the Health Officer must be given by the installer at least seven working hours in advance (for instance, by 9:00 a.m. for a 4:00 p.m. inspection on the same day). No part of an installation may be covered or constructed so as to deny final inspection.
2. Installers of mounds, sand filters, and other non-conventional systems must comply with any additional inspection requirements specified on the permit by the Health Officer.

64.08 FEES.

1. Fees, for private sewage disposal system permit applications, renewals of private sewage disposal system permits, site evaluations performed by the Health Officer, installers' licenses and septage hauling licenses, shall be set by rule of the Board of Health.

(Code of Iowa, Sec.137.7)

2. When application amendments require evaluation of additional sites, a separate evaluation fee shall be required for each site.
3. All fees are payable to the Health Department.

64.09 SITE CRITERIA. All subsurface absorption systems shall be installed on sites which meet the following minimum standards unless compensatory design modifications are approved by the Health Officer:

1. Maximum slope is 15 percent.
2. The site must not be the center of a surface drainage area, nor subject to regular flooding.
3. Soil below the level of the proposed distribution pipe shall be undisturbed, unfilled soil.
4. No part of the soil profile, which contains more than 50 percent stone or rock by volume, shall be considered soil for the purposes of this section.

64.10 ADDITIONAL SUBSURFACE ABSORPTION SYSTEM. The following provisions are deemed appropriate to site and soil conditions in the County:

1. The bottom of each absorption trench shall be excavated level end-to-end.
2. Drop boxes may be used instead of distribution boxes to distribute septic tank effluent to trenches on sloping sites, with the approval of the Health Officer. Drop box design and installation shall conform to guidelines published by authorities in on-site sewage treatment, such as *On-Site Domestic Sewage Disposal Handbook, First Edition, Midwest Plan Service, Ames, Iowa*, or revision thereof. In no case may the top of an absorption trench pipe be installed at a lower elevation than the bottom of the drop box relief pipe.

Commented [JM58]: QUESTION - Is this the handbook that is still followed or does the reference need to be updated? If it needs to be updated, what is currently being used?

3. A pre-cast concrete riser shall be used on all new septic tank installations or septic tank modifications allowing for final placement of the septic tank lid to be a maximum of six inches below final grade.

64.11 INSTALLER LICENSE REQUIRED.

1. It is unlawful for any person, firm, or corporation to install an on-site wastewater treatment and disposal system without current license issued by the Health Officer. Percolation testing shall be conducted only by a licensed person, and a licensed person shall be on-site at all times during system installation.

2. Licenses shall be issued according to the following provisions:

A. Applicants shall apply to the Health Officer on forms supplied, and shall pay the required annual fee as determined by the Board of Health. If a firm or corporation licenses several persons, the fee shall be the same as if only one person were licensed.

B. Applicants shall demonstrate an understanding of applicable codes and techniques for percolation testing, system design, and installation, and may be required to attend training sessions at the discretion of the Health Officer.

C. Each application for license shall be accompanied by a Certificate of Insurance indicating that the applicant has public liability insurance in effect for the duration of the license period for the following minimum amounts:

(1) Bodily injury - \$15,000.00 per person, \$30,000.00 per incident.

(2) Property damage - \$15,000.00 per incident.

D. Licenses shall be valid for a period of one year.

E. Licenses may be revoked or suspended by the Board of Health upon conviction of one or more violations of this ordinance. Revocation or suspension of the license of any member, partner, officer, or employee of a firm or corporation shall automatically extend to all members, partners, officers, or employees of the firm or corporation.

64.12 RESERVED.

64.13 DISPOSAL OF SEPTAGE. In addition to the rules of *Iowa Administrative Code 567-69.14*, the following provisions shall apply:

1. It is unlawful for any person, firm, or corporation to engage in septage hauling without a current license issued by the State in accordance with the rules of *Iowa Administrative Code 567-68*.

2. Licenses for septage hauling shall be issued according to the following provisions:

A. Applicants shall apply to the Health Officer on forms supplied, shall provide the information requested, and shall pay the required fee.

B. Upon receipt of the completed application and fee, the Health Officer shall issue a license.

C. Licenses for septage hauling shall be valid for a period of one year.

3. All septage and all human wastes pumped from septic tanks, holding tanks, pit toilets, and portable toilets must be handled in a sanitary manner and disposed of in a manner approved by the Health Officer.

4. Owners of private sewage disposal systems, who have their tanks pumped by septage haulers not currently licensed, shall be in violation of this chapter.

64.14 VARIANCES. Variances to these rules may be granted by the Board of Health upon written request. A variance may be justified where substantially equal protection of health shall be afforded by alternate means, or where the degree of variance from the rule is so small that no significant risk is incurred and the rule involved places a substantial and unreasonable burden on the applicant.

64.15 RIGHT OF ENTRY. The Health Officer shall have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises in the discharge of official duties to make any inspection, re-inspection, or test that is reasonably necessary to protect the public health, safety, and welfare. Where the building or premises is unoccupied, the consent of the owner shall be obtained.

64.16 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this chapter, shall be refused entry, a complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the Health Officer to enter such place for the purpose of making such inspection, pursuant to an administrative warrant.

64.17 NOTICE. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been violation of any provision of this chapter, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons why it is being issued, citing the provisions of the ordinance involved.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or the owner's agent or the occupant, as the case may require; provided that such notice shall be deemed properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon the owner or agent personally; or if a copy thereof is sent by certified mail to the last known address; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if the owner or agent is served with such notice by any other method authorized or required under the laws of the State.
5. State that unless a condition described is corrected within the time specified therein, any permit issued under this chapter may be suspended, revoked, or court action initiated.

64.18 APPEAL. Any person, aggrieved by any order made by the Health Officer, shall have the right to appeal to the Board of Health by filing a written notice of such appeal with the Board of Health within 10 days of the date of such order. If such a notice is filed, the Board of Health shall set a time and place for a hearing, and notify the party that has filed the appeal. The date of the hearing shall not be more than 15 days after the date the notice of appeal was filed. The

notice of the hearing shall be sent by certified mail. The Board of Health by majority vote shall modify, withdraw, or order compliance with said order. The aggrieved party may appeal any order of the Board of Health to the district court of the County within 20 days of the date of such order.

64.19 JURISDICTION. The provisions of this chapter shall apply throughout the County, including cities and towns therein.

64.20 SEPARATE OFFENSES. The owners or tenant of any property and any installer or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties therein provided.

64.21 PENALTY. Anyone violating this chapter shall be subject to the provisions Chapter 3.

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CHAPTER 65

Commented [JM59]: Title V, Chapter 4 of the County's current code.

INSPECTION OF ON-SITE WASTEWATER TREATMENT SYSTEM

65.01 Purpose
65.02 Definitions
65.03 General Requirements
65.04 Right of Entry
65.05 Refusal of Admittance

65.06 Appeal
65.07 Jurisdiction
65.08 Separate Offenses
65.09 Penalty

65.01 PURPOSE. The purpose of this chapter and its regulations is to protect the public health, safety, and welfare by following the provisions outlined in *Iowa Administrative Code* 567-69 at the time an on-site wastewater and disposal system is inspected in the County.

65.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "On-site wastewater treatment and disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis which does not discharge into the waters of the State. Included within the scope of this definition are house drains, house sewers, septic tanks, leaching or seepage pits, privy vaults, subsurface filters, or any other device that will properly conduct, collect, store, treat, or dispose of sewage or human waste.
2. "Health Department" means the personnel and property under the jurisdiction of the Board of Health.
3. "Health Administrator" means the Chairperson of the Board of Health or their authorized representative.
4. "Septic tank" means a watertight tank constructed of concrete or other approved non-corrodible material used for the purpose of receiving sewage and provides for the separation of suspended solids in such sewage and for the partial treatment by anaerobic bacteria on the solids so separated.
5. "Subsurface absorption system" or "Leach field" means an open-jointed or perforated system of pipes into which the primary treated effluent from the distribution box is discharged for direct absorption into the soil, referred to as part of the open portion of the treatment system.

65.03 GENERAL REQUIREMENTS.

1. All private sewage disposal systems hereafter inspected shall be operated and maintained in such a manner that no public health hazard is continued or created. Public health hazards include, but are not limited to; failure of the system to drain sewage from a building, disposal of sewage to the surface of the ground, or seepage of sewage into any surface or subsurface drainage or groundwater system before receiving adequate secondary treatment.

2. When a private sewage disposal system is inspected by the Health Administrator, the inspection shall include the following:
 - A. Unearthing, emptying, and inspection of the septic tank and at the discretion of the Health Administrator, may include unearthing and inspection of the distribution box. The tank shall be unearthed and cleaned no more than 24 hours prior to the scheduled inspection.
 - B. Introduction of water from a pressurized source into the outlet baffle of the septic tank for a period of time which the Health Administrator deems necessary to reasonably assess the capability of the leach field to accept effluent.
 - C. If upon inspection the system is found to be in violation, the system must be brought into compliance with standards set forth in *Iowa Administrative Code 567-69*.
3. An inspection fee with the amount to be determined annually by the Board of Health, shall be paid by the party requesting the inspection at the time the inspection request is made.
4. All fees are payable to the Health Department and are non-refundable.
5. An inspection report will be submitted to the party requesting the inspection by the Health Administrator within 14 days following the inspection. The inspection report is based on the information collected by the Health Administrator at the time of inspection and does not constitute any warranty, actual or implied, of the general working condition of the inspected system.
6. Any violation noted and abatement order given in the inspection report will be brought into compliance following the written requirements of compliance outlined in the final inspection report within a reasonable length of time.

65.04 RIGHT OF ENTRY. The Health Administrator shall have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises in the discharge of official duties and make any inspection, re-inspection, or test that is reasonably necessary to protect public health, safety, and welfare. Where the building or premises is unoccupied, the consent of the owner shall be obtained.

65.05 REFUSAL OF ADMITTANCE. In the event the Health Administrator, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this chapter, is refused entry, a complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the Health Administrator to enter such place for the purpose of making such inspection.

65.06 APPEAL. Any person aggrieved by any abatement order or notice of violation made by the Health Administrator, shall have the right to appeal to the Board of Health within 10 days of the date of such order. The notice of appeal shall be in writing and state the grounds for the appeal and the relief requested. When such notice of appeal is filed, the Board of Health shall set a time and place for a hearing, and notify the party that has filed the appeal of the time and place for hearing by certified mail. The date of the hearing shall not be more than 30 days after the date the notice of appeal was filed. The Board of Health, by majority vote, shall modify, withdraw, or order compliance with the abatement order. The aggrieved party may appeal any order of the Board of Health to the district court of the County, within 20 days of the date of such order.

65.07 JURISDICTION. The provisions of this chapter shall apply throughout the County, including cities and towns therein.

65.08 SEPARATE OFFENSES. The owners of any property or other persons who commit, participate in, assist in, or maintains a violation, each may be charged with a separate offense and upon conviction suffer the penalties herein provided.

65.09 PENALTY. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

CHAPTER 65

INSPECTION OF ON-SITE WASTEWATER TREATMENT SYSTEM

[The next page is 547]

CHAPTER 70

Commented [JM60]: Title VII, Chapter 1 of the County's current code.

CONSERVATION BOARD REGULATIONS

70.01 Definitions	70.15 Recreation Uses Only Allowed
70.02 Scope	70.16 Use of Motor Vehicles Restricted
70.03 Fees and Charges	70.17 Use of Horses Restricted
70.04 Hunting Only in Designated Areas	70.18 Trapping Restricted
70.05 Animals on Leash - Exceptions	70.19 Reserving Park Facilities
70.06 Use of Firearms, Explosives, Weapons, and Fireworks Prohibited	70.20 Domestic Refuse Not Permitted
70.07 Camping	70.21 Official Signs
70.08 Noise Producing Devices	70.22 Possession and Consumption of Beer and Alcohol
70.09 Use of Chainsaws	70.23 Closing Time
70.10 Cutting of Trees Prohibited	70.24 Operation of Boats
70.11 Picking of Plants, Flowers, and Fruits - Exceptions	70.25 Motor Vehicles Unattended Not Permitted
70.12 Rock Climbing or Rappelling	70.26 Breach of Peace
70.13 Public Address Systems Restricted	70.27 Closing of Areas to Public Use
70.14 Radio, Television, or Telephone Equipment Restricted	70.28 Exceptions to the Rules and Regulations
	70.29 Rules and Regulations - Force and Effect

70.01 DEFINITIONS. Pursuant to the authority of Chapter 350 of the *Code of Iowa* and the County Conservation Board hereby promulgates and places into effect the following regulations. The following terms, as used in these regulations, shall for the purpose of these regulations have the meaning assigned hereto, unless a different meaning is clearly indicated. Some definitions may also be found in the *Code of Iowa*.

1. "Adult group" means any group of adults consisting of members of an established organization.
2. "Area" means all or any part of the land or water owned, leased, managed, or by other means under the control of the Board.
3. "Authorized representative" means Park Ranger, Park Attendants, and other persons designated from time to time by the Director.
4. "Camp" or "Camping" means the use of a shelter such as a tent, trailer, motor home, tarp, or sleeping bag for temporary residence at a campground.
5. "Camping day" means a period of any portion of a period from 3:00 p.m. of one day to the established checkout time for the following day.
6. "Campground" means any area designated by the Board for camping.
7. "Camping party" means any individual, family, or informal unorganized group of not more than two persons occupying one campsite.
8. "Camping unit" means either a single tent no larger than 144 square feet in size at its base; pickup camper; motor home or van or converted bus; passenger vehicle; recreation trailer used for a camp by a camping party; except those shelters used exclusively for dining purposes; plus, at the option of said camping party, a second tent or an additional tent no larger than 144 square feet at its base, if same is used and occupied by members of that same camping party.
9. "Campsite" means a segment of a campground designated by the Board for camping by a camping unit or camping party.

10. "Capacity" means the maximum number of camping parties or camping units that the Board, Director, or other authorized representatives shall, from time to time, determine may occupy an area, campground, or campsite.
11. "Conservation Board" means the Sac County Conservation Board.
12. "Director" means the Executive Director for the Conservation Board and Department of Conservation.
13. "Family" means a parent or parents with their unmarried children and not more than two other lineal relatives or not more than two minor guests.
14. "Noise" means any loud, confused, or senseless shouting or outcry; a sound lacking in agreeable musical quality or which is noticeably unpleasant or excessively loud as to disturb others.
15. "Official signs" means signs provided for in the *Iowa State Highway Commission Manual on Uniform Traffic Control Devices for Iowa Streets and Highways* and other signs designated from time to time by the Board.
16. "Special Use Permit" means the Use Permit issued by the Department pursuant to authority delegated by the Board, and signed by the Director or other authorized representative.
17. "Youth group" means a group consisting of minor members of an established organization and under the leadership of at least one competent, mature adult for each eight minors in the group and using any number of camping units.

70.02 SCOPE. The provisions of these regulations shall apply to all areas.

70.03 FEES AND CHARGES.

1. Fees or charges made for services or for the use of the land, facilities, equipment, materials, or supplies on any area to be collected by the Board or authorized concessionaires, shall be prescribed and approved by the Board.
2. It shall be unlawful for any persons to enter or use any facilities for which entrance fees or user fees are prescribed without payment of same, in advance, except those persons on official business or authorized by special use permit.

70.04 HUNTING ONLY IN DESIGNATED AREAS. Section 461A.42 of the *Code of Iowa* is hereby modified under authority of Section 350.10 of the *Code of Iowa* as follows: It shall be lawful to hunt or pursue game birds or wild game animals in or on all areas designated from time to time as hunting areas by the Board. The Board shall post all such areas with official signs to constructively notify the public that this activity is lawful.

70.05 ANIMALS ON LEASH - EXCEPTIONS. Section 461A.5 of the *Code of Iowa* entitled "Animals on Leash" is hereby modified under the authority of Section 350.10 of the *Code of Iowa* as follows: It shall be lawful to permit dogs to run at large during the participation of hunting activities in all areas designated from time to time as hunting areas by the Board. This section applies only during the times as stipulated in Section 70.04.

70.06 USE OF FIREARMS, EXPLOSIVES, WEAPONS, AND FIREWORKS PROHIBITED. Section 461A.42 of the *Code of Iowa* is hereby modified under authority of Section 350.10 of the *Code of Iowa* as follows: It shall be unlawful to hunt, pursue, or in any manner molest any birds or wild animals or to use or carry firearms, fireworks, explosives, and

weapons of all kinds, except as otherwise provided by law, in or on any area not designated as a hunting area by the Board. It shall be unlawful to possess a firearm of any kind in an area defined as a campground in Section 70.01.

70.07 CAMPING.

1. Violation of any State law or any County park regulation by any member of a camping party is cause for revocation of the camping permit and the entire camping party shall be required to leave the area.
2. No campsites will be reserved.
3. When any campground is open and in usable condition, all charges and fees shall be in effect and shall be enforced as set forth in the official schedule approved by the Board. Campgrounds will be open from the first day of April through the first day of Pheasant season. The Board or authorized representatives have the discretionary authority to extend or shorten the camping season when it is in the best public interest to do so.
4. No camping party or camping unit of any kind shall occupy any campground for more than 14 consecutive days. A camper who has removed their equipment for a 24 hour period may then return and occupy a different camp site in the same campground for 14 days, or; a camper with permission of the Director or other authorized representative may move to a different camp site without leaving for 24 hours. On all parks or areas with more than one campground, this shall apply to the entire area and all campgrounds in the area.
5. It shall be unlawful to camp in any campground without a portable shelter or camping unit as defined in Section 70.01.
6. It shall be unlawful to park any motor vehicle outside the parking area designated at each campsite, and not more than two licensed vehicles are permitted at any campsite. Only properly licensed motor vehicles may be used to gain access to campgrounds. Licensed vehicles must be operated only by licensed drivers.
7. All campers shall maintain quiet and avoid excessive noise in the campgrounds between the hours of 10:30 p.m. and 6:00 a.m.
8. Any persons visiting a camping party in the campground must park only in designated areas and must vacate the campground and parking area by 10:30 p.m.
9. No camping party shall set up or take down their camping equipment between the hours of 10:30 p.m. and 6:00 a.m. Exceptions may be made by the Director or other authorized representatives.
10. It shall be unlawful for any person to obtain a camping permit for use by a camping party of which the person is not a member, except that parents and group leaders shall obtain camping permits for use by youth groups. Persons under 18 will not be allowed to camp alone unless the Director, or other authorized representative, is contacted in advance by parent or legal guardian and permission is granted.
11. Campers shall restore their campsite to the same approximate condition or better than when they found it.
12. Checkout time at all campgrounds is 12:00 p.m. However, recognizing that some campers may need to be granted some leeway in this matter, the Director, or other

authorized representative, has the authority to extend the checkout time. A camping party must request this late checkout authorization.

13. A charge of the daily rate for the campground and campsites involved will be made for occupying any campsite for any portion of a camping day.

70.08 NOISE PRODUCING DEVICES. It shall be unlawful to operate or use any radio, television, stereo musical instrument, electricity generating units, power saws, or similar equipment in or on any area in such a manner as to create excessive noise or disturb others. Said equipment shall, under no circumstances, be used between the hours of 10:30 p.m. and 6:00 a.m. unless confined to a campsite where it will not disturb others. This section also applies to senseless shouting or loud laughter and voices.

70.09 USE OF CHAINSAWS. It shall be unlawful to use chainsaws, except for cutting firewood brought to the area; in any area under the jurisdiction of the Conservation Board. Said use must comply with the provisions of Section 70.08.

70.10 CUTTING OF TREES PROHIBITED. It shall be unlawful to cut any standing trees, dead or alive, at any time in or on any Board area. County personnel or foresters may harvest trees under a forestry management plan, in the interest of public safety, or with the written permission of the Board.

70.11 PICKING OF PLANTS, FLOWERS, AND FRUITS - EXCEPTIONS. It shall be lawful to collect the fruit of all nut and berry producing plants for home use, provided the collector is not otherwise damaging the parent plant. Collection of nuts and fruits for any commercial purpose is expressly prohibited. Mushrooms may also be collected for home use. Nuts may be collected once they have fallen to the ground, but may not be removed directly from trees.

70.12 ROCK CLIMBING OR RAPPELLING. Rock climbing or rappelling activity which utilizes bolts, pitons, or similar permanent anchoring equipment or ropes, harness, or slings is prohibited in all areas not designated as a rock-climbing area by the Board.

70.13 PUBLIC ADDRESS SYSTEMS RESTRICTED. It shall be unlawful to operate or use any public address system, whether fixed, portable, or vehicular mounted, in or on any area except when such use or operation has been approved in writing by the Board, Director, or other authorized representative.

70.14 RADIO, TELEVISION, OR TELEPHONE EQUIPMENT RESTRICTED. It shall be unlawful to install aerial or special radio, telephone, or television equipment in or on any area of the Board without the written approval of the Board, Director, or other authorized representative.

70.15 RECREATION USES ONLY ALLOWED. It shall be unlawful for any person to occupy any portion of a Board area for washing, repairing vehicles, or carrying on of a business or any other commercial activity. Concessionaires, acting under the authority of a lease or contract with the Board, are exempt from this section while operating under the conditions as set out in the said lease or contract.

70.16 USE OF MOTOR VEHICLES RESTRICTED. Operation of any motorized vehicle shall be restricted to designated roadways and parking areas on all Board areas.

70.17 USE OF HORSES RESTRICTED. It shall be unlawful to ride, lead, or otherwise allow the entry or use of horses or horsedrawn wagons on any portion of any area, except as provided herein. The Board may designate a portion of an area for this use. Official designation signs will be used to notify the public where such use may occur. The Director may, by issuing a special permit, allow such an activity in any area. Riders may gain access to all areas by horse, provided they follow designated roadways. Horses are not allowed on the grassy portions or hiking trails of any areas except as permitted above by Special Use Permit.

70.18 TRAPPING RESTRICTED. It shall be unlawful to trap, or attempt to trap, any wild animal in or on any area not designated as a hunting area by the Board, except that protection of areas and facilities shall be accomplished as needed by the Director or other authorized representative.

70.19 RESERVING PARK FACILITIES. It shall be unlawful for a minor to reserve a park facility. When a group consists of minors and adults, a ratio of at least one adult to each eight minors must be maintained. Park shelter houses may be reserved in advance and a user fee must be paid for use of any shelter house designated as “reservation required.”

70.20 DOMESTIC REFUSE NOT PERMITTED. It shall be unlawful to transport garbage, refuse, or litter from any household, business, or any other place for the purpose of disposing it in or on any areas of the Board or their litter containers provided for the use of the Board and its current facilities users. A “carry-in, carry-out” trash policy is in effect for all Board areas, meaning that everything carried in must be removed by the individuals carrying it in.

70.21 OFFICIAL SIGNS. It shall be unlawful for any person to enter, use, or occupy any Board area or facility in disregard to official signs.

70.22 POSSESSION AND CONSUMPTION OF BEER AND ALCOHOL.

1. Possession and Consumption of Beer or Alcohol other than Beer Restricted. It shall be unlawful for any person to possess or consume beer or any alcohol other than beer, as defined by the *Code of Iowa*, between the hours of 10:30 p.m. and 6:00 a.m. in or on any area of the Board, except that beer may be possessed and consumed within a camping site. Any beer possessed or consumed in violation of this rule will be confiscated by the Director or other authorized representative and destroyed.

2. Possession and Consumption of Beer Prohibited; Container Size Regulated. It shall be unlawful for any person to possess or consume beer, as defined in Section 123.46 of the *Code of Iowa*, between the hours of 10:30 p.m. and 6:00 a.m. in or on any area, except that beer may be possessed within a camping site between said hours by an adult member of any camping party. No person or group shall bring, use, or have in their possession on any area, beer in a keg or any other container larger than one quart without first obtaining a Special Use Permit from the Director or other authorized representative per Chapter 71. The request for the Special Use Permit shall be made in writing at least 48 hours prior to the date of activity. Kegs are only allowed at shelter houses with a permit.

3. Any beer possessed in violation of this rule shall be confiscated by the Director or other authorized representative and destroyed.

70.23 CLOSING TIME. All areas shall be closed to public use between the hours of 10:30 p.m. and 6:00 a.m. unless otherwise specified by the Board, in which case signs will be erected giving the public constructive notice of such change. The Director, or other authorized

representative, may issue special use permits in conformity with Board policy which, when issued, shall allow groups or persons to observe other hours. The provisions of this section shall not apply to authorized camping by registered campers in designated camping areas.

70.24 OPERATION OF BOATS.

1. No Wake Regulations. Boat operators shall observe no wake regulations in harbors and areas adjoining ramps, gas docks, and in other designated areas so marked by signs.
2. Boat Launching. Boats shall be launched from ramps only. Boats and trailers shall be parked in designated areas only.
3. Permanent Mooring. Permanent mooring (in excess of times posted) is allowed only in designated areas. Arrangements for permanent mooring must be made with the Director or other authorized representatives or concessionaires.
4. Boats Unattended Not Permitted. It shall be unlawful to leave unattended any boat or other form of water conveyance on or attached to an area under the control of the Board, except those areas designated by the Board for more than 12 hours. Any water conveyance left in violation hereof shall be removed and stored at the expense of its owner, which expense shall not be less than \$25.00. If not reclaimed within six months of its removal, such water conveyance shall be considered abandoned and shall be thereafter disposed of as directed by the Board. It shall be unlawful to leave unattended any boat or other form of water conveyance on or attached to privately leased boat docks without the express written permission of the lessee.

70.25 MOTOR VEHICLES UNATTENDED NOT PERMITTED. It shall be unlawful to leave any motor vehicle or trailer unattended on or in any area under the jurisdiction of the Board, for more than 24 hours without the written permission of the Director or other authorized representative. Any motor vehicle left in violation hereof shall be removed and stored at the expense of its owner, which expense shall not be less than \$25.00. If not reclaimed within six months of its removal, all such motor vehicles shall be considered abandoned and shall be disposed of as directed by the Board.

70.26 BREACH OF PEACE. No person shall use threatening, insulting, abusive, profane or indecent language, nor be guilty of any act that constitutes a breach of peace, in any County park, preserve, or other public area under the jurisdiction of the Conservation Board.

70.27 CLOSING OF AREAS TO PUBLIC USE. The Director, or other authorized representative, is hereby granted discretionary authority to close any park or other Board areas when a question of public safety exists. The Director, or other authorized representative, may do so by the erection of suitable barriers clearly signed indicating that the area has been closed for public use. Persons removing these barriers, or ignoring the signs and occupying the areas that have been closed to public use, will be in violation of these rules and regulations. The Director, or other authorized representative, is also authorized to develop effective methods of controlling special uses which are not provided for in these rules and regulations, but which are consistent with these rules and regulations and other policies of the Conservation Board. Persons affected by these special uses will be notified in writing of the nature of these regulations, or the area effected by these regulations will be posted and will take immediate effect when so posted.

70.28 EXCEPTIONS TO THE RULES AND REGULATIONS. The Department, its Supervisors, Park Rangers, Director, or duly authorized representatives or agents, shall be exempt from these rules and regulations when in the official performance of their duties and are not acting inconsistent with the State law.

70.29 RULES AND REGULATIONS - FORCE AND EFFECT. These rules and regulations are separate and complete however separated, and should any part thereof be unenforceable for any reason, the remaining portions and sections shall remain in full force and effect. Anyone violating this chapter shall be subject to the provisions of Chapter 3.

CHAPTER 70

CONSERVATION BOARD REGULATIONS

[The next page is 559]

CHAPTER 71

Commented [JM61]: Title VIII, Chapter 2 of the County's current code.

CONSUMPTION OF KEG BEER IN PARKS

71.01 Purpose
71.02 Applicability
71.03 Definitions
71.04 Prohibited Areas

71.05 Procedure
71.06 Deposit Disposition
71.07 Responsibility Agreement
71.08 Penalty

71.01 PURPOSE. This chapter governs the use of the County park and recreation areas and designated County forests for consumption of beer dispensed from a keg or other container larger than one gallon. The purpose is to enhance public enjoyment of State areas through regulation of an activity that can be disruptive.

71.02 APPLICABILITY. This chapter is applicable to all County parks and recreation areas managed by the Conservation Board and to the County forests containing designated campground areas.

71.03 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. "Beach" or "beach area" means that portion of State parks or recreation areas designated for swimming activity including the water area contiguous to the beach.
2. "Beer" is as defined in Section 123.39 of the *Code of Iowa*.
3. "Campground" means that portion of County parks or recreation areas designated for camping activity including parking areas contiguous to the campground and designated camp areas of County forests.
4. "Kegger" means a gathering of two or more persons at which beer is dispensed from a keg or other container larger than one gallon.
5. "Person" is as defined in Section 4.1(20) of the *Code of Iowa*.

71.04 PROHIBITED AREAS. Keggers shall not be conducted in beach campgrounds, or in parking areas or immediately adjacent to those areas.

71.05 PROCEDURE. Any person wishing to conduct a kegger in any area to which this chapter applies shall notify the executive director in charge of the area in advance and comply with the following procedure:

1. A designated agent shall be named who shall sign a responsibility agreement. The content of the responsibility agreement shall be as stated in the *Iowa Administrative Code* Section 571-63.7 (461A.123), and the form shall be provided by the Conservation Board.
2. The designated agent shall be available for personal contact by department of natural resources personnel at all times during the kegger.
3. The agent shall pay a deposit of \$100.00 per 100 persons or portion thereof at the kegger to be held by the department of natural resources officer as a damage deposit. The director may designate the area in which the kegger is to be conducted. If the

kegger takes place in an enclosed shelter for which a rental fee and deposit is charged, the \$100.00 shall be waived in lieu of the usual deposit for that facility.

4. The agent shall assume responsibility to ensure that all state laws are complied with in the conduct of persons attending the kegger and that the area used for the kegger is left in a clean, unlettered condition and no County property damaged beyond the extent of normal wear and tear.

5. Conducting or continuation of the kegger shall be contingent on the persons involved complying with all applicable state laws including but not limited to Section 123.47, Chapter 461A of the *Code of Iowa*, and rules promulgated under those chapters and as long as the activity does not interfere with other uses of area facilities.

6. The agent shall inform the executive director when the kegger is concluded and attendees have left the area.

71.06 DEPOSIT DISPOSITION.

1. The \$100.00 deposit required by 71.05(3) shall be refunded within three days in full or on a prorated basis computed according to Section 71.06(2) depending on the condition in which the site is left after the kegger is held.

2. If it necessary for Conservation Board personnel to clean up the area or repair any damage beyond ordinary wear and tear, a log of the time spent in such cleanup or repair shall be kept. The damage deposit refund shall be reduced by an amount equivalent to the applicable hourly wage of the employees for the time necessary to clean the area or repair the damage.

3. The \$100.00 is not to be construed as a limit of liability for damage to the County property. The Conservation Board may take any legal action necessary to recover additional damage.

71.07 RESPONSIBILITY AGREEMENT. The agreement required in this chapter shall contain the following information:

1. Area,
2. Date of the kegger,
3. Signature and date when agreement was signed, and
4. A copy of identification (i.e., driver's license number, name, address, telephone number).

71.08 PENALTY. Anyone violating this chapter shall be subject to the provisions Chapter 3.

[The next page is 593]

CHAPTER 75

ASSESSMENT OF WIND ENERGY CONVERSION PROPERTY

75.01 Purpose
75.02 Definitions
75.03 Authority to Establish
75.04 Establishment

75.05 Amount of Valuation
75.06 Declaration of Special Valuation
75.07 Reporting Requirements
75.08 Repeal of Special Valuation

75.01 PURPOSE. The purpose of this chapter is to provide for the special valuation of wind energy conversion property pursuant to Chapter 472B.26 of the *Code of Iowa*.

75.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Net acquisition cost” means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment. However, except in the case of a clerical error, an adjustment shall not be made after the third year the wind energy conversion property is assessed.

(Code of Iowa, Sec. 427B.26(4)(b))

2. “Wind energy conversion property” means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and collector substation.

(Code of Iowa, Sec. 427B.26(4)(d))

75.03 AUTHORITY TO ESTABLISH. The Board of Supervisors is authorized, pursuant to Chapter 427B.26 of the *Code of Iowa* to provide by ordinance for special valuation of wind energy conversion property as provided in Section 75.04.

75.04 ESTABLISHMENT. Pursuant to Chapter 427B.26 of the *Code of Iowa*, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Chapter 441.21(8)(b)(c) and (d) of the *Code of Iowa* and Chapters 428.24 to 428.29 of the *Code of Iowa*. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on and after the effective date of this chapter.

75.05 AMOUNT OF VALUATION. Wind energy conversion property first assessed on or after the effective date of this chapter shall be valued by the County Assessor for property tax purposes as follows:

1. For the first assessment year, at zero percent of the net acquisition cost.
2. For the second assessment through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent each assessment year.
3. For the seventh and succeeding assessment years, at 30 percent of the next acquisition cost.

75.06 DECLARATION OF SPECIAL VALUATION. The taxpayer shall file with the County Assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property

Commented [JM62]: Title VI, Chapter 2 of the County’s current code.

Commented [JM63]: We updated the definitions to match the current definitions in 427B.26(4)(b, d) of the *Code of Iowa*.

Commented [JM64]: Updated the reference to the current *Code of Iowa* reference.

assessed at the value determined under Section 75.05 in lieu of the valuation assessment provisions in Chapter 441.21(8)(b)(c) and (d) of the *Code of Iowa* and Chapters 428.24 to 428.29 of the *Code of Iowa*, as applicable.

75.07 REPORTING REQUIREMENTS. The following reports shall be filed annually with the County Assessor by the taxpayer; in the first year, with the declaration of intent as prescribed in Section 75.06; and by February 1 of each year thereafter:

1. Copy of asset ledger to IRS;
2. Engineering breakdown of component parts;
3. Tower numbering system;
4. Name of contact person, phone number, FAX number, and mailing address;
and
5. Report of all leased equipment, the names of the companies it is leased from, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

75.08 REPEAL OF SPECIAL VALUATION. If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 75.04 ceases to be of benefit to the County, the Board of Supervisors may repeal the ordinance. Property specialty valued under Section 75.04 prior to repeal of the ordinance shall continue to be valued under Section 75.04 until the end of the nineteenth assessment year following the assessment year in which the property was first assessed.

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CHAPTER 76

Commented [JM65]: Title VI, Chapter 3 of the County's current code.

AIRPORT TALL STRUCTURE ZONING

58.01 Purpose	76.06 Variances
76.02 Definitions	76.07 Judicial Review
76.03 Airport Zones and Airspace Height Limitations	76.08 Administrative Agency
76.04 Use Restrictions	76.09 Penalties
76.05 Lighting	

76.01 PURPOSE. This chapter shall be known and may be cited as “Airport Tall Structure Zoning Code.”

76.02 DEFINITIONS. For purposes of this chapter, the following terms are defined:

1. “Airport” means the County municipal airport located in the County.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be 770 feet.
3. “Airport hazard surface” means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, and 77.25 and which obstruct the airspace required for the flight of aircraft and landing, or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 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 the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace” means determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports, and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation equipment for which an instrument approach procedure has been approved or planned.
8. “Minimum descent altitude” means 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 electric glide slope is provided.
9. “Minimum enroute altitude” means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes or 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.

11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual runway" means 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 airport layout plan or by a planning document submitted to the FAA by competent authority.

76.03 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 Sac City Municipal Airport Height Zoning Map. A structure located in more than one 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 Runways 15 and 33, and connecting the adjacent arcs by lines tangent to those arcs.
 - a. No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Sac City 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 to one for a horizontal distance of 7,000 feet.
No structure shall penetrate the conical surface in the conical zone, as depicted on the Sac City Municipal Airport Height Zoning Map.
 - c. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.[†]
 - (i) The inner edge of the Approach Surface is:
 - (a) Runways 15 and 33 - 500 feet wide.
 - (ii) The outer edge of the Approach Zone is:
 - (a) Runway 15 - 500 feet.

[†] **EDITOR'S NOTE:** An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- (b) Runway 33 - 2,000 feet.
- (iii) The Approach Zone extends for a horizontal distance of:
 - (a) Runway 15 - 5,000 feet at a slope of 20 to one.
 - (b) Runway 33 - 5,000 feet at a slope of 20 to one.

No structure shall exceed the Approach Surface to any runway, as depicted on the Sac City Municipal Airport Height Zoning Map.

d. 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 seven to one 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 Sac City Municipal Airport Height Zoning Map.

e. No structure shall be erected in the 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 the County.

76.04 USE RESTRICTIONS.

1. Notwithstanding any other provisions of this section, no use may be made of land or water within the County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Sac City Municipal Airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of the Sac City Municipal Airport.
- C. No operations from any use in the County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

76.05 LIGHTING.

1. Notwithstanding the provisions of this section, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with *Federal Aviation Administration Advisory Circular 70-7460-ID* and amendments. Additionally, any structure, constructed after the effective date of this chapter 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.

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

76.06 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 violation of any section of this chapter, may apply to the Board of Supervisors for variance from such regulations. No application for variance from the requirements of this chapter may be considered by the Board of Supervisors unless a copy of the application has been submitted to the City of Sac City Airport Board for their opinion as to the aeronautical effects of such a variance. If the City of Sac City Airport Board Manager does not respond to the Board of Supervisors within 15 days from receipt of copy of the application, the Board of Supervisors may make its decision to grant or deny the variance.

76.07 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 Section 414.5 of the *Code of Iowa*.

76.08 ADMINISTRATIVE AGENCY. It shall be the duty of the Board of Supervisors to administer the regulations prescribed herein. Applications for permits and variances shall be made to the County Auditor upon a form furnished by them. Applications required by this chapter to be submitted to the County Auditor shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted to the Sac City Airport Board.

76.09 PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor and be punishable as outlined in Chapter 3.

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CHAPTER 77

Commented [JM66]: Sac County Resolution No. 20-0915

DRAINAGE DISTRICTS

77.01 Creation
77.02 Establishment

77.03 Construction
77.04 Application

77.01 CREATION. The Board is responsible for the maintenance and management of drainage districts located within the County and which have been established pursuant to Chapter 468 of the *Code of Iowa*.

77.02 ESTABLISHMENT. The County drainage districts and multi-county drainage districts have been established and constructed with the presumption the drainage of surface waters from agricultural lands and all other lands, or the protection of such lands from overflow is a public benefit and is conducive to the public health, convenience, and welfare.

77.03 CONSTRUCTION. The construction over, across, or beneath established County drainage districts or established multi-county drainage districts is subject to an application for the approval of such construction.

77.04 APPLICATION. The Board of Supervisors shall be the exclusive governing body for the establishment of requirement for construction over, across, or beneath established County drainage districts or established multi-county drainage districts and for the approval of an application for such construction:

1. The applicant shall furnish the County, or its representative, plats showing the exact location of the proposed construction. If in view of such plats, it is determined by the County that such locations are in conflict with present or proposed County facilities, and that a more desirable location is possible, the applicant shall review such possible alignment changes. No construction is to commence on any portion of the project within the County without a written approval of the route from the County or its representative.
2. The applicant will at any time subsequent to the commencement of construction, and at applicant's sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the County in connection with any of its drainage facilities. The applicant agrees to do this within 45 days of receipt of written request from the County, or such longer time period as the County may specify, without cost to the County. Such reconstruction or realignment of applicant's improvements shall be made in accordance with and approved by the County or its representative. If the applicant is unable to comply within the time period specified above, the County may cause the work to be done and the applicant will pay the cost thereof upon receipt of a statement of such costs.
3. The County shall give the applicant at least 60 days written notice of the proposed construction of new County facilities, and at least 24 hours verbal (via telephone) notice of emergency maintenance repairs to County drainage facilities, that may expose, cover up, or disturb any installation belonging to applicant, so that applicant may arrange to protect same. Emergency (24 hour) notice shall be given by

calling applicant at 1-800-292-8989. The County representative shall inform all County contractors, workers, and employees of the location of applicant's installations. Failure to give the notice herein above required, or to inform said contractors, workers, or employees of said location, shall create no liability on the part of the County.

4. The County assumes no responsibility for damages to applicant's property occasioned by any construction or maintenance operation of the County, subsequent to applicant's installation.

5. The County shall provide applicant access to maps or other information regarding the location of all known County drainage facilities, so that reasonable care may be taken by applicant to avoid unnecessary damage to said County drainage facilities. It shall also be understood by the applicant that typically the drainage district plats were created in the early 1900's, and have limited accuracy.

6. The applicant shall take all reasonable precautions during construction to protect and safeguard the lives and property of the public and adjacent property owners, and shall hold the County harmless from any damage or losses that may be sustained by adjacent property owners on account of such construction operations. A copy of a Certificate of Insurance naming this County as an additional insured for the permit work (or at the County's option, proof of adequate self-insurance) shall be provided to the County Auditor prior to any installation work. The minimum limits of liability under the insurance policy or proof of self-insurance shall be \$1,000,000.00 per occurrence. Further, applicant shall replace, repair, or reimburse all damages to private property, occasioned by applicant's installation, or subsequent modifications and repairs.

7. The construction and maintenance of applicant's installation shall be carried on in such a manner as to not interfere with, nor interrupt the function of, and County drainage facilities. In the event it becomes necessary to temporarily stop the normal flow of water in any County drainage facilities in order to permit the applicant's construction and installation the following shall be done by the applicant.

A. If the crossing involves a tile line, the replacement of tile with approved metal pipe or concrete pipe, in the manner approved by the County's designated Drainage Engineer shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line trench. In the event that this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction trench to the undisturbed tile line. Such temporary blockages of said drainage district tile lines will be removed as rapidly as possible, and any tile repairs caused by this blockage will be immediately repaired at the applicant's expense.

B. If the crossing involves the crossing of a drainage district open channel that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open channel, such temporary dams may be constructed only upon approval from the representative of the County's designated Drainage Engineer. The maximum elevation of this impounded water shall be determined by the designated Drainage Engineer and all excess water must be allowed to flow across the construction trench through either a closed metal culvert pipe or by pumping. All temporary dam structures are to

be removed as soon as the crossing is completed. The construction and removal of these dams to be in such manner that the smooth and efficient function of the drainage channel is not impaired, with all costs and damages borne by Applicant.

8. The applicant shall hold the County harmless from any damage that may result to any County drainage facilities because of the installation, construction, or future maintenance or repair of the applicant's installation and shall reimburse the County for any legitimate expenditures that the County may have to make in order to repair said County facilities resulting from applicant's construction or any subsequent repair of modification thereto.

9. The applicant agrees to give the County 24 hours' notice of its intention to commence construction on any lands within the jurisdiction of the County. Said notice shall be made in writing to the designated Drainage Engineer. Notice cannot be given until the approval of the construction project has been issued by the County Engineer. As-built plans for all installations shall be furnished to the County within 90 days after the completion of the project. Said plans shall include a plan and profile and location using the civil monument, or GPS locations.

10. The Board of Supervisors shall appoint a representative to inspect and approve all construction by applicant that impacts County drainage facilities. Said appointment shall be in writing. All reasonable compensation, wages, mileage, and other legitimate expenses for this representative will be paid by the applicant. Said representative will approximately pre-locate public drainage facilities when necessary, private drainage facilities where possible, inspect all crossings of public drainage facilities, and shall have the authority to require the applicant to excavate and expose the crossing of any County drainage facilities where the representative believes it prudent to visually examine same. Further, said representative has the authority to suspend construction by verbal order to the contractor at the site and a telephone call to applicant, or its designated representative with six hours of the verbal order.

11. Drainage facility crossings shall be constructed by applicant as follows, as directed by the representative of the County.

A. Crossing of Open Channel Facilities.

(1) Passage of the applicant's installation in a horizontal plane five feet below design grade of the drainage channel, as established by the County's designated Drainage Engineer.

(2) The above depth is to extend to a point two times the design base width of the channel either side of the centerline of the drainage channel, unless the existing base width is greater than the design base width. If the existing base width is greater than the design width, the depth is to extend to a point two times the existing width.

(3) The rate of slope for transition from normal installation laying depth to crossings of drainage channels shall not be steeper than four to one.

(4) If such channel crossings occur at points of outlets of drainage district, of private tile lines or within 25 feet of said outlets, such outlet facilities must be relocated to a point no less than 25 feet from such

crossings. Such relocations shall be at the expense of the applicant and as directed by the representative of the drainage district.

B. Crossing of Drainage District Tile Lines.

(1) All proposed installations must be placed under the existing drainage district tile lines. These requirements may be waived only upon the review by and approval of the designated Drainage Engineer.

(2) A minimum of one-foot clearance below existing drainage district facilities must be maintained.

(3) At all crossings of drainage district tile lines with the proposed installation, one of the following must be used:

a. Replace the drainage district tile with reinforced concrete pipe of the same or larger diameter than the existing tile. Concrete pipe is to be 2,000D strength (Iowa Department of Transportation approved) with standard tongue and groove joints; or

b. Bore new installation, maintaining existing tile in an undisturbed case.

(4) The length of tile to be replaced by any of the above alternates is as follows:

a. Eight-Inch Tile and Smaller. Six feet either side of centerline of proposed installation, measured at right angles to the centerline of the installation.

b. Ten-Inch Tile and Larger. Ten feet either side of centerline of proposed installation, measured at right angles to the centerline of installation.

(5) At all crossings of drainage district tile lines where the drainage district and private tile lines are damaged by the construction, maintenance or repair of applicant's installation shall be repaired as directed by the County's designated Drainage Engineer.

12. All permits issued by the County are subject to existing regulations and statutes, which may be promulgated or enacted.

13. All permits issued by the County are subject to revocation by the County, whenever in its judgment it is necessary for legitimate County purposes. In such event, written notice shall be provided to permit holder.

14. Permit holder agrees to pay all other costs, fees, and expenses associated with its crossing of the County, including, but not limited to, publication costs, engineering costs, and legal services. Said costs will be paid within 30 days of the mailing of statements to contractor.

15. Permit holder agrees to include a copy of these requirements in all bidding specifications; or if the construction and installation contract has been let by the time the permit goes into effect, then to provide a copy to the contractor and to advise it that it is subject to the terms of these requirements.

16. The County hereby appoints Brian W. Blomme for drainage matters, as the County designated Drainage Engineer for all established drainage districts and

established multi-county established drainage districts and private drainage facilities. The designated Drainage Engineer may be changed at any time by the County. The permit holder will be notified of any such change. Brian Blomme may be reached at 215 East 5th Street, PO Box 220, Storm Lake, Iowa, 50588-0458, (712) 749-2520.

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CHAPTER 80

ZONING REGULATIONS

Commented [JM67]: QUESTION - We did not include the County's Zoning Code as it was not clear if that was something the County wanted to include in the Code. If the County wants us to add the Zoning Regulations let me know.

If the County wants us to add it, the cost will be an additional \$1,000 as outlined in the agreement. This would be billed at the end of the project.

EDITOR'S NOTE			
The Sac County Zoning Regulations adopted August 14, 2007, by Ordinance No. 6 and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED

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