

# TITLE 1. GENERAL PROVISIONS.

## Chapter 1-10. CODE ADOPTION.

**SECTION 1. Purpose.** The purpose of this ordinance is to compile the Jefferson County Code of Ordinances as required by Iowa Code Chapter 331 in a manner that preserves the rights, privileges, and property of the county and its residents and promotes the public convenience, safety, and general welfare of Jefferson County, Iowa.

**SECTION 2. Adoption.** The Jefferson County Board of Supervisors hereby adopts the Jefferson County Code of Ordinances (2005). They are stated herein by number and subject matter and by the authority of the Board of Supervisors comprise the Jefferson County Code of Ordinances (2005):

Title - 1      General Provisions.

- 1-10 – Code Adoption.
- 1-20 – Penalties.

Title - 2      Health and Sanitation.

- 2-10 – Lead-Based Paint Hazards.
- 2-20 – Separation of Certain Solid Wastes.
- 2-30 – Nuisances.
- 2-40 – Hazardous Substances.

Title - 3      Water.

- 3-10 – Disposal Systems.
- 3-15 – Disposal System Contractors.
- 3-20 – Wells and Water Supply Systems.
- 3-25 – Plugging Abandoned Wells.

Title – 4      (Reserved).

Title - 5      Development of Real Property.

- 5-10 – Subdivisions.
- 5-20 – Uniform Rural Address System.
- 5-30 – Jefferson County Airport Tall Structures Ordinance.
- 5-35 – Washington Municipal Airport Zoning Ordinance.

Title - 6      County Roads and Right of Way.

- 6-10 – Protection and Preservation of Jefferson County’s Roadway Right-of-ways.
- 6-15 – Entrances onto County Roads.
- 6-20 – Dirt Road Improvements.
- 6-30 – Secondary Road Service During the Winter Months.
- 6-40 – Area Service System B Road Classification.

6-45 – Area Service System C Road Classification.

Title – 7 (Reserved).

Title - 8 Services and Facilities.

8-10 – Voting Precincts.

8-20 – General Assistance.

8-30 – Courthouse Parking Lot.

Title - 9 Tax and Finance.

9-10 – Partial Property Tax Exemptions for Industrial Property on which Improvements have been Made.

9-20 – Local Option Sales and Services Tax within Fairfield, Libertyville, Lockridge, and Packwood.

9-23 – Local Option Sales and Services Tax within Batavia, Pleasant Plain, and Unincorporated Jefferson County.

9-26 - Local Option Sales and Services Tax within Maharishi Vedic City.

9-30 – Providing for the Division of Taxes Levied on Taxable Property in the Urban Renewal Area.

**SECTION 3. Official Copy.** The official copy, bearing the signatures of the members of the Board of Supervisors and the Jefferson County Auditor, shall be maintained in the office of the Jefferson County Auditor.

**SECTION 4. Repeal of Past County Ordinances.** All Jefferson County Ordinances passed prior to the approval of the Jefferson County Code of Ordinances (2005) are hereby repealed. It is the intention of the Board of Supervisors that the Jefferson County Code of Ordinances (2005) shall be the full and complete listing of all ordinances in force and effect in Jefferson County, Iowa.

**SECTION 5. Amendments.** All future ordinances of the Board of Supervisors shall be in the form of an addition or an amendment to the Jefferson County Code of Ordinances (2005) and shall include proper references to chapter and section to maintain the orderly codification of ordinances.

**SECTION 6. Effect of Code on past actions and obligations.** Neither the adoption of the Jefferson County Code of Ordinances (2005) nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of Jefferson County shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any fee or penalty at said effective date due or unpaid under such ordinance.

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

**SECTION 8. Severability Clause.** If any section, provision, or part of this ordinance or any chapter of the adopted Jefferson County Code of Ordinances (2005) shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance or the adopted Code as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 9. Effective Date.** This ordinance and the adopted Jefferson County Code of Ordinances (2005) shall be effective after passage and approval and publication of this ordinance as provided by law.

## **Chapter 1-20. PENALTIES.**

**SECTION 1. Purpose.** The purpose of this ordinance is to establish the possible penalties for persons violating the Jefferson County Code of Ordinances (2005) for the public convenience, safety, and general welfare of the citizens of Jefferson County, Iowa.

**SECTION 2. Penalties for Violation.** Any person, firm, or corporation, their agents or servants, upon whom a duty is placed by the provisions of the Jefferson County Code of Ordinances (2005), who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this code for which a penalty is not otherwise provided, shall be deemed guilty of a simple misdemeanor. Upon conviction, said person, firm, or corporation, their agents or servants, shall be fined in a sum between \$50.00 and \$500.00, or imprisoned for a term not to exceed thirty (30) days, or both.

**SECTION 3. Surcharge.** Pursuant to Iowa Code Section 331.302(2), the criminal penalty surcharge required by Iowa Code Section 911.2 shall be added to a county fine and is not considered part of the county penalty described in Section 2 of this Chapter.

**SECTION 4. Determining the number of violations.** Each day that a violation of the Jefferson County Code of Ordinances (2005) continues shall constitute a separate and distinct offense and shall be punishable as such.

## **TITLE 2. HEALTH AND SANITATION.**

### **Chapter 2-10. LEAD-BASED PAINT HAZARDS.**

**SECTION 1. Adoption of Rule.** Iowa Administrative Code 641-Chapter 68, "Control of Lead-Based Paint Hazards," is adopted by reference.

### **Chapter 2-20. SEPARATION OF CERTAIN SOLID WASTES.**

**SECTION 1. Purpose.** Jefferson County finds that it is necessary to establish this ordinance to comply with applicable State law pertaining to the separation of yard wastes from other solid wastes generated by citizens of this county.

**SECTION 2. Definition.** "Yard waste" shall have the same definition as promulgated by the Iowa Department of Natural Resources, but in the absence of such definition, at least said term shall include grass clippings, leaves and small twigs and branches one inch in diameter or less.

**SECTION 3. Prohibited Acts.** It shall be unlawful for any person, firm, corporation, association or entity of any kind to commingle, mix or dispose of yard waste in any way with other solid wastes, which solid wastes are delivered to any private or public carrier or hauler within the county.

### **Chapter 2-30. NUISANCES.**

**SECTION 1. Definitions.** The term "nuisance" shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances, to-wit:

1. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper within the County, unless it be in a building or container of fireproof construction except those legitimate businesses who routinely collect and/or store such material on a temporary basis.
2. Dense growth of all weeds, vines, brush, or other vegetation so as to constitute a health, safety or fire hazard.

3. Accumulation of decayed animal or vegetable matter, garbage, trash rubbish, rotting lumber, junk, and any other material which constitutes a health, safety or fire hazard.
4. Accumulation of junk automobiles and machinery, except for those legitimate businesses of salvage yards, junk dealers or farm machinery used for spare parts, defined as follows:

“Any other vehicle which, because of its defective or obsolete condition, in any way constitutes a threat to the public health and safety.”
5. Any abandoned refrigerator, freezer or ice box which does not have the door or locks removed therefrom.
6. All buildings so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for any useful purpose.
7. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public roadway, street, alley or sidewalk.

**SECTION 2. Nuisances Prohibited.** The creation or maintenance of a nuisance is hereby prohibited and a nuisance public or private, may be abated in the manner provided in Sections three and four, and five hereinafter.

**SECTION 3. Abatement.**

- A. Whenever the majority of the Board of Supervisors finds that a nuisance exists, they shall cause to be served upon the property owner, as shown by the records of the County Auditor, and upon the person occupying the premises, if the owner is not occupying the same, a written notice to abate the nuisance within a reasonable time after notice.
- B. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or the acts necessary to abate the nuisance, the reasonable time within which to complete the abatement, a statement that if the nuisance is not abated as directed and no request for a hearing is made within the time prescribed, the County will abate it and assess the cost against such person, a statement that the person requested to abate the nuisance may request a hearing and the manner and time in which said hearing may be requested.
- C. The notice may be in the form of an ordinance or sent by certified mail.
- D. Any person ordered to abate a nuisance may have a hearing with the Board of Supervisors as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Board of Supervisors within the time stated in the notice, or it will be conclusively presumed that the nuisance exists and must be abated as ordered. At the conclusion of the hearing, the Board of Supervisors shall render a written decision as to whether a nuisance exists. If they find that a nuisance exists, they will order it abated within an additional time which must be

reasonable under the circumstances. The findings of the Board of Supervisors shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

E. If the person notified to abate the nuisance neglects or fails to abate as directed, the County may perform the required action to abate, keeping an accurate account of the expenses incurred. The Board of Supervisors shall approve the expenses for the abatement action. The Board of Supervisors shall mail a statement of the total expense incurred to the property owner who has failed to abate the nuisance and if the amount shown by the statement has not been paid within one month, the County Auditor shall then collect it in the same manner as general property taxes.

**SECTION 4. Abatement in Emergency.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance, the County may perform any action which may be required under this ordinance without prior notice. The County shall assess the costs as provided in Section 3, after notice to the property owner under applicable provisions of Section 3 and hearing as therein provided.

**SECTION 5. Exclusions.** This Ordinance shall not apply to a farm operation. The following definitions shall apply to this section:

1. “Farm operation” means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
2. “Farm” means the land, buildings, and machinery used in the commercial production of farm products.
3. “Farm products” means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, fee, fiber, or fur.

**SECTION 6. Penalty.** In addition, any violation of this chapter shall be a county infraction which is punishable by a civil penalty of not more than \$500.00 for each violation or if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense.

## **Chapter 2-40. HAZARDOUS SUBSTANCES.**

**SECTION 1. Purpose.** In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within Jefferson County, Iowa.

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

1. "Hazardous waste" means those wastes which are included by definition in Section 455B.411, subsections 3, paragraph a, Code of Iowa, and the rules of the Iowa Department of Natural Resources.
2. "Hazardous substance" means any substance defined in Section 455B.381, subsection 5, Code of Iowa.
3. "Hazardous condition" means the same as set out in Section 455B.381, subsection 2, Code of Iowa.
4. "Person having control over a hazardous substance" means the same as set out in Section 455B.381, subsection 7, Code of Iowa.
5. "Clean up" means the same as set out in Section 455B.381, subsection 1, Code of Iowa.
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 nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

**SECTION 3. Clean Up Required.** Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the 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 clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of clean up shall be borne by the person having control over a hazardous substance. If the person having control over a hazardous substance does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the county may proceed to procure clean up services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the County Attorney shall proceed to obtain payment by all legal means. If the cost of the clean up is beyond the capacity of the County to finance it, the authorized officer shall report

to the Board of Supervisors and immediately seek any state or federal funds available for said clean up.

**SECTION 4. Notifications.** The first county officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Jefferson County Sheriff's Department which shall notify the proper state office in the manner established by the state.

## TITLE 3. WATER.

### Chapter 3-10. DISPOSAL SYSTEMS.

**SECTION 1. Definitions:** All terms defined in Chapter 69.1(2) and Chapter 69.3(1) of the Iowa Administrative Code 567, shall be defined the same for this ordinance. In addition, the following terms shall be defined as follows:

1. “Alter” means to change or make different, to modify.
2. “Construct” means to form by assembling parts; build; erect; to create.
3. “Extend” means to expand, enlarge, or increase the size of the system.
4. “Install” means to set in position and connect or adjust for use.
5. “Nuisance” means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property. This shall include all definitions in Section 657.2 of the Code of Iowa.
6. “Reconstruct” means to construct again or redo.
7. “Repair” means to restore to sound condition after injury, damage, or use or to fix.

**SECTION 2. Purpose:** These rules and regulations are adopted as mandated by Section 455B.172 of the 1999 Code of Iowa. Pursuant to the authority granted the Jefferson County Board of Health under Chapter 137 of the 1999 Code of Iowa, the Jefferson County Board of Health will enforce the rules adopted by this ordinance. These rules are to promote the public health and welfare of the citizens of Jefferson County, and for the public good.

**SECTION 3. Specific Requirements Reference:** All rules and regulations, as amended, of the Iowa Department of Natural Resources or other appropriate agency pertaining to sewage, commercial wastes, and excreta disposal, more specifically, Chapter 69 of the Iowa Administrative Code, 567-69 (1999 or as thereafter amended) as well as the provisions of Iowa Administrative Code, 567-39(1999 or as thereafter amended)(pertaining to requirements for properly plugging abandoned wells) and Iowa Administrative Code 567-49 (1999 or as thereafter amended)(pertaining to nonpublic water supply wells) shall apply in Jefferson County, Iowa effective after proper publication, notice, public hearing, and acceptance by the Jefferson County Board of Health and the Jefferson County Board of Supervisors, of these rules. These rules do apply to all sanitary disposal systems, used for any purpose, if through poor construction, operation, upkeep or maintenance such sanitary disposal systems do allow significant contamination to enter ground water.

#### **SECTION 4. Permits:**

A. No person shall build a structure requiring installation or construction of a new disposal system, or reconstruct, repair, extend, or alter an existing disposal system for any person within Jefferson County, Iowa without first obtaining a permit from the health officer. A person means any person, firm, association, partnership, business, trust, corporation, company, or other entity recognized by law. This section applies to the owner of the property, owner's agent, occupant, or to any contractor hired by owner, owner's agent, or occupant.

B. The application for a permit to install, construct, reconstruct, repair, extend, or alter a disposal system shall be submitted to the health officer. The application shall include such information as the legal description of the property, property owner of record, soil profile description, the type of system desired, and any other pertinent information for the disposal system as may be required by the health officer. Each application form submitted for permit shall be accompanied with the required fee as set by the Jefferson County Board of Health, with checks made payable to the: Jefferson County Public Health along with form "General Discharge Permit #4". No application for permit fee shall be refundable or permit transferable. After all the requirements for the permit have been met and conditions for construction complied with design limitations, the health officer may issue the permit to the property owner of record.

C. No disposal system shall be installed where a public sewer is available within two hundred and fifty feet, unless specific variance is granted.

D. No disposal system shall be covered or so constructed as to prevent a thorough final inspection and periodic monitoring by the health department. If a system is so covered as to prevent a final inspection by the health officer, the health officer may require the disposal system to be uncovered or modified so that an inspection may occur.

E. Permits shall expire and have no further validity if the installation, construction, reconstruction, repair, extension, or alteration is not completed within eighteen (18) months from the date the permit is first issued. A new application and fee will be required in such cases.

F. The permit shall be signed by the health officer upon initial authorization and final inspection.

G. Municipal disposal system permits are required by some incorporated municipalities in Jefferson County. Where such municipal permits is required in addition to the county permit, the health department will aid the applicant to expedite the process.

**SECTION 5. Fees:** All fees are payable to the administrative authority. The fees set herein may be changed by the Board of Health from time to time as deemed necessary by the Board of Health. The current fees are:

1. One hundred dollars for septic tank, subsurface absorption field, or sand filter or other alternative on- site wastewater treatment and disposal system inspections. This includes permits for installation or repair.

2. Seventy five dollars for effluent test inspection.
3. Fifty dollars for any well water quality test.

**SECTION 6. Enforcement:** The administrative authority shall enforce these rules.

**SECTION 7. Inspections:**

A. Whenever the Health Officer has reasonable grounds to believe that a violation of these rules exist, he may enter upon and make an inspection of such premises, property, building or place to gather necessary information, data, measurements, or necessary specimens for the purpose of laboratory analysis. The owner, or occupants of such premises shall permit the Health Officer to enter such premises and to make such inspection, and to obtain such samples, at the request of the Health Officer.

B. Such inspection shall be made at any reasonable time and at other times, with the consent of the occupant, or in case of emergency.

C. The provisions of this section shall apply to all premises, property, or building, vacant or occupied.

D. The Health Officer may make as many additional inspections of such premises as are deemed necessary. Every occupant of a dwelling unit shall give the owner thereof, or his agent, or employee access to any part of such premises or property or disposal system, at all reasonable times for the purpose of making such alterations as are necessary to affect compliance with the provisions of these rules or with any lawful regulation adopted or any lawful order issued pursuant to the provisions of these rules.

**SECTION 8. 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 these rules, shall be refused entry, a complaint may be made under oath to any magistrate of the county and said magistrate shall thereupon issue his warrant directed to some peace officer of the county commanding him during some reasonable time, accompanied by the Health Officer, to enter upon such premises and to make such inspection, and to obtain such information, data, and samples as may be required to carry out the provisions of these rules, which order shall be executed by said peace officer accompanied by the Health Officer.

**SECTION 9. Notice:** Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of these rules or any regulation adopted pursuant to these rules, or that a nuisance condition or health hazard exists, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

1. Be in writing.

2. Be served upon the owner, owners agent, or occupant as the case may require; provided that such notice shall be deemed to be properly served upon such owner, owners agent, or occupant if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice; or if he or she is served with such notice by any other any method authorized or required under the laws or rules of civil procedure of this state.
3. Include a statement of the reasons why it is being issued.
4. Allow 2 weeks for the applicant to develop, with the Sanitarian, a plan of action to remedy the violation. Said plan of action shall establish a reasonable time for the performance of any action required.
5. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of these rules and with regulations adopted pursuant thereto.

**SECTION 10. Suspension of Permits:**

- A. A permit to own or operate, or manage, a disposal system may be suspended, if, upon inspection, the Health Officer considers the conditions are such as to warrant immediate closing of the disposal system until the provisions of these rules are met, and the owner, operator and/or manager shall be notified to prohibit any person from using the disposal system.
- B. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the Health Officer, and any cost of such correction, including, but not limited to, field work, laboratory work, consulting fees and legal fees shall be borne by the applicant for such reinstatement of such permit.
- C. When the Health Officer believes the owner, operator, and/or manager has met the provisions of these rules, he may, in writing, authorize the use of the disposal system again.

**SECTION 11. Revocation of Permit:**

- A. Any permit may be revoked by the Health Officer for failure to comply with these rules, or in cases where the permit was obtained by non-disclosure, misrepresentation, or misstatement of pertinent facts. Before a permit is revoked, the Health Officer shall give notice as outlined in SECTION 9 above.
- B. A revocation of permit is final.
- C. A person who wishes may reapply for a new permit following all the provisions of these rules.

**SECTION 12. Hearing:** In the event any person is aggrieved by any order made by the Health Officer, he may within twenty (20) days of the date of such order appeal to the Board of Health and in writing state his reasons for requesting such order to be rescinded or modified. The Board of Health shall review the actions of the Health Officer, and if reasonable grounds exist, shall modify, withdraw or order compliance with said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the District Court of Jefferson County.

**SECTION 13. Penalty:** Any person who violates any provisions of this ordinance, rules of the administrative authority, or Iowa Administrative Code 567-39, 567-49, or 567-69 or the rules of the local Board of Health or any lawful order of said board, its officers, or authorized agents shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20. Each additional day of neglect or failure to comply with such provision, rule or lawful order after notice of violation by the local board shall constitute a separate offense. However, in no event shall the total fine subject to this provision exceed One Thousand Five Hundred Dollars (\$1,500.00).

**SECTION 14. Authority and Effective Date:** Effective upon adopting and public notice and hearing under the provisions of the 1999 Iowa Code, Chapter 137, all disposal systems in Jefferson County shall comply with the provisions of these rules including all new disposal systems, those disposal systems undergoing installation, repair, alteration, extension, or completion. The Health Officer shall have the authority to visit the disposal system during any reasonable time and to collect the necessary data, without prior notice. The Board of Health may also require the issuance of permits, the posting of performance bonds, the charging of fees, the submission of covenants, and other data necessary.

## **Chapter 3-15. DISPOSAL SYSTEM CONTRACTORS.**

**SECTION 1. License Required.** No person, firm or corporation shall engage in the business of a "Disposal System Contractor" in the County without having first obtained a license therefore as herein required. Applications for such license shall be made to the Board of Supervisors, upon forms furnished by said Board, setting forth such information therein as to identify the applicant and his background of training and experience.

**SECTION 2. Definition.** The term "Disposal System Contractor" as used in this ordinance is hereby defined and shall be construed to mean any person, firm or corporation engaged in the business of installing, constructing, reconstructing, repairing, extending or alternating a waste water disposal system.

**SECTION 3. Bond.** Before such Disposal System Contractor's license shall be issued, the applicant therefor shall file with the Jefferson County Auditor a surety company bond in the sum

of at least Ten Thousand Dollars (\$10,000.00) subject to the approval of the County Attorney, which bond shall be conditioned that the principal therein shall properly observe all the ordinances of the County pertaining to the work of a Disposal System Contractor and all rules and regulations established by the County pertaining to such work, and shall further indemnify and save harmless the County and any and all persons therein for whom such licensee might work as a Disposal System Contractor against all losses and damages that may result by reason of inadequate, improper, or negligent workmanship by himself, his servants, or employees, or by reason of furnishing unsatisfactory material by such licensee or his servants or employees in the performance of any work as a Disposal System Contractor; and a further condition of such bond shall state that the amount of said bond shall be and exist for the benefit of all persons injured or aggrieved by any violation of any ordinance of the County or any neglect to observe the provisions of any such ordinance or the rules and regulations established thereunder. Such bond may be renewable at the time the principal thereon shall renew his Disposal System Contractor license.

Upon failure or refusal of the applicant or licensee to furnish and maintain a bond as herein prescribed, his Disposal System Contractor license shall be revoked.

This bond may be cancelled as to future liability by the Surety upon thirty (30) days written notice to Jefferson County and the Disposal System Contractor sent by regular mail. The aggregate liability of the Surety to any and all persons, regardless of the number of claims made against this bond or the number of years this bond remains in force, shall in no event exceed the amount set forth above. Any revision of the bond amount shall not be cumulative.

**SECTION 4. Suspensions or Revocation of License: Effect.** Any licensee who shall (1) neglect or refuse to comply with the provisions of this ordinance or the rules and regulations established thereunder by County ordinance or rules and regulations, or with the conditions under which any permit shall be issued, or (2) who shall falsify any statements in his application for license, or (3) who shall violate any provisions of any ordinance of the County, or (4) who shall violate any provisions of the laws of the state shall be subject to have his license suspended or revoked. Any license herein authorized to be issued may be suspended by the Board of Supervisors of the County as hereinafter set forth. If such license is suspended, the license and all evidence thereof shall be surrendered by the licensee, and shall be held by the Board of Supervisors until the final disposition is made of such suspension.

It shall be unlawful for the suspended licensee or any one working in his behalf to do any work as a Disposal System Contractor while such suspension continues to exist.

In connection with the notice of suspension, a statement in writing shall be prepared by the Board of Supervisors suspending the license setting forth specifically the charges or grounds for which the license was suspended and the facts on which suspension is based, and such statement shall be served on the licensee at the same time the notice of suspension is served.

Immediately upon such suspension the Board of Supervisors shall give a notice in writing to the licensee or to any person in charge of the licensee's business at the address designated in the license that a hearing will be held before the Board of Supervisors at such time and place stated in the notice, not less than three days and not more than fifteen days from the date of such suspension, at which time and place stated in the notice, not less than three days and not more than fifteen days from the date of such suspension shall be investigated by the Board of Supervisors to determine if the basis for the suspension exists. If said Board of Supervisors finds

that the basis of suspension is substantiated by the facts, the license shall be revoked forthwith, but if the basis of suspension is not established by the evidence submitted, the license shall be reinstated.

In the event that a license issued under this ordinance is revoked, such person and all persons officially connected with such license shall be ineligible to obtain another Disposal System Contractor's license in the County for a period of one year from the date of such revocation.

**SECTION 5. Penalty.** Violation of any provisions of this ordinance is a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20. This sanction is not intended to be an exclusive remedy, and any and all other remedies in law or equity remain available to insure compliance with this ordinance.

## **Chapter 3-20. WELLS AND WATER SUPPLY SYSTEMS.**

**SECTION 1. Purpose:** These rules are to promote the public health and welfare of the citizens of Jefferson County and for the public good no person shall waste, pollute, endanger or abuse the waters of the state, either above or below ground surface; nor shall any person construct, use, operate, maintain, install or abandon any well, cistern, pump, pipe, casing, tank or any part of a water supply system in any manner to the vexation or detriment of any person or property or waters of the state, either above or below ground surface, anywhere in Jefferson County, Iowa.

**SECTION 2. Specific Requirements Reference:** All rules and regulations, as amended, of the Iowa Department of Water, Air, and Waste Management or other appropriate agency pertaining to nonpublic water wells, water supply systems and pumping equipment, more specifically, Chapter 49 of the Iowa Administrative Code, 567-49.15 (2001, or as thereafter amended) shall apply in Jefferson County, Iowa effective after proper publication, notice, public hearing, and acceptance by the Jefferson County Board of Health and the Jefferson County Board of Supervisors, of these rules. These rules do apply to all wells, used for any purpose, if through poor construction or operation such wells can allow significant contamination to enter ground water.

### **SECTION 3. Permits:**

A. No person shall begin construction of any nonpublic well or water supply system for any purpose within the area of Jefferson County, without first completing an application for permit.

B. A permit is necessary to construct or reconstruct any nonpublic well or water supply system. An applicant must file an application with the Health Officer or designated assistant, stating therein the owner's name, the correct street address, or road, section and township, the type of system desired, with other pertinent information as may be required, plus any required fee.

C. Upon approval of the application by the Health Officer, a nonpublic well or water supply system permit and permit warning cards will be issued.

D. Permits shall expire and have no further validity if the construction or reconstruction is not completed within six (6) months from the date of issuance.

E. The permit shall be signed by the Health Officer upon initial authorization and final inspection approval. No nonpublic well or water supply system shall be covered or so constructed as to prevent in any way a thorough final inspection and periodic monitoring by the Health Officer.

F. Permit warning cards shall be displayed during the entire construction period so as to be plainly visible. Permit warning card are available from the Health Officer, or designated assistant.

G. Water system permits are required by some governmental entities. Where such permit is required in addition to the county permit, the Health Officer will aid the applicant to expedite the process. No county permit will be approved until all other rules and regulations are met.

H. A well log and well log sketch signed by the well driller and a pump and equipment installation report signed by the pump and equipment installer, shall be submitted to the Health Officer prior to final approval of any nonpublic well or water supply system construction, reconstruction or rehabilitation.

I. During the installation if it is found necessary to make any substantial change from the plan on which a permit was issued, permission will be obtained in writing from the Health Officer, an "as built" plans shall be submitted upon completion of the installation.

J. "As built" plans, nonpublic well construction reports and/or water well pump and equipment installation reports shall also be submitted to the Health Officer, upon completion of any minor changes which do not necessitate a full permit.

**SECTION 4. Fees:** A fee of \$50.00 payable to the administrative authority, shall be paid prior to the issuance of any water system or nonpublic well permit for any construction on any such system not previously approved. There shall be no fee for a permit for any construction on any such previously approved system.

**SECTION 5. Inspections:**

A. Whenever the Health Officer has reasonable grounds to believe that a violation of these rules exist, he may enter upon and make an inspection of such premises, dwelling or other buildings or place and to gather other necessary information, including water samples or necessary specimens for the purpose of laboratory analysis. The owner, or occupant of such premises shall permit the Health Officer to enter such premises and to make such inspections, and to obtain such samples,

at the request of the Health Officer.

B. Such inspection shall be made at any reasonable time and at other times, with the consent of the occupant, or in case of emergency.

C. The provisions of this section shall apply to all premises, buildings, or dwellings, vacant or occupied.

D. The Health Officer may make as many additional inspections of such premises as are deemed necessary. Every occupant of a dwelling unit shall give the owner thereof, or his agent, or employee access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of these rules or with any lawful regulation adopted or any lawful order issued pursuant to the provisions of these rules.

**SECTION 6. Notice:** Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of these rules or any regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

1. Be in writing.
2. Be served upon the owner, owners agent, or occupant as the case may require; provided that such notice shall be deemed to be properly served upon such owner, owners agent, or occupant if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his 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 he or she is served with such notice by any other any method authorized or required under the laws or rules of this state.
3. Include a statement of the reasons why it is being issued.
4. Allow a reasonable time for the performance of any act it requires.
5. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of these rules and with regulations adopted pursuant thereto.

**SECTION 7. 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 these rules, shall be refused entry, a complaint may be made under oath to any magistrate of the county and said magistrate shall thereupon issue his warrant directed to some peace officer of the county commanding him during some reasonable time, accompanied by the Health Officer, to enter upon such premises and to make such inspection, and to obtain such information, data, and samples as may be required to carry out the provisions of these rules, which order shall be executed by said peace officer accompanied by the Health Officer.

**SECTION 8. Penalty:** Any person violating these rules or any provision thereof, shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

## **Chapter 3-25. PLUGGING ABANDONED WELLS.**

**SECTION 1. Purpose.** These rules are to promote the public health and welfare of the citizens of Jefferson County. For the public good, to protect the groundwater by permanently sealing off contamination to individual aquifers, all abandoned wells located in Jefferson County, Iowa, shall be properly plugged in accordance with Iowa Code Section 455B.190 and according to the schedule and required procedures for the proper plugging of abandoned wells as specified in Chapter 39 of the Iowa Administrative Code, 567-39.

**SECTION 2. Specific Requirements.** All rules and regulations, as amended, of the Environmental Protection Commission or other appropriate agency pertaining to the proper plugging of all abandoned wells, more specifically, Chapter 39 of the Iowa Administrative Code, 567-39 (or as thereafter amended) shall apply to Jefferson County, Iowa, effective after proper publication notice, public hearing and acceptance by the Jefferson County Board of Supervisors of these rules.

**TITLE 4. Reserved.**

## **TITLE 5. DEVELOPMENT OF REAL PROPERTY.**

### **Chapter 5-10. SUBDIVISIONS.**

#### **SECTION 1. Short Title and Purpose.**

A. Short Title. This ordinance shall be known as the “Subdivision Ordinance” of Jefferson County, Iowa.

B. Purpose. The purpose of this ordinance is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that agricultural land and all other existing land uses will be protected, and so that growth occurs in an orderly manner, and to promote the public health, safety and general welfare of the citizens of Jefferson County, Iowa.

**SECTION 2. Definitions.** For the purpose of this ordinance, certain words herein shall be defined, and interpreted as, follows: Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is always mandatory, and the term “may” is permissive.

1. “Acquisition plat” means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having power of eminent domain.
2. “Administrative officer” means the person assigned by the Board of Supervisors the duty to administer this ordinance and enforce its provisions.
3. “Agricultural operation” means the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock as defined by Iowa Code, including beef cattle, sheep, swine, ostriches, rheas, emus, bison, farm deer, horses, goats or any hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, vegetable; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation management program.
4. “Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section.
5. “Alley” means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
6. “Auditor’s Plat” means a subdivision plat required by either the County Auditor or the County Assessor prepared by a surveyor under the direction of the County Auditor.

7. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
8. “Board” means the Board of Supervisors of Jefferson County, Iowa.
9. “County Engineer” means the professional engineer licensed in the State of Iowa designated as County Engineer by the Board of Supervisors.
10. “Conveyance” means the transfer of title to land, which may be evidenced by the filing of an instrument with the County Recorder, including any form of deed or contract.
11. “Cul-de-sac” means a street having one end connecting to another street and the other end terminated by a vehicular turn around.
12. “Division” means the dividing of a tract or parcel of land into two or more parcels by conveyance or for tax purposes, except the conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of the Ordinance.
13. “Easement” means an authorization by a property owner for another to use a designated part of his property for a specified purpose.
14. “Flood Hazard Area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Iowa Natural Resources Council or the Federal Flood Insurance Administration.
15. “Floodway” means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
16. “Government lot” means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
17. “Improvements” mean changes to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers and drainage ways.
18. “Lot” means a tract of land represented and identified by a number or letter designation on an official plat.
19. “Metes and bounds” description means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

20. “Official plat” means either an auditor’s plat or a subdivision plat that meets the requirements of Chapter 354 and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
21. “Open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.
22. “Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
23. “Parcel” means a part of a tract of land.
24. “Permanent real estate index number means” a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
25. “Plat” means a map, drawing, or chart on which a subdivider’s plan for the subdivision of land is presented to the Board of Supervisors for approval, and is intended, in its final form, to be recorded.
26. “Plat of survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.
27. A “preliminary plat” means a subdivider’s proposed map, drawn to scale and including the subdivision’s proposed layout, which shall comply with the requirements in section 6(B) of this ordinance and is intended to be used as the starting point for the development of a final plat.
28. A “public sewer system” means any system designed for the collection, treatment, and disposal of wastes that is not a private on-site sewage treatment system.
29. “Resubdivision” means any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat or preparing a plat of previously subdivided land.
30. “Street” means public or private property, not an alley, intended for vehicular circulation. In appropriate context, the term “street” may refer to the right-of-way bounded by the property lines of such public or private property, or may refer to the paving installed within such right-of-way.
31. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

32. “Subdivision” means the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.
33. “Subdivision plat” means the recorded graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
34. “Surveyor” means a licensed land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa.
35. “Tract” means an aliquot part of a section, a lot within an official plat, or government lot.
36. “Utilities” mean systems for the distribution or collection of water, gas, electricity, wastewater, storm water, wind, telephone, cable television, and internet.

### **SECTION 3. General Provisions.**

A. Requirements for Plat of Survey. A plat of survey shall be made, showing information developed by the survey, for land which has been divided using a metes & bounds description, or for correcting descriptions of surveyed lands. The grantor or the surveyor shall contact the Jefferson County Auditor, who, for the purpose of assessment and taxation, shall review the division to determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. The plat of survey shall be prepared in compliance with 355.7 of the Code of Iowa and shall be recorded.

B. Subdivision Plat Requirements. Any tract of land which has been subdivided or shall hereafter be subdivided by the owner, or any subsequent owner, into three (3) or more parts, any part of which is less than a quarter (1/4) of a quarter (1/4) of a section, for the purpose of laying out an addition, subdivision, or building lot shall be made in the form and containing the information as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record.

C. Recording of Plat. No subdivision plat, resubdivision plat or street dedication within Jefferson County, Iowa, shall be filed for record with the County Reorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the Jefferson County Board of Supervisors, it shall be the duty of the subdivider to immediately record such plat with the County Recorder, and an exact copy of the plat shall be filed in the offices of the County Auditor and County Assessor. Approval of the final plat by the Board of Supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the County Recorder within one hundred twenty (120) days after date of approval, unless, within that time, an extension based upon unusual circumstances is granted by the Board of Supervisors.

D. Fees Established. The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee as established by resolution of the Board of Supervisors and as required by this ordinance.

E. Violations. A violation of any regulation of this ordinance is a County infraction as specified in Iowa Code section 331.307, and all subsequent amendments and revisions thereto.

F. Penalties. The penalty shall be all those available under Iowa Code section 331.302 (15), and all subsequent amendments and revisions thereto.

G. Exception. Parcels created by the governments of the United States of America, the State of Iowa, or any political subdivisions thereof, shall be exempt from the requirements of this article.

H. Building Prohibited. No building shall commence on any lot, nor shall any structure be moved onto any lot, parcel or tract, where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance and until the improvements required by this ordinance have been installed.

I. Appeal of Disapproval or Denial of Board of Supervisors. Any appeal of the Board of supervisors' decision shall be made to the district court in accordance with Iowa Code Section 354.10 and shall be perfected within twenty (20) days as prescribed by that Section.

#### **SECTION 4. Improvements.**

A. Improvements Required. The subdivider shall, at their own expense, install, construct and maintain any improvements required by this ordinance. In no case shall Jefferson County own, operate or maintain the improvements required in this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved final plat.

Exception: Public secondary roads which are currently a part of the Jefferson County Secondary Road System, after being improved by and at the developer's expense as required by this ordinance, shall be maintained by Jefferson County.

B. Inspection.

1. All improvements shall be inspected to ensure compliance with the requirements of the final plat. The cost of such inspection shall be borne by the subdivider.

2. Failure to satisfactorily complete all improvements shall be considered a violation of this ordinance. A new violation occurs each day all the improvements remain incomplete beyond the agreed upon deadline.

C. Minimum Improvements. Non-agricultural or residential subdivision, or any subdivision which will include any new road, or alteration of natural drainage ways, or the installation of sewage collection or water facilities, shall adhere to the following minimum standards. The improvements set for the below shall be considered the minimum improvements necessary to protect the public health, safety and welfare:

1. Streets: The subdivider of land being subdivided shall be responsible for construction of all streets. All streets shall be constructed so as to meet the standards of Jefferson County as set by Board of Supervisor resolution. In all plats where private roads are to be approved, a Road Association Agreement shall be established to (1) guarantee access to all lots, (2) ensure repair and maintenance of said facilities, and (3) provided for any necessary utility easements.

2. Sanitary Sewer System. Adequate provisions for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sanitary sewer system is available within one (1) mile, the developer shall require each individual lot owner to connect to the existing system at the time of home construction. If the proposed subdivision is greater than one (1) mile from an existing system, or the governing body of the system denies access, the developer shall require each individual lot owner to install a disposal system consistent with Jefferson County Ordinance, at the time of construction.

3. Storm Sewer System. The developer shall install and construct a storm water drainage and /or storm sewer system adequate to serve the area. This should include anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent lands.

4. Other improvements. The developer shall be responsible for the installation of grading and seeding or sodding of all lots and all necessary soil erosion control measures during construction; the planting of any required trees; and the installation of street signs and street lighting as required. The developer of land within subdivisions adjacent to an agricultural operation will be fully responsible for the construction of perimeter fencing. Maintenance of said fencing shall be the responsibility of all subsequent owners.

5. Streams and Watercourses: Whenever any stream or surface watercourse is located in an area that is being subdivided, the developer shall, at the developer's expense, make provisions for drainage of surface water.

D. Easements Required. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and, where necessary, side lot lines for public utility requirements. Such easements shall be centered on lot lines, except where prohibited by topography. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structure except when necessary for utilities shall be permitted on such easements.

E. Maintenance of Improvements. Unless otherwise approved by the Board of Supervisors, improvements required to be installed shall remain on the property and the responsibility of the subdivider or successors in interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for such improvements(s), have been approved.

**SECTION 5. Minimum Standards for the Design of Subdivisions.**

A. Standards Prescribed. The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

B. Land Suitability. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the Board of Supervisors. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Board of Supervisors shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Board of Supervisors may reaffirm, modify, or withdraw its determination regarding such unsuitability.

C. Lands Subject to Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Board of Supervisors. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the Board of Supervisors:

1. Included within individual lots in the subdivision, subject to the limitations of this section.
2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the Board of Supervisors, providing for its care and maintenance by such owners.
3. If acceptable to the Board of Supervisors, dedicated to the County as public open space for recreation or for flood control purposes.

D. Soil Erosion and Sediment Control. The subdivider shall submit a letter of intent including a soil erosion and sediment control plan for the entire area of the proposed subdivision. The owner shall bear final responsibility for controlling erosion of the subdivision by such methods as seeding, sodding, earth dikes, sediment basins or other controls as deemed necessary. No

preliminary plat and/or final plat shall be granted approval unless it includes a soil erosion and sediment control plan. The following general standards shall apply:

1. Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.
2. Earth movements, such as grading, topsoil removal, mineral extractions, stream course changing road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora , water course, water regiment and topography.

E. Drainage Requirements. The subdivider shall submit a letter of intent including a drainage control plan for subdivisions with natural drainage courses and waterways. Natural drainage courses and waterways within any subdivision shall be preserved. No preliminary plat shall be granted approval unless it includes a drainage control plan. The following general standards shall apply:

1. Natural drainage courses and waterways within any subdivision shall be preserved in their natural state.
2. Native vegetation shall be used to line eroding or erodable banks.

F. Street Standards. The following standards shall apply to public or private roads, and all private streets to be located within the subdivision.

1. Secondary (public) roads.
  - a. All subdivisions shall be serviced by a paved or bituminous seal coat surfaced public road.
  - b. For proposed subdivisions not serviced by a paved or bituminous seal coat surfaced public road, it shall be the responsibility of the developer to improve the roadway from each entrance of the subdivision to the nearest paved bituminous seal coat surfaced public road. Paving plans must comply with all county standards, be prepared by a professional engineer who is licensed to practice in the State of Iowa, and be approved by the County Engineer and the Board of Supervisors.
  - c. If the subdivision is serviced by a gravel road, the developer shall pay the cost of creating a stabilized sub-base and seal-coating the roadway to the nearest paved road. If the seal-coat requires additional applications, the developer or successors in interest to any part of the subdivision shall be responsible for the cost of the additional application. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not

assume the full responsibility for creating a stabilized sub-base, seal-coating, and maintaining the gravel road have been approved.

- d. All new driveways proposed as part of the subdivision shall conform to Jefferson County Ordinance.
  - e. All new streets, public and private, shall be named and all newly erected structures shall be numbered and marked in accordance with Jefferson County Ordinance.
2. Subdivision (private roads):
- a. The minimum specifications for streets for new subdivisions in Jefferson County shall be adhered to as established by resolution.
  - b. All newly erected structures shall be numbered and marked in accordance with Jefferson County Ordinance.
3. Cul-de-sacs:
- a. All cul-de-sacs proposed, as part of the subdivision shall be approved by the County Engineer.
  - b. The maximum length of any proposed cul-de-sac shall be 750 feet.

G. Block and Lot Standards. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions.

- 1. All lots shall be a minimum of 1 acre. However, a variance may be granted for those lots serviced by a public sanitary sewer system.
- 2. Block and lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- 3. Block and lot arrangement and design shall be such that all lots will have direct access to a platted roadway. Indirect access via an easement, shared driveway, or unusual shaped lots with a single strip of land for access is unacceptable.
- 4. Unless unavoidable, lots shall not front or have direct access to arterial streets or county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

**SECTION 6. Procedures and Submission Requirements for Plats.**

A. Board Approval Required. Final approval of the proposed subdivision plat shall be made by the Board of Supervisors. The subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the Administrative Officer ten (10) copies of the preliminary plat conforming in detail to the requirements set forth in this ordinance.
2. The subdivider shall also prepare and file with the Administrative Officer one (1) digital copy of the preliminary plat conforming with the requirements of the County Engineer.

B. Requirements of the preliminary plat. The preliminary plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100') or larger. A sheet size shall not exceed twenty-four inches by thirty-six inches (24"x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet, the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show or have attached thereto, the following:

1. Title, scale, north point and date on each sheet.
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county, and shall be approved by the County Auditor.
3. The name and address of the owner and the name, address and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding lands.
5. The names and locations of adjacent subdivisions and the names of record owners and locations of unplatted land located within five hundred (500) feet of the proposed subdivision boundary.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
7. Contours at vertical intervals of not more than two (2) feet, if the general slope of the site is less than ten (10) percent, and at vertical intervals of not more than five (5) feet, if the general slope is ten (10) percent or greater.
8. The legal description of the area being platted.

9. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
10. The layout, numbers and approximate dimensions of proposed lots.
11. The location, width and dimensions of all streets.
12. Present and proposed utility systems, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electric utilities.
13. Proposed easements showing locations, widths, purposes and limitations.
14. Parcels or areas of land proposed to be dedicated or reserved for open space, schools, parks, playgrounds, or other public, semi-public or community purposes, showing proposed surfacing material.
15. A general description of all minimum improvements to be created within the subdivision.
16. Any other pertinent information and necessary information.
17. The fee, as required by this ordinance.

C. Duration of Approval of Preliminary Plat. Approval of the preliminary plat by the Board of Supervisors shall be valid for a period of eighteen (18) months from the date of approval. In the event that a final plat has not been approved within the eighteen (18) month period, the preliminary plat shall be void. The subdivider shall then be required to resubmit the preliminary plat for approval in the same manner as previously prescribed.

D. Requirements of the Final Plat. Following approval of a preliminary plat, as provided for in Sections 6(A) and 6(B) of this ordinance, the subdivider shall, within eighteen (18) months from the date of approval of the preliminary plat, unless such time period has been extended, file with the Administrative Officer ten (10) copies of the final plat or a portion of the final plat for the area covered by said preliminary plat as approved by the Board of Supervisors. The subdivider shall also file one (1) digital copy of the final plat.

The final plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18"x 24") nor smaller than eight and one-half inches by eleven inches (8 ½ "x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked “Final Plat” and shall show the following as set forth within Chapters 354 & 355 of the Iowa Code.

1. The name of the subdivision, as approved by the County Auditor.
2. Name and address of the owner and subdivider.
3. Scale graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record, as required by Chapter 355, Code of Iowa.
5. Sufficient survey data to positively describe the boundaries of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
6. All distance, bearing curve, and other survey data.
7. All adjoining properties shall be identified and, where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. Street names and a clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including: gas, power, telephone, cable television, water and sewer, easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled “not a part of this plat”.
13. Legal description.
14. The minimum unadjusted accepted error of closure for all subdivision boundaries, which shall be 1:10,000 and shall be 1:5,000 for any individual lot.

15. A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyors and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.

E. Attachments to the Final Plat. The following shall be attached to and accompany any final plat at the time of recording:

1. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.
2. An attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.
3. Certificate from the County Treasurer that the subdivision land is free from unpaid taxes.
4. A copy of any existing encumbrance bonds.
5. A statement of restrictions that run with the land and become covenants in the deeds of lots.
6. A statement by the developer setting out a timetable, no longer than two (2) years, for satisfactory completion of all improvements.
7. Unless all improvements are complete prior to the filing of the final plat, a statement by the Administrative Officer that a performance bond in an amount equal to the full cost of the improvements outlined in 6.05(f) above, as estimated by the County Engineer and/or his designee, has been approved by the County Attorney and filed with the County Auditor. Said performance bond shall mean either a surety bond or a cash deposit which is legally sufficient to secure to Jefferson County that the said improvements will be constructed in accordance with this ordinance.
8. A resolution and certified plat approved by the Board of Supervisors.
9. The applicable fee.
10. A statement by the Administrative Officer that all applicable fees have been paid.

F. Procedure for Review & Approval of Final Plat.

1. The Administrative Officer shall provide copies of the final plat to the County Engineer, and such other persons as are necessary for review, and shall schedule that plat for review by the Board of Supervisors within thirty (30) days upon receipt of the final plat. The Administrative Officer shall furnish the County Auditor a copy to be maintained for public viewing.

2. The Administrative Officer and the County Engineer shall examine the plat for compliance with applicable ordinances and standards of the County, shall examine its conformance with the preliminary plat, and shall formulate a report to be given to the Board of Supervisors at the time of the Board's review meeting. Pursuant to Iowa code Section 354.10; approval or denial of the subdivision plat shall occur within sixty-days (60) from the date of application for final approval.

3. If the plat is found to conform to the applicable ordinances and standards of the County, to substantially conform to the preliminary plat, and if it appears that approval will not be in conflict with the purposes of this ordinance, as set out in Section 1(B) above, the Board of Supervisors may approve the final plat and cause its approval to be entered on the plat. The Board of Supervisors may also adopt and pass a resolution accepting the final plat. The County Auditor, upon approval of the final plat by the Board of Supervisors shall certify the resolution and the final plat as evidenced by a seal, signature and date appearing on both documents.

4. If the final plat is disapproved by the Board of Supervisors, the reasons for such disapproval shall be conveyed in writing to the subdivider.

5. The passage of a resolution by the Board of Supervisors accepting the final plat shall constitute final approval of the platting of the area shown on the final plat. The subdivider shall cause a certified copy of the approved final plat to be recorded in the office of the County Recorder before Jefferson County will recognize the plat as being in full force and effect.

6. Any changes made to the final plat after approval of the Board of Supervisors shall be subject to the provisions of this ordinance.

#### **SECTION 7. Other Provisions.**

A. Open Space Requirement. For all subdivisions, a minimum of one half acre is required to be set aside as common open space. Additionally, .10 acres will be provided as common open space per each lot proposed. As a condition of approving all subdivision, the subdivider shall submit with the final plat a subdivider's agreement regarding the liability for and maintenance of the open space, common ground or recreation area. The land area required for storm water detention, streets, sidewalks, utilities, and wastewater treatment shall not be included in the land area required to meet the open space requirement.

B. Sale of Lots Within a Proposed Subdivision. It shall be a violation of this ordinance to record the sale of any lot or lots within a proposed subdivision until such time as the final plat has been recorded in the office of the Jefferson County Recorder.

C. Variances. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Supervisors may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. However, such variance modification or waiver shall not have the effect of

nullifying the intent and purpose of this ordinance or the Jefferson County Land Preservation Ordinance. In no case shall a variance or modification be more than a minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance the Board of Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modifies, or waived. If a request for variance is denied, an appeal may be made in conformance with Section 3(I) of this ordinance.

**SECTION 8. Penalty:** Any person violating these rules or any provision thereof, shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

## **Chapter 5-20. UNIFORM RURAL ADDRESS SYSTEM.**

**SECTION 1. Purpose.** This ordinance mandates the use of a uniform rural address system for residents of Jefferson County not otherwise included within the address system of an incorporated town or city, in order to facilitate ease of location of residents in emergency and non-emergency circumstances, and to promote the convenience, safety, and general welfare of those residents. Civil and criminal penalties are provided for failure or refusal to comply.

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

1. "Person" shall mean any individual, corporation, partnership, unincorporated association, or other entity.
2. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
3. "Building" shall mean a roofed and/or walled structure built for permanent use.
4. "Base Map" shall mean the map used by the agency coordinating the uniform rural address system in Jefferson County. Such a map shall indicate all addresses in Jefferson County subject to the provisions of this ordinance. Location of official "Base Map" shall be at Jefferson County Law Center, Fairfield, Iowa.
5. "Engineer" shall mean the Jefferson County Engineer.
6. "Director" shall mean the Jefferson County Sheriff or his designee who shall initially act as Director. In the event of adoption of a Rural Zoning Ordinance providing for establishment of an office of Zoning Administrator, the responsibilities herein referred to as those of administrator

may, by action of the E911 Board, be thereafter regarded as responsibilities of the Zoning Administrator.

**SECTION 3. Establishment by Ordinance.** The Board shall, and does, by this ordinance, establish the street and avenue type of uniform rural address system to be used in Jefferson County. Specifics of establishment of initial street names and house or structure numbers are as stated at Section 10 hereafter.

**SECTION 4. Extent of System.** The uniform rural address system shall extend over the entire unincorporated areas of Jefferson County except for those areas already using the system of a nearby incorporated area, or the unincorporated areas formerly incorporated, which have retained an address system of long standing use compatible with this system. Any incorporated area, upon presentation of a written request from the governing body of such city of the Board, or unincorporated area formerly having been incorporated upon a petition from a majority of its residents, may also be included in the uniform rural address system, upon approval of the E911 Board and the Board of Supervisors of Jefferson County, Iowa.

**SECTION 5. Implementation of System.** The Board shall direct the Director to:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to that map.
3. Assign addresses in accordance with the system selected by the Board.
4. Purchase sign assembly materials which meet specifications, including naming and numbering materials, established by the Jefferson County E911 Board and by Jefferson County, Iowa.
5. Develop, print, and make available rural reference maps.
6. Notify post offices, rural emergency providers and such other providers of similar service to persons not otherwise included within the address system of an incorporated town or city, dispatchers, emergency vehicles, and county offices, located in adjacent counties whereby such districts overlap into Jefferson County, of the effective date of the system and the address assignments.
7. Notify all residents affected by this mandatory system, by publication and posting, of the following:
  - a. How to use the system.
  - b. That road markers have been placed.

- c. That permanent address markers have been placed indicating the assigned house number.
  - d. That maintenance of the system is required and where replacement markers can be obtained, and how to place them, and also how to obtain correction of, or updating of, address system information.
  - e. How to obtain address markers for new structures, how application is made to the Director, where to obtain appropriate form for application, and what information is needed to make new address determination.
  - f. That there is a penalty for refusing or failing to use the system and for removing, damaging, defacing, altering, or destroying the address marker, or road markers.
  - g. That all residence markers requiring replacement, or necessary for new addressing, after July 1, 1995, shall be at the expense of the property owner.
8. Distribute the markers.

**SECTION 6. Road Markers.** The Director, with the assistance of the County Engineer, shall supervise the installation of road identification markers at each road intersection in Jefferson County whereby the provisions of this ordinance apply. Such markers shall be in place on or before the date the system takes effect.

**SECTION 7. House Numbers.** Jefferson County E911 Board will provide for every person owning, controlling, occupying, or using any residence situated on premises fronting any public way as provided in Section 4, a permanent marker on such premises indicating the assigned number. Any house number existing at the time the provisions of this ordinance take effect, and that is different than the newly assigned number, shall be removed at the time the new number is installed.

The permanent marker with the house number affixed shall be placed at the right of way line of the road, but not more than 60 feet from the center line of road, adjacent to the driveway. In all placements, the marker shall be readily visible from the centerline of the road, and upon marker placement, the property owner/occupant shall be responsible for continuously maintaining the visibility of the marker.

Residence markers shall be placed on the right side of the driveway as one enters the driveway from the public road. (Exceptions to this rule after July 1, 1995 shall be approved by the Director or his authorized representative.

The provisions of this ordinance shall not apply to accessory buildings, but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor and approved by the Director.

Structures to which this ordinance applies, which are situated on cul-de-sacs and private driveways servicing multiple dwellings, or other non-conventional lanes and roadways, shall have a permanent marker placed for each applicable structure address, at that location, on the entrance to the premises grounds that is most compatible and most conspicuous, considering the

policy for otherwise uniform placement and installation of permanent markers with house numbers.

At those locations where a single drive provides access to multiple dwellings or structures to be serviced, there shall be at the entrance to said drive, in the right of way area deemed by the Director as his delegatee, to be the area for 911 signing, in compliance with Ordinance, a visible sign for each dwelling or structure on that drive; in addition thereto, there shall also be a visible number posted within reasonable proximity of the drive, between the drive and the entrance to each such dwelling or structure serviced.

(Director shall determine compliance.)

**SECTION 8. Maintenance of Uniform Rural Address System.** The Director (Jefferson County Sheriff, or his designee) shall be responsible for the enforcement and maintenance of the Uniform Rural Address System in Jefferson County. These duties shall include assignment of all new addresses, providing markers for new addresses, providing replacement markers, replacing street markers as needed, and in conjunction with the County Engineer's Office, updating maps, making available new maps on an annual basis, making periodic checks of the rural areas of Jefferson County, to insure that the provisions of this ordinance are being complied with, and any other duties necessary to insure the continued maintenance of the Uniform Rural Address System of Jefferson County.

A fee for said replacement markers, covering the cost of said markers, shall be paid to Jefferson County E911 Board by the property owner/occupant.

**SECTION 9. New Structures.** Every person erecting a residence or other included structure, as set forth under the provisions of Section 7 of this ordinance, but after the date the Uniform Rural Address System becomes effective shall, within seven (7) days of commencement of construction, notify the Director (County Sheriff or his designee) who shall, within fourteen (14) days, assign a number to such structure. The provisions of Section 5 and Section 7 shall be applicable to any person subject to the provisions of this section.

**SECTION 10. Street Names and House Numbers.**

A. Street names designated. In general, the roads and streets of the County shall hereafter be designated by the following names:

1. Jefferson County hereby adopts the "State of Iowa, Division of Communications Uniform Street naming and property numbering system procedural manual, (P/W/COM23/USNS.1)" as the official guidelines for establishing street names and addresses with the following clarifications.

- a. East/West streets are numbered and designated streets with the Keokuk/Jefferson County line road being 100th Street and first section line south being 110Th Street and roads in between numbered by proportion.
- b. North/South streets are given a tree/bush/vegetation name and designated an Avenue. The avenues are established by alphabetical order starting at the west

edge of the county with avenue names starting with "A" in the first mile, "B" in the second mile, "C" in the third mile and so on.

- c. Diagonal roads are to be designated boulevards (Blvd) and named after flowers if addressed from the north and an average of the street number if addresses from the west.
  - d. Other roads will correspond to the numbering system guidelines when possible.
2. The following exceptions to general rules concerning street designations apply:
- a. Federal and State Highway name and number designations.
  - b. Principal Paved Farm to Market Roads assigned County Engineer Name or Number Designations and retained common name, historic trail or other designation (i.e. Glasgow Road, Brookville Road, etc. Packwood Road)
  - c. County line roads are designated Avenues and Streets bearing the "Jefferson" county title first and the adjoining County title as the second part of the name designation (i.e. Jefferson Henry Avenue, Jefferson Keokuk Street).
3. All street names designated shall be, and are established immediately as shown on the official "Base Map" maintained at the office of the Director (County Sheriff), and as coordinated with office of County Engineer.

The "Base Map" prepared and existent at that office is hereby established as the official map of the uniform rural address system in Jefferson County and the Base Map is hereafter determinative of all addresses in Jefferson County subject to the provisions of this ordinance.

4. The "State of Iowa, Division of Communications, Uniform Street Naming and Property Numbering System Procedural Manual, (P/W/COM23/USNS.1)" is adopted as the official guidelines for establishing street names and addresses hereafter.
5. The Jefferson County Board of Supervisors continue to have final authority for all street names and addressing decisions in the County, unincorporated towns, and rural subdivisions.

B. Naming street extensions. In general, all extensions of the streets within the present Jefferson County Base Map limits, or in any additions which may hereafter be made, shall be called by the names of the respective streets of which they may be extensions or continuations. Exceptions to this rule shall be approved by the Director with concurrence of the Board of Supervisors.

C. Changing Street or Road Names. Street or road names may only be changed by request for road name change submitted to the Jefferson County Board of Supervisors, on recommendation of the Director, or the County Engineer. The Board of Supervisors retain final authority on all road, name and address decisions.

D. Public Parks Designated. As part of the official Jefferson County Base Map the following tracts of land lying within the entire area of Jefferson County affected by the Uniform Rural Address System, are all designated public park areas and shall be known as:

1. State Parks. Bounded on the North by 225th Street and on the west by Teak Avenue is Woodthrush State Park.
2. County Parks. Bounded on the West by Tamarach Avenue and north by 268th Street is Round Prairie Park. Administrator (County Engineer) to located and designate other parks existent.
3. Other County Parks on Public Areas or designated by Board of Supervisors Resolution.

E. Residential and Building Numbering System. The numbering system for residence and other buildings to which this ordinance is determined to apply, to the extent such numbers are assigned and shown by the official Jefferson County Base Map, is adopted and confirmed. Designation of new addresses and duties associated therewith are delegated to the Director, consistent with Section 7, 8, and 9 of this Ordinance. Address designation within new rural subdivisions shall be those assigned by Resolution of the Board of Supervisors on recommendation of the Director and the County Engineer.

**SECTION 11. Penalty.** Refusal to use the Uniform Rural Address System, or the removal damaging, defacing, alteration, or destruction of the Uniform Rural Address Marker, which indicated a premises' assigned number, or the removal, damaging, alteration, or destruction of a rural address system marker, including road markers, posts, or accessories, intentionally by one who has no right to so act, is a simple misdemeanor punishable by any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

In addition, any violation of this section shall be a county infraction which is punishable by a civil penalty of not more than \$500.00 for each violation or if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense. The above is not intended as an exclusive remedy, nor is it pre-emptive of those provisions of the Code of Iowa, prohibition of sign and marker destruction, punishable by more serious penalty.

## **Chapter 5-30. JEFFERSON COUNTY AIRPORT TALL STRUCTURES ORDINANCE.**

**SECTION 1: Short Title.** This Ordinance shall be known and may be cited as the Jefferson County Airport Tall Structures Ordinance.

**SECTION 2: Definitions.** As used in this Ordinance, unless the context otherwise requires:

1. “Airport” – The Fairfield Municipal Airport.
2. “Airport Elevation”– The highest point of an airport’s usable landing area measured in feet from sea level, which elevation is established to be 797 feet.
3. “Airport Hazard”– Any structure or tree or use of land which would exceed the Federal Code of Regulations Section 77.21, Section 77.23 and Section 77.25 as revised March 4, 1972, and which obstructs the airspace required for the flight of aircraft and landing or take-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft.
4. “Airport Primary Surface”– A surface longitudinally centered on a runway. When the runway has 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 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 Height”- For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map the detour shall be mean sea level elevation unless other wise specified.
6. “Control Zone”- Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of Five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument Runway”- A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation, for which an instrument approach procedure has been approved or planned.
8. “Minimum Decent Altitude”– The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “Minimum en Route Altitude”– 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”– The specified altitude in effect between radio fixes on VOR airways, off airway routes, or route segments, which assures acceptable navigational signal coverage only within twenty-two (22) mile of VOR.
11. “Runway” – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. “Visual Runway”- A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military service approved military airport plan, or by planning document submitted to the FAA by competent authority.

**SECTION 3: Airport Regulations Areas and Airspace Height Limitations.** In order to carry out the provisions of this Section, there are hereby created and established certain Maps. A structure located in more than one (1) area of the following areas is considered to be only in the area with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Airport Height Regulation Areas.

A. Horizontal Area – The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

1. (Visual Runway) – Swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of runway 8 : 26 and connecting the adjacent area by lines tangent to those arcs.
2. (Non-precision Instrument Runway) – Swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface runway 17 : 35 and connecting the adjacent arcs by lines tangent to those arcs.

(NOTE: The radius of the arc specified for each end of a runway will have the same arithmetic value. That value will be the highest determined for either end of the runway. When a five thousand (5,000) feet arc is encompassed by tangents connecting two adjacent ten thousand (10,000) feet arcs, the five thousand (5,000) feet arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal area, as depicted on the Fairfield Municipal Airport Height Regulation Areas Map.

B. Conical Area – The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical area, as depicted on the Fairfield Municipal Airport Height Regulation Areas Map.

C. Approach Area – 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. (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.)

1. The inner edge of the Approach Surface is:
  - a. (Visual Utility Runway) – Two hundred fifty (250) feet wide for Runway 8 : 26.
  - b. (Visual Other than Utility Runway and Non-precision Instrument Runway) – Five hundred (500) feet wide for Runway 17 : 35.
2. The outer edge of the approach area is:
  - a. (Visual Utility Runway) – One thousand two hundred fifty (1,250) feet for Runway 8 : 26.
  - b. (Visual Other than Utility Runway) – One thousand five hundred (1,500) feet for Runway 17 : 35.
  - c. (Non-precision Instrument Other than Utility Runway) – Three thousand five hundred (3,500) feet for Runway 35.
3. The Approach Area extends for a horizontal distance of:
  - a. (All Visual and Non-precision Instrument Utility Runways) – Five thousand (5,000) feet at a slope of twenty (20) to one (1) for Runways 17, 8, and 26.
  - b. (Non-precision Instrument Other than Utility Runways) – Ten thousand (10,000) feet at a slope of thirty-four (34) to one (1) for Runway 35.

No structure shall exceed the approach surface to any runway, as depicted on the Fairfield Municipal Height Regulation Areas Map.

- D. Transitional Area – The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extending at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the Approach Surfaces.

No structure shall exceed the Transitional Surface, as depicted on the Fairfield Municipal Airport Height Regulation Areas Map.

- E. No structure shall be erected in Jefferson County, Iowa 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 Jefferson County, Iowa.

**SECTION 4: Use Restrictions.** Notwithstanding any other provisions of Section 3, no use may be made of land or water within the City of Fairfield, Iowa or Jefferson County, Iowa in such manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. 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 Fairfield Municipal Airport or in the vicinity thereof.
2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Fairfield Municipal Airport.
3. No operations from any use in the City of Fairfield, Iowa or Jefferson County, Iowa shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

**SECTION 5: Lighting.**

A. NOTWITHSTANDING the provisions of Section 4, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter Six of FAA Advisory Circular 7460-1D and amendments.

B. 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 Fairfield, Iowa at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of airspace hazard.

**SECTION 6: Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. NO application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Fairfield Municipal Airport Manager and the Aeronautics Director of the Iowa Department of Transportation for his opinion as the aeronautical effects of such a variance. If the Fairfield Municipal Airport Manager and the Aeronautics Director does not respond to the Board of Adjustment with in

fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny said variance.

**SECTION 7: Board of Adjustment.**

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

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

B. The Board of Adjustment shall consist of five (5) members who shall be the three (3) members of the Jefferson County Board of Supervisors and two members of the Fairfield Airport Committee to be appointed by the City Council of Fairfield. Said members each shall serve until his successor is duly appointed and qualified. Said members shall annually elect a Chairman and Secretary from its own number who shall serve in this capacity until the next election or his replacement on said Board.

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

D. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.

E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance, or to effect variations of this Ordinance.

**SECTION 8: Judicial Review.** Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15.

**SECTION 9: Administrative Agency.** It shall be the duty of the Airport Administration Officer, who shall be the City Clerk of the City of Fairfield, Iowa, to administer the regulations

prescribed herein. Applications for permits and variances shall be made to the Airport Administrative Officer upon a form furnished by him. Applications required by this Ordinance to be submitted to the Airport Administrative Officer shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Administrative Officer.

**SECTION 10: Penalties.** Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

**SECTION 11: Conflict Regulations.** Where there exists a conflict between any of the regulations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. To the maximum extent possible, this Ordinance is intended to be read and construed exactly as that Ordinance known and cited as “The Fairfield Municipal Airport Height Regulations Ordinance” adopted August 21, 1984.

## **Chapter 5-35.      WASHINGTON MUNICIPAL AIRPORT ZONING ORDINANCE.**

### **SECTION 1: Short Title and Purpose.**

A. Short title. This Ordinance shall be known and may be cited as the Washington Municipal Airport Zoning Ordinance.

B. Purpose. It is the purpose of this ordinance to protect the health safety and welfare of the citizens of Jefferson County by preventing the creation or establishment of any and all obstructions that are a hazard to air navigation in the flight path of the Washington Municipal Airport. A portion of said flight path lies over portions of Jefferson County.

**SECTION 2: Definitions.** As used in this Ordinance, unless the context otherwise requires:

1.      “Airport” – Washington Municipal Airport, at Washington, Iowa.
2.      “Airport Elevation”– The highest point of an airport’s usable landing area measured in feet from sea level: elevation at the Washington Municipal Airport is established as 753.5 feet.
3.      “Airport Hazard”– Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Federal Code of Regulations section 77.21, Section 77.23 and Section 77.25 as revised October 25, 1989, or which obstructs the airspace required by

the flight of aircraft and landing or take-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

4. “Approach Surface”– A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set for the in Section 4 of this Ordinance. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. “Approach, Transitional Zones”– These zones are set forth in Section 3 of this Ordinance.
6. “Board of Adjustment”– The decision-making body established pursuant to the provisions of Iowa Code Section 329.12.
7. “Decision Height”– The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach in execution of a standard instrument approach procedure, where electronic glide slope is provided.
8. “Hazard to Air Navigation”– An obstruction determined to have an adverse effect to the safe and efficient utilization of the navigable airspace.
9. “Height”– For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
10. “Minimum Decent Altitude”– The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
11. “Minimum en Route Altitude”– The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
12. “Minimum Obstruction Clearance Altitude”– The specified altitude in effect between radio fixes on VOR (very high frequency omni-directional radio) 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 twenty-two (22) mile of a VOR.
13. “Non-conforming Use”– Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Ordinance or an amendment thereto.

14. “Obstructions”– Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.

15. “Person” – An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, receiver, an assignee or a similar representative of any of them.

16. “Precision Instrument Runway”– A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR) or a Precision Global Positioning System (GPS) approach. It also means a runway for which a precision approach system is planned and is so indicated on an airport layout plan or any other planning document.

17. “Primary Surface”– A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of point any point on the primary surface is the same as the elevation of the nearest point of the runway centerline.

18. “Runway” – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

19. “Structure” – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

20. “Transitional Surfaces”– These surfaces extend outward at 90-degree angles to the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the approach surfaces. Transitional surfaces for the precision approach surfaces extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

21. “Tree” – As commonly defined and also including similar objects of natural growth.

**SECTION 3: Airport Zones.** In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces and transitional surfaces as they apply to the Washington Municipal Airport. Such zones are shown on the Washington Municipal Airport zoning map. An area located in more than one (1) 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. Precision Instrument Runway Approach Zone - (Approach 18/36) - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide.

The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.

**SECTION 4: Airport Zone Height Limitations.** Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
2. Transitional Zones – Sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

**SECTION 5: Prohibitions.**

- A. No structure shall exceed or penetrate the approach surfaces or the transitional surfaces as established by this Ordinance and as depicted on the Washington Municipal Airport Airspace/Zoning Map.
- B. Generally, no structure shall be erected that raises the published minimum descent altitude or the decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any federal airway affection the Washington Municipal Airport.

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

**SECTION 7: Non-conforming Uses.**

A. Regulations Not Retroactive – The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of non-conforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

B. Marking and Lighting – Notwithstanding the preceding provisions of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Washington Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Owners of the structure or tree.

### **SECTION 8: Permits.**

A. Future Uses – Except as specifically provided in a, b hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 8(D).

1. In areas lying within the limits of the approach zones, no permit shall be required for any tree or structure less than two-hundred fifty (250) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

2. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than two-hundred fifty (250) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

B. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, applications for such a permit shall be granted.

C. Non-conforming Uses Abandoned or Destroyed – Whenever it is determined that a non-conforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviated from zoning regulations.

D. Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment, unless a copy of the application has been furnished to the Washington Airport Zoning Commission for advice as to the aeronautical effects of the variance. If the Washington Airport Zoning Commission does not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

E. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner’s expense, such markings and lights as may be necessary.

**SECTION 9: Enforcement.** It shall be the duty of the Washington Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Washington City Zoning Administrator upon a form published for that purpose. Applications for action by the Board of Adjustment shall be made to the Washington City zoning Administrator.

**SECTION 10: Appeals.**

A. Any person aggrieved, or any taxpayer affected, by any decision of the Washington Airport Zoning Commission made in the administration of the Ordinance may appeal to the Board of Adjustment.

B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Washington Airport Zoning Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Washington Airport Zoning Commission certifies to the Board of Adjustment, after notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Washington Airport Zoning Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Washington Airport Zoning Commission and on due cause shown.

D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

E. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

#### **SECTION 11: Judicial Review.**

A. The Jefferson County Board of Supervisors shall consider any circumstances brought to its attention that appears to demonstrate a non-compliance with any provision of this Ordinance. A non-compliance with a provision of this Ordinance shall be deemed a violation of the Ordinance. The Jefferson County Board of Supervisors shall refer an alleged violation of this Ordinance to the Jefferson County Attorney's Office for prosecution only after the person or persons responsible for the non-compliance have been given twenty (20) days to correct the violation. Notice advising said person of the violation, shall be by certified mail or personal service.

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

**SECTION 12: Conflict Regulations.** Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

## **TITLE 6. COUNTY ROADS AND RIGHT-OF-WAY.**

### **Chapter 6-10. PROTECTION AND PRESERVATION OF JEFFERSON COUNTY'S ROADWAY RIGHT-OF-WAYS.**

**SECTION 1. Purpose.** The purpose of this ordinance is to establish this County's Policy as it relates to the protection and preservation of its roadway right-of-ways. For the health and safety of the citizens of Jefferson County, Iowa, henceforth, no individual, corporation, or any other entity shall encroach upon the County's right-of-way by planting crops upon the said right-of-way, or placing debris or other articles upon the right-of-ways of the County roadway system. The County roadway right-of-way system serves, among other functions, to permit telephone lines, water and other service utilities to locate, to control and prevent soil erosion caused by both mechanical and natural agents and to provide motorists with the best visual contact of the surrounding area.

**SECTION 2. Prohibited Acts.** It shall henceforth be a prohibition to grow a commercial or any other crop upon the right-of-ways of the Jefferson County roadway system, or deposit or place any debris, organic or inorganic, onto the County's roadway right-of-ways.

If a question shall arise as to the location of the County's right-of-way, a citizen is directed to the Jefferson County Engineer's Office, who will ascertain the boundary line of such roadway right-of-way, and mark appropriately.

#### **SECTION 3. Sanctions.**

A. If any crop is grown upon the County's roadway right-of-way, the County will be entitled to cut the crop without further notice, re-seed and grade as necessary and charge the costs of such action to the landowner, and/or operator of such farm and assess said cost as a tax upon the real estate; and/or file an action as a civil suit seeking damages for the costs associated with removal of the crop or debris and seek injunctive relief to prohibit the same from occurring in the future.

B. In the event that debris and/or other material is placed upon the County's right-of-way, Jefferson County authorities would have the right to remove such debris and assess the costs against the violator of this ordinance, with the cost of such cleanup.

C. If a violation occurs of the acts as set forth in Section 2 hereinbefore, the same shall constitute a criminal violation of this ordinance and shall subject the violator(s) to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

D. In the event property markings posted by the Jefferson County Engineer are removed, the violator shall be assessed a civil penalty of the reasonable costs of the Jefferson County Engineer to relocate the property line and replace appropriate markings. In no case shall the civil penalty exceed five hundred dollars (\$500.00) for a first offense or seven hundred fifty dollars (\$750.00) for a second or subsequent offense.

E. Nothing in the Ordinance shall be deemed to restrict the county's rights to enforce compliance with said rules and regulations.

## **Chapter 6-15. ENTRANCES ONTO COUNTY ROADS.**

**SECTION 1. Purpose.** The purpose of this ordinance is to regulate the entrances onto County roads in Jefferson County, Iowa, to provide for the safe use of these entrances, and to promote the public safety and general welfare.

**SECTION 2. General Provisions.** The policies and procedures set out in this ordinance shall apply to proposed new entrance locations and to existing entrances which are proposed to be changed or modified. Anyone creating a new entrance location or any change or modification of an existing entrance onto county roads shall first be required to obtain a Jefferson County Entrance Permit. Written approval of Jefferson County shall be obtained before any changes can be made in an entrance or its location.

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

1. “Entrance” - A physical connection between a secondary road and abutting property.
2. “Type ‘A’ Entrance” - An entrance developed to carry moderate and heavy traffic. Possible examples: large and light industrial plants, shopping centers, subdivisions, service stations, and small businesses.
3. “Type ‘B’ Entrance” - An entrance developed to serve light traffic volumes. The entrance would not normally accommodate simultaneous inbound and outbound vehicles. Possible examples: residential, farm or field entrances.
4. “Sight Distance” - The distance of clear vision along a primary highway in each direction from any given point of access where a vehicle must stop before entering the highway.
5. “Jefferson County, Jefferson County Engineer and County Engineer” - for purposes of this ordinance the interests of Jefferson County shall be represented by the Jefferson County Engineer and/or his designees. Jefferson County Engineer and County Engineer are synonymous.

**SECTION 4. Permit - Applications.** To obtain a permit for a road entrance the applicant shall first file an application therefor in writing on a form furnished for that purpose. Entrance Permit application forms may be obtained at the office of the Jefferson County Engineer. Each Application shall:

1. Specify the type of entrance requested;
2. Contain a detailed plan of the proposed construction;
3. Describe the land on which the proposed work is to be done by lot, block, tract and street location or similar description that will readily identify and definitely locate the site of the proposed entrance.
4. Be signed by the owner of record or an authorized agent, who may be required to submit evidence to indicate such authority;
5. Other such information that may be required by the Jefferson County Engineer.

The property owner shall file three copies of the approved entrance application form with the County Engineer. The land owner shall then receive one copy of the completed application.

**SECTION 5. Payment of costs associated with entrance construction.** The property owner is responsible for providing all materials for the initial entrance construction. Jefferson County will not provide dirt, pipe, or other materials for the initial installation of entrances.

**SECTION 6. Payment of costs associated with entrance maintenance.** After the entrance is constructed and approved by Jefferson County, then the County Road Department will be responsible for all future maintenance and repair, if needed repair is caused by normal entrance use.

**SECTION 7. Entrance Locations.** The distance between entrances shall be not less than thirty feet (30') measured between the toe of slopes. The centerline of any entrance shall be not less than twenty feet (20') from a side property line.

**SECTION 8. Criteria for Type "A" Entrance.** This type entrance shall require a special study to set the entrance geometry and specifications. This study shall evaluate the following items as a minimum:

1. Determination of potential traffic;
2. Location of existing and proposed entrances shall be shown on a detailed site plan;
3. Need for adequate storage of vehicles using entrance and turning movements;
4. Special conditions for service stations and facilities handling hazardous chemicals;
5. Comments from local authorities regarding the proposed development;
6. Documentation of compliance with zoning, subdivision, and other approvals and certifications.

The specific criteria for these entrances will then be determined by the Jefferson County Engineer.

**SECTION 9. Entrance Criteria for Type "B" Entrances.** Basic standards for these entrances:

1. The specific width requirements are established by the Jefferson County Engineer. Details are available from the County Engineer.
2. The entrance angle shall be established as near to 90 degrees to the centerline of the road as site conditions will allow.
3. Normally, the centerline of that part of an entrance lying within the right-of-way shall be at a right angle to the centerline of the road for a minimum of twenty (20) feet from the near edge of the pavement or gravel.
4. The finished surface elevation of an entrance to a County road shall be sloped away from the road surfacing at about a four percent (4%) slope to prevent surface water from draining onto the highway pavement. Specifics are available from the Jefferson County Engineer.

**SECTION 10. Surface Types.**

A. Gravel Private Entrances: The property owner is responsible for the initial application of gravel to a minimum thickness of six (6) inches. The County Road Department will maintain the gravel road approach to the property line after the entrance is accepted as meeting County specifications. The County will only maintain entrances to: 1) residences - only one gravel road approach per residence; 2) commercial businesses - only one approach per business that generates greater than an average of ten (10) round trips per day.

B. Hard Surfaced Private Entrances: Jefferson County will not maintain hard surfaced (asphalt or portland cement) entrances. Property owners may construct hard surface entrances at their own expense and with a properly executed permit. Jefferson County will not replace any existing hard surfacing when repairing or replacing existing culverts or entrances. Jefferson County will not construct hard surfaced entrances but will only use gravel.

**SECTION 11. On-Site Inspection required.** The County Engineer or his representative will view the location and determine if there is adequate sight distance, correct slope between road and fence line, and general suitability of the proposed site.

**SECTION 12. Sight Distance Criteria.** Applications for entrance permits shall not be approved if the proposed approach location does not provide adequate sight distance. Sight distance shall be figured according to the criteria set forth in the AASHTO Green Book, as amended. Specifics are available from the Jefferson County Engineer.

**SECTION 13. Culvert Requirements.** If the application is approved, the County Engineer or representative will determine if a culvert is required, the size of opening required and the length of culvert required.

A. Length of Culvert. The County Engineer will determine the length of culvert based on the use of the entrance, top width requested, ditch depth, and the type of road being entered. Entrances on paved roads shall comply with the criteria established by the Jefferson County Engineer. Details are available from the county engineer.

B. Culvert Purchase. Culvert may be purchased from the County Road Department for entrances on County roads. Culvert cost will be at the cost Jefferson County pays for the culvert. Jefferson County will not sell pipe for installation off county road right-of-way. Culvert pipes shall be approved by the County Engineer.

C. Culvert ownership. After installation, the culvert shall become the property of Jefferson County, and Jefferson County shall maintain the drive and the pipe within the right-of-way.

**SECTION 14. Restrictions.**

A. The construction, future repair or maintenance of entrances shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway.

B. Nothing in this ordinance shall preclude Jefferson County from entering upon any entrances on the highway right-of-way and performing necessary maintenance for the protection of the highway.

C. No filling will be permitted in the right of way other than that necessary to construct the proposed entrance. No excavations will be made within the limits of the traveled portion of the roadway. Driveway fill is to be compacted by tamping or rolling.

D. The permittee shall give written notice of his intent to begin construction on a highway right-of-way to the Jefferson County Engineer at least forty-eight (48) hours prior to the commencement of said construction so that an inspection of said construction sight may be conducted.

E. Private property may not be used so as to obstruct or encumber the public roadway right-of-way, or interfere with safety, comfort, and use of the public highway users.

F. Permittee shall locate the proposed entrance on the ground by staking or flagging adjacent to the right-of-way line prior to the inspection conducted by the Jefferson County Engineer.

G. The permittee shall leave an area in as good as condition as it was prior to the construction.

**SECTION 15. Final Approval of Entrance.** This application will not be considered approved by Jefferson County until the installation is inspected and approved by the County Engineer or authorized agent. This approval must be recorded on all copies of the permit.

**SECTION 16. Nonconforming Entrances.** Any nonconforming entrance built after the effective date of this ordinance may be removed by the Jefferson County Road Department and the cost billed to the owner or party responsible for installing the entrance.

**SECTION 17. Fee.** The fees pertaining to the permits and actions required by this Ordinance shall be in accordance with the Schedule of Fees, as adopted and amended by the Jefferson County Board of Supervisors. A copy of the schedule of fees shall be on file in the County Engineer's Office.

**SECTION 18. Violations and Penalties.** It shall be unlawful to locate, erect, construct, enlarge or change any entrances onto county roads in violation of any regulation or provision of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of Jefferson County, Iowa. Any person, firm or corporation violating any regulation in or any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be deemed guilty of a simple misdemeanor and, upon conviction thereof, shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

**SECTION 19. Indemnity.** The applicant for any permit under this ordinance, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to, or death to any person or persons, including all costs and expenses incidental thereto, arising from or in connection with or related to the issuance of the permit or the doing of anything under a permit, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide or comply with any of the provisions of this code or other ordinances of the county. The applicant, by making an application for a permit, agrees to save harmless Jefferson County, from any and all claims, demands, lawsuits, or liability for any loss, damage, injury or death, cost and expense, by reasons of the work under the permit even though acts or omissions of the county may have caused or contributed thereto. The foregoing provision shall be deemed to be a part of any permit issued this chapter whether expressly recited therein or not.

## **Chapter 6-20. DIRT ROAD IMPROVEMENTS.**

**SECTION 1. Purpose.** The purpose of this ordinance is to set regulations to govern the improvement of dirt roads prior to the placement of rock surfacing thereon.

**SECTION 2. General Provisions.**

**A. LANDOWNERS RESPONSIBILITIES AT NO COST TO THE COUNTY**

1. Provide all necessary easements for appropriate and useable right-of-way and borrow for reconstruction of the road. The amount of right-of-way required depends on topography, drainage, and obstructions, but in no case shall be less than 66 feet.
2. Remove and dispose of all fence, trees, and brush from the proposed right-of-way.
3. Provide funds for payment of all rock needed for the road surfacing. Rock is to be applied at the rate of 3000 tons per mile.
4. Provide all drainage structures including but not limited to bridges and culverts.
5. Provide, in advance of construction, the money for the cost of the gravel and fees to obtain it from the quarry. If the landowner does not complete the project, the County Engineer shall deduct any engineering costs from the above amount and return the balance to the landowner. If the amount of the engineering expenses exceeds the amount deposited, the County shall retain the entire deposit.

**B. COUNTY RESPONSIBILITIES AT NO COSTS TO THE LANDOWNERS**

1. Do necessary surveying.
2. Prepare plans
3. Replace cross and road drainage structures as needed.
4. Grade road and entrances, and install entrance pipes.
5. Apply rock surfacing.
6. Erosion control as necessary.
7. Future maintenance of road and entrances.

C. Any request for such an improvement shall be submitted to the Board of Supervisors before the first day of November for construction the following year, and that the Board of Supervisors reserve the right to deny such requests for good cause.

## **Chapter 6-30. SECONDARY ROAD SERVICE DURING THE WINTER MONTHS.**

**SECTION 1. Purpose.** The purpose of this ordinance is to establish this 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, pursuant to the provisions of Section 668.10(2), Code of Iowa. Except for "Emergency" conditions, defined in Section 5, as determined by the County Engineer's professional judgment, this policy and level of service are to be implemented within the amount of money budgeted for this service, as contained in this County's Secondary Road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. Clearing the roads at any cost is not the County's policy.

**SECTION 2. 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 a compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment and personnel will be utilized for this purpose. On occasion County personnel may be unavailable due to the Omnibus Transportation Employee Testing Act of 1991. Except for emergencies as determined by the County Engineer's professional judgment, all clearance of snow and ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from the intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder 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 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed that warn 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.

**SECTION 3. Sequence of Service.** In the implementation of snow and ice removal and other maintenance of the county's secondary road system during the winter months, the County Engineer shall select the actual sequence of the roads to be cleared as provided for in this Section of this Ordinance, and shall determine when drifting, wind velocity, and additional snow or

snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of gravel and dirt roads.

1. Paved routes.
  - a. The initial effort will be to get all routes open to two-lane traffic as soon as possible.
  - b. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
  - c. The truck mounted snow plows and spreaders will not normally be in operation between the hours of 5:00 p.m. and 5:00 a.m. The trucks may be called off the road if snow and/or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer or the County Engineer's 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 roads 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 this section, intersections, hills, and curves may have placed on them salt, sand or other abrasive. These intersections, hills, and curves will not be re-sanded, re-salted, or have other abrasives replaced on them between snowstorms. This sequence of service shall be performed only between the hours of 5:00 a.m. and 5:00 p.m. each day, exclusive of Saturdays, Sundays, and legal holidays observed by County employees.
2. Unpaved roads.
  - a. The initial effort will be to get all routes opened to one-lane traffic as soon as possible 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 and/or truck plows will not normally be in operation between the hours of 5:00 p.m. and 5:00 a.m. Gravel roads may not be plowed if the wind is causing continual drifting.
  - d. Snow normally will not be removed from dirt roads. Hardship cases or special requests will be considered by the County Engineer on an individual basis.

3. Private Drives. The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in the private drives. Snow from private drives shall not be placed on the roadway or shoulders. The County shall not replace or repair mailboxes destroyed or damaged during snow removal operations.

4. Time Limits. 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.

**SECTION 4. Limitation of Service.** The policy and level of service provided for in this Ordinance shall not include the performance of the following services:

1. Sanding, salting, or placing of other abrasives upon the roadway 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 precipitation that occurs outside the county's usual working hours.

3. Sanding, salting or placing abrasives upon any road, except for paved roads. Traction on slick hills and intersections that become dangerous will be improved through mechanical means such as scraping with motorgraders.

4. Re-sanding or re-salting for freezing and thawing between snowstorms.

5. Removing of sand, salt or other abrasives.

6. 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.

**SECTION 5. Emergency Conditions.**

A. The County Engineer may suspend the level of service or sequence of service during "Emergency" conditions. An "Emergency" condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent.

B. The provisions of the Ordinance shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the County Emergency Management Director, 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 County Emergency Management Director.

## **Chapter 6-40. AREA SERVICE SYSTEM B ROAD CLASSIFICATION.**

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

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

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

**SECTION 3. Power of the Board.** All jurisdiction and control over Area Service System B roads as provided by this ordinance shall rest with the Board of Supervisors of Jefferson County.

**SECTION 4. Authority to Establish.** The Board of Supervisors of Jefferson County is empowered under authority of Iowa Code Section 309.57, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an Area Service System B Road in Jefferson County after consultation with the County Engineer.

**SECTION 5. Notice and Hearing.** The Board shall fix a time and place for a hearing and cause notice to be published provided by law. The notice shall set forth the termini of the Area Service System B Road as set out in the Resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

**SECTION 6. 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 of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence, and if the Board finds that the proposed Area Service System B road is practicable, it may establish it by proper Resolution.

**SECTION 7. Maintenance Policy.** Only the minimum effort, expense and attention will be provided to keep Area Service System B roads open to traffic. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service System B Roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice will not be removed, unless the road is surfaced and serves a residence or livestock facility. 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. However, all Area Service Level B Roads shall be identified with a sign at all points of access to warn the public of the lower level of maintenance.
4. Weeds, Brush, and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distance will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System B Roads unless they serve a residence or livestock facility and then, not 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.
9. Repairs. There will not be road repair on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspection. Regular inspections will not be conducted.

**SECTION 8. Exemption from Liability.** As provided in said Iowa Code Section 309.57, the County and Officers, Agents, and Employees of Jefferson County are not liable for injuries to any person or for damage to any vehicle or equipment, which occurs approximately 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 7 of this ordinance.

## **Chapter 6-45. AREA SERVICE SYSTEM C ROAD CLASSIFICATION.**

**SECTION 1. Purpose.** The purpose of this ordinance is to classify certain roads on the area service system in Jefferson County as Area Service “C” roads so as to provide for a reduced level of maintenance effort and restrict access, pursuant to Iowa Code Section 309.57.

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

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

### **SECTION 3. How Established.**

A. RESOLUTION: Roads may only be classified as Area Service “C” by resolution of the Board upon petition signed by all landowners adjoining the road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition 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 of the meeting at the Board proposes to take action on the petition, shall be published as provided by law.

C. BOARD ACTION: At the meeting, the Board shall receive oral or written comments from any resident or property owner of the county.

D. After all comments have been received and considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

**SECTION 4. 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 maintained, the County may remove the gate.

**SECTION 5. Signs.** Area Service “C” roads shall have signs conforming to the Iowa Signing Manual per 761 Iowa Administrative Code (IAC) Chapter 130. The signs shall be 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 Access is limited.

**SECTION 6. 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 as defined in Iowa Code Section 716.7.

**SECTION 7. 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.

**SECTION 8. Power of the Board.** All jurisdiction and control over Area Service System “C” roads shall rest with the Board, pursuant to Iowa Code Section 309.57.

**SECTION 9. Exemption from Liability.** As provided in said Iowa Code Section 309.57, the County and Officers, Agents, and Employees of Jefferson County are not liable for injuries to any person or for damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service “C”, if the road has been maintained to the level of maintenance effort described in the establishing resolution.

**TITLE 7. Reserved.**

## **TITLE 8. SERVICES AND FACILITIES.**

### **Chapter 8-10. VOTING PRECINCTS.**

**SECTION 1. Purpose.** The purpose of this ordinance is to establish the voting precinct boundaries within Jefferson County, Iowa to establish more cost effective precincts and to comply with the requirements of section 49.3 of the 2001 Code of Iowa.

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

1. “Voting Precinct” or “Precinct” shall mean a county or municipal subdivision for casting and counting votes in elections;
2. “Township” shall mean any political subdivision of the county as listed on the official plat in the Jefferson County Auditor’s Office. Each township shall measure approximately six (6) square miles;
3. “Township Officials” or “Township Officers” shall mean a board of officers to whom the affairs of a township are entrusted.

### **SECTION 3. General Provisions.**

A. To carry out the purpose of this ordinance, the following voting precincts in Jefferson County shall remain unchanged:

1. Walnut-Penn Precinct;
2. Blackhawk-Polk Precinct;
3. Lockridge-Round Prairie Precinct;
4. Des Moines-Liberty Precinct; and
5. Locust Grove Township Precinct.

B. To carry out the stated purpose of this ordinance, all voting precincts not included in the above paragraph shall be change as follows:

1. Buchanan-Cedar Precinct shall be separated into Buchanan Township Precinct and Cedar Township Precinct;
2. Buchanan Township Precinct shall not be combined with any other township precinct; and

3. Center Township Precinct and Cedar Township Precinct shall be combined to form the Center-Cedar Precinct. However, persons living in the areas of Center Township designated in Section 4 shall vote in the Fairfield City Ward stated in Section 4.

C. All township boundaries shall remain the same and each township shall retain its own elected officials. The only boundaries changed are the voting precinct boundaries.

D. Residents within an established township shall continue to vote for independent elected officials of such township. There shall be no combination of township officers.

**SECTION 4. Special Precinct Agreement.** It is agreed between Jefferson County and the City of Fairfield that any and all registered voters who live in the following areas of unincorporated Center Township shall vote in the city wards designated:

1. All registered voters living in Census Block #2005 (any and all odd numbered addresses between 1201 and 1209 North "B" Street in Fairfield) shall vote in Fairfield's Second Ward.

2. All registered voters living in Census Block #2057 and #2058 shall vote in Fairfield's First Ward.

3. All registered voters living in Census Block #2998 (City Reservoir Number 2) shall vote in Fairfield's First Ward.

4. All registered voters living in Census Block #4014 (3000 and 3002 West Burlington Street in Fairfield) shall vote in Fairfield's Third Ward.

5. All registered voters living in Census Block #4028 (any and all even numbered addresses between 1600 and 1710 West Jefferson *or* 401 South 17<sup>th</sup> Street in Fairfield) shall vote in Fairfield's Third Ward.

6. All registered voters living in Census Block #4041 (any and all even numbered address between 1600 and 1698 South Main Street in Fairfield) shall vote in Fairfield's Fifth Ward.

## **Chapter 8-20. GENERAL ASSISTANCE.**

**SECTION 1. Title.** This Ordinance shall be known as the "General Assistance Ordinance of Jefferson County, Iowa."

**SECTION 2. Intent.** It is Jefferson County's position that provision of assistance to poor and 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 and needy families and

individuals as identified by the guidelines in the General Assistance Manual promptly, humanely, and equitably in order to assure those persons decent, healthful living situations. Together, this Ordinance and the Jefferson County General Assistance Manual, fulfill the duties imposed upon the county by Chapter 252 of the Code of Iowa.

**SECTION 3. Categories.** There are three (3) categories of General Assistance in the county:

1. Assistance for poor persons; and
2. Emergency assistance for needy persons; and
3. Interim assistance for poor persons who are in immediate need and are awaiting approval and receipt of assistance under programs provided by state or federal law.

**SECTION 4. Definitions.** The definitions of terms used in this ordinance are as follows:

1. "Actual Needs" means those minimum requirements needed to provide food, shelter, medical care, and other essentials of daily living.
2. "Board" means the Jefferson County Board of Supervisors.
3. "Director" means the General Assistance Director appointed by the Jefferson County Board of Supervisors to administer the county's General Assistance Program.
4. "Dire Emergency" is a rare and unforeseeable situation that threatens life, and/or health of the poor or needy applicant and his or her household.
5. "Household" means the person applying for General Assistance, that person's spouse, children under 18 years of age, older children who are dependant on the applicant due to incapacity, and anyone else domiciled with the applicant.
6. "General Assistance" means a county payment or payments made on behalf of needy persons for rent, utilities, food, medical services, burial, and miscellaneous expenses.
7. "Poor Person" means a person who has no property, exempt or otherwise, and is unable, because of physical or mental disabilities, to earn a living by labor, as defined by Iowa Code Section 252.1.
8. "Needy Person" means a person who has some means.
9. "Vendor Payment" means a County Auditor's warrant to the supplier of goods or services.

**SECTION 5. 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

according to the guidelines set out in the General Assistance Manual. Eligibility shall be determined without regard to race, creed, religion, age, sex, or national origin.

A. Eligibility of Poor Persons. Relief is to be provided for poor persons who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs, as provided in Iowa Code Section 252.25.

Interim assistance, under an agreement with the Department of Human Services, may be provided to a poor person who is in immediate need and is awaiting approval and receipt of assistance provided by state or federal law.

B. Eligibility of Needy Persons. Emergency assistance may be provided to a needy person who is in need of immediate relief if such relief cannot be obtained from any other source and the applicant agrees to follow the recommended caseplan of the General Relief Director or DHS worker to assure that this situation is not repeated.

#### **SECTION 6. General Assistance Manual.**

A. The rules, regulations, standards and guidelines for administering General Assistance shall comprise the General Assistance Manual.

B. The General Assistance Manual shall be adopted by resolution of the Board.

C. Amendments to the General Assistance Manual shall be by resolution of the Board pursuant to Iowa Code Section 331.302 after publication of notice of the proposed change and opportunity for the public to be heard.

D. The General Assistance Manual shall be available to the public in the offices of the General Assistance Director and the Board of Supervisors pursuant to Iowa Code Section 22.2. There may be a reasonable charge for photocopying as allowed by Iowa Code Section 22.3.

**SECTION 7. Application for General Assistance.** Applications for assistance shall be submitted by poor and needy persons to the Director of General Assistance during usual business hours upon forms provided by the Director. If, because of undue hardship, a needy or poor person cannot come to the General Assistance office, the Director shall mail such person an application form or deliver the application. If the applicant or the household is or appears to be eligible for relief or assistance from any other Federal, State or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source, and pursue such application with due diligence as a condition of eligibility for relief under this chapter. It is the obligation of the applicant to establish eligibility for any category of general assistance and need for any item of assistance.

If requested by the General Assistance Director, the applicant shall provide the Director with documentation verifying eligibility. Requested documentation may include a verified statement of net worth, Federal and State income tax returns, medical records, or other

documentation requested by the Director that bears upon the person's eligibility and need for relief. The Director may also require, upon approval of the Board, that the applicant submit to a physical or mental examination to determine applicant's ability to work. The Director shall also receive all other information that the applicant submits to establish eligibility or need. The Director shall then investigate the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to that applicant, upon request, or to the applicant's attorney by written authorization.

**SECTION 8. Certification Statement Required.** The applicant must certify that the application and documentation provided in support of the application to the General Assistance Program are accurate to the best of the applicant's knowledge.

**SECTION 9. Enforcement.** Any person who knowingly executes or tenders a false certification under penalty of perjury, false affidavit, or false certificate in order to receive General Assistance is guilty of a fraudulent practice as defined in Iowa Code Section 714.8.

Any person who obtains by means of a willfully false statement, or by impersonation, or by transfer of property, or other fraudulent device, General Assistance to which he or she is not entitled shall be subject to civil proceedings for recovery of any assistance provided to that person and his or her household by the General Assistance Program. Such person may also be held liable for court costs and other legal and administrative costs directly associated with such proceedings.

**SECTION 10. Initial Determination.**

A. The Director shall determine the applicant's eligibility and needs within ten (10) working days of the receipt of the application. The Director shall notify the applicant by ordinary mail of the determination. The written decision shall show the reasons for the determination and the statutes or ordinances applied, together with the specific benefits for which the applicant is eligible.

B. If the Director cannot make a determination within ten (10) working days, the applicant shall be informed in writing by ordinary mail of the reasons why such determination cannot be made.

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

D. Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and shall notify the Board of Supervisors upon request.

**SECTION 11. Review by the Board.** The Board may review the determination of eligibility made by the Director. If the Board questions any allowance of assistance benefits allowed by the Director, the Board 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 an appeal by the applicant from the Director's determination. Presentation of matter acted upon by the Director or related to the Board's review shall be made at such hearing by Counsel designated by the Board, which shall ordinarily be the County Attorney.

**SECTION 12. Appeal.**

A. Every applicant, whether granted assistance or not, shall be informed in the Director's written decision of the applicant's right to appeal such decision to the Board of Supervisors. The applicant shall be informed of the method by which an appeal may be taken, and that he or she may be represented by counsel at applicant's expense.

B. The written appeal shall be made to the General Assistance Director within ten (10) days of the Director's determination, shall provide applicant's current address and telephone number, and shall state the reasons for appeal. Any written appeal by or on behalf of an applicant requesting an appeal of the Director's determination, shall be received by the Director and put immediately upon the Board's agenda in accordance with Chapter 21 of the Code of Iowa. Such appeal shall be heard within ten (10) working days of receipt of written appeal. The applicant shall be informed immediately by ordinary mail of the date and time of the appeal hearing by the Board. Applicant, and applicant's attorney, upon written authorization from applicant shall be granted access by the Director to applicant's relief case file upon request.

**SECTION 13. Appeal Hearings.**

A. 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. The technical rules of evidence shall not apply. The Board may set reasonable times for the presentations of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reasons for the determination. The appeal shall be tape recorded. The hearing before the Board shall be held in closed session in accordance with Section 21.5 of the Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal no parties shall be present and such deliberations shall be conducted and recorded in compliance with Iowa Code Chapter 21.

B. The Board shall make a decision on the appeal within five (5) working days after the hearing. The Board's findings of fact and decision shall be based only on the evidence submitted during the hearing. Immediately after making its decision, the Board shall mail its written decision to the applicant at his or her last known address by ordinary mail. The decision shall state the

reasons for the action and shall also state that an appeal may be taken to the District Court from the Board's determination, and shall state the method by which such appeal may be taken.

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

## **Chapter 8-30. COURTHOUSE PARKING LOT.**

**SECTION 1. Purpose.** The purpose of this ordinance is to establish regulations for the parking lot at the Jefferson County Courthouse so as to make it accessible to all citizens of Jefferson County for courthouse business and to promote the public convenience, safety, and general welfare of Jefferson County, Iowa.

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

1. "Board" shall mean the Board of Supervisors of Jefferson County, Iowa.
2. "Park", "Parked", or "Parking" shall mean a stoppage of a vehicle with the intent of permitting the vehicle to remain standing for an appreciable length of time.
3. "Courthouse Parking Lot" shall mean the immediate area around the Jefferson County Courthouse which is paved, but is not part of the city street and is marked off so vehicles may park within it.
4. "Courthouse Business" shall mean the transaction of any business or proceedings in any of the offices or courts within the Jefferson County Courthouse.
5. "Courthouse Business Hours" shall mean the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, when the offices and courts in the Jefferson County Courthouse are open for business purposes.
6. "Tow", "Towed", or "Towing" shall mean the removal of a vehicle by a tow truck at the request of an enforcing officer, by a person engaged in the business of towing vehicles.

**SECTION 3. Prohibited Acts.** It shall be unlawful for any person to leave a vehicle of any kind parked in the Jefferson County Courthouse parking lot during courthouse business hours, unless that person is engaged in courthouse business or is an employee in an office or court within the Jefferson County Courthouse.

**SECTION 4. Penalties.** A violation of this ordinance shall be a simple misdemeanor as defined in the Code of Iowa section 903.1(a) and the violator(s) shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

**SECTION 5. Towing.** In the event a person violates this ordinance, the person's vehicle may be removed from its parking spot at the direction of the Jefferson County Sheriff, his deputy, or the Board. The cost of removal and storage, if any such storage is deemed necessary to protect the property by the official directing removal, shall be charged to the operator or owner in addition to the fine or imprisonment provided herein.

**SECTION 6. Enforcement.** The Jefferson County Sheriff's Department and the Board of Supervisors shall have the authority to enforce this ordinance.

## **TITLE 9. TAX AND FINANCE.**

### **Chapter 9-10. PARTIAL PROPERTY TAX EXEMPTIONS FOR INDUSTRIAL PROPERTY ON WHICH IMPROVEMENTS HAVE BEEN MADE.**

**SECTION 1.** There is herewith provided a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and 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. New construction means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the Jefferson County Board of Supervisors upon the recommendation of the Iowa Development Commission. The exemption shall also apply to new 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.

**SECTION 2.** The actual value added to industrial real estate for the reasons specified in Section 1 of this Ordinance is eligible to receive a partial exemption from taxation for a period of five years. "Actual value added" as used in this ordinance means the actual value added as of the first year for which the exemption is received except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January first of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent.
2. For the second year, sixty percent.
3. For the third year, forty-five percent.
4. For the fourth year, thirty percent.
5. For the fifth year, fifteen percent.

However, the granting of the exemption under this section 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.

**SECTION 3.** An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the director of revenue of the State of Iowa and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the director of revenue.

A person may submit a proposal to the Jefferson County Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. The Jefferson County Board of Supervisors, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformity with the zoning plans for the city or county. The prior approval shall not be given until after holding a public hearing in accordance with Section 362.3 of the Code of Iowa. 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. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

**SECTION 4.** If this ordinance is repealed all existing exemptions shall continue until their expiration.

**SECTION 5.** A property tax exemption under this ordinance shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

**Chapter 9-20. LOCAL OPTION SALES AND SERVICES TAX WITHIN FAIRFIELD, LIBERTYVILLE, LOCKRIDGE AND PACKWOOD.**

**SECTION 1. Local Option Sales and Services Tax.** There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Fairfield, Libertyville, Lockridge and Packwood.

The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the following cities: Fairfield, Libertyville, Lockridge and Packwood.

The local sales and services tax is imposed on transactions occurring on or after April 1, 1999 and on or before June 30, 2009 within the incorporated areas of Fairfield, Libertyville, Lockridge and Packwood. 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 Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

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

**SECTION 2. Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law and shall expire without further action on July 1, 2009.

## **Chapter 9-23. LOCAL OPTION SALES AND SERVICES TAX WITHIN BATAVIA, PLEASANT PLAIN AND UNINCORPORATED JEFFERSON COUNTY.**

**SECTION 1. Local Option Sales and Services Tax.** There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Batavia and Pleasant Plain and the unincorporated area of Jefferson County, Iowa.

The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in cities of Batavia and Pleasant Plain and the unincorporated area of Jefferson County, Iowa.

The local sales and services tax is imposed on transactions occurring on or after January 1, 2000 and on or before June 30, 2009 within the incorporated areas of Batavia and Pleasant Plain and the unincorporated area of Jefferson County, Iowa. 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 Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery

game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

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

**SECTION 2. Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law and shall expire without further action on July 1, 2009.

## **Chapter 9-26. LOCAL OPTION SALES AND SERVICES TAX WITHIN MAHARISHI VEDIC CITY.**

**SECTION 1. Local Option Sales and Services Tax.** There is imposed a local option sales and services tax applicable to transactions within the incorporated area of Maharishi Vedic City.

The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the following city: Maharishi Vedic City.

The local sales and services tax is imposed on transactions occurring on or after January 1, 2004 and on or before June 30, 2009 within the incorporated area of Maharishi Vedic City. 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 Iowa Code, on the gross receipts from the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

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

**SECTION 2. Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law and shall expire without further action on July 1, 2009.

**Chapter 9-30. PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA.**

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

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

1. "County" shall mean Jefferson County, Iowa.
2. "Urban Renewal Area" shall mean the Jefferson County Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on September 10, 1997:

In Center Township:

- Section 2: All
- Section 3: All
- Section 4: All
- Section 5: East ½ of SE ¼
- Section 8: East ½
- Section 9: All
- Section 10: All
- Section 11: All
- Section 14: All
- Section 15: All
- Section 16: All
- Section 17: NE ¼ of NE ¼
- Section 21: All
- Section 22: All
- Section 23: West ½ of the West ½

In Blackhawk Township:

- Section 33: East ½
- Section 34: All

Except the following described properties, identified by their taxable parcel numbers:

02-01-332-0201-000	02-01-333-0080-000	02-01-344-0071-000
02-01-332-0202-000	02-01-333-0104-000	02-01-344-0118-000
02-01-332-0203-000	02-01-333-0105-000	02-01-344-0119-000
02-01-332-0204-000	02-01-344-0069-000	
02-01-333-0079-000	02-01-344-0070-000	02-01-353-0178-000

02-01-353-0179-000	02-07-024-0520-000	02-07-032-0857-000
02-01-353-0180-000	02-07-024-0521-000	
02-07-021-0617-000	02-07-024-0522-000	02-07-033-0305-000
02-07-021-0618-000	02-07-024-0523-000	02-07-033-0306-000
02-07-021-0619-000		02-07-033-0609-000
02-07-021-0620-000	02-07-031-0034-000	02-07-033-0610-000
	02-07-031-0341-000	
02-07-022-0615-000	02-07-031-0347-000	02-07-034-0189-020
02-07-022-0616-000	02-07-031-0348-000	02-07-034-0190-020
		02-07-034-0193-000
02-07-023-0002-020	02-07-032-0420-000	02-07-034-0307-000
02-07-024-0065-009	02-07-032-0421-000	02-07-034-0308-000
02-07-024-0066-009	02-07-032-0856-000	
02-07-041-0159-000	02-07-102-0964-000	02-07-161-0766-000
02-07-041-0160-000		02-07-161-0768-000
02-07-041-0379-000	02-07-103-0060-000	02-07-161-0837-000
02-07-041-0380-000	02-07-103-0179-030	
02-07-041-0381-000	02-07-103-0179-040	02-07-162-0770-000
02-07-041-0382-000		02-07-162-0772-000
	02-07-111-0933-000	
02-07-042-0724-000	02-07-111-0934-000	02-07-163-0767-000
02-07-042-0725-000		02-07-163-0767-009
02-07-042-0728-000	02-07-112-0342-000	
02-07-042-0729-000	02-07-112-0343-000	02-07-164-0771-000
02-07-042-0976-000	02-07-112-0344-000	02-07-164-0835-000
02-07-042-0977-000	02-07-112-0345-000	02-07-164-0836-000
	02-07-112-0346-000	02-07-164-0837-000
02-07-043-0186-010	02-07-112-0931-000	
02-07-043-0186-020	02-07-112-0932-000	02-07-211-0098-010
02-07-043-0187-000		02-07-211-0099-010
02-07-043-0383-000	02-07-141-0283-000	02-07-211-0099-020
02-07-043-0384-000	02-07-141-0284-000	02-07-211-0100-000
02-07-043-0384-010	02-07-141-0285-000	02-07-211-0101-000
	02-07-141-0286-000	02-07-211-0753-000
02-07-044-0147-000	02-07-141-0530-000	02-07-211-0795-000
02-07-044-0148-000		02-07-211-0891-000
02-07-044-0726-000	02-07-142-0822-000	02-07-211-1176-020
02-07-044-0727-000		02-07-211-1176-029
	02-07-152-0010-010	
02-07-053-0149-000	02-07-152-0010-020	02-07-213-1195-000
02-07-053-0150-000	02-07-152-0066-000	02-07-213-1196-000
02-07-101-0309-000	02-07-154-0743-000	02-07-214-0459-000
	02-07-154-0743-009	02-07-214-0460-000
02-07-102-0113-000	02-07-154-0744-000	02-07-214-0653-000

02-07-214-0654-000	02-07-223-0833-000	02-07-234-0062-000
02-07-214-0655-000	02-07-223-0834-000	02-07-234-0063-000
02-07-223-0064-000	02-07-224-1182-010	02-07-400-0072-000
02-07-223-0831-000	02-07-224-1193-000	
02-07-223-0832-000	02-07-224-1194-000	

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

1. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed are, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban

Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing district in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all property.

3. the portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by then County to finance or refinance in whole or in part projects in the Urban Renewal Area.

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