

## CHAPTER 1

# CODE OF ORDINANCES

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**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of Washington County, Iowa, 2009.

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

1. “Amendment” means a revision or repeal of an existing ordinance or code of ordinances.
2. “Auditor” means the County Auditor of Washington County, Iowa.
3. “Assessor” means the County Assessor of Washington County, Iowa.
4. “Board,” “Board of Supervisors” or “Supervisors” means the Board of Supervisors of Washington County, Iowa.
5. “Board of Health” means the Board of Health of Washington County, Iowa.
6. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
7. “Code of Ordinances” means the Code of Ordinances of Washington County, Iowa, 2009.
8. “County” means Washington County, Iowa.
9. “County Attorney” means the Washington County Attorney.
10. “County civil infraction” means a violation of a County ordinance which provides for a civil penalty as authorized by Section 331.307 of the Code of Iowa.
11. “County Engineer” means the Washington County Engineer.
12. “May” confers a power.
13. “Measure” means an ordinance, amendment, resolution or motion. For the purposes of this Code of Ordinances, “measure” and “legislation” are synonymous. Adoption of “legislation” or a “measure” is the method used by the Board of

Supervisors to perform duties and exercise power granted by the Constitution and Laws of the State.

14. "Month" means a calendar month.
15. "Motion" means a statement of policy or an order for action to be taken. A "motion" is a proposal made to evoke action on the part of the Board of Supervisors, and if adopted, becomes the will and a resolution of the Board.
16. "Must" states a requirement.
17. "Oath" means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" are equivalent to the words "swear" and "sworn."
18. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
19. "Ordinance" means a County law of a general and permanent nature. An "ordinance" is a local law, a rule of conduct prospective in its operation, applying to persons and things of the County.
20. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof.
21. "Preceding" and "following" mean the next before and the next after, respectively.
22. "Property" includes real property and tangible and intangible personal property unless clearly indicated otherwise.
23. "Property owner" means a person owning private property in the County as shown by the County Auditor's plats of the County.
24. "Public place" includes in its meaning (but is not restricted to) any County-owned open place, such as parks and squares.
25. "Public property" means any and all property owned by the County or held in the name of the County by any of the departments, commissions or agencies within the County government.
26. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
27. "Recorder" means the County Recorder of Washington County, Iowa.
28. "Resolution" means a statement of policy or an order for action to be taken. A "resolution" is not a local law but merely the form in which the Board of Supervisors expresses an opinion or will as to some given matter or thing, and is only to have a temporary effect. A "resolution" may be used to govern the procedures of the Board in the case of their ministerial functions and may direct performance.
29. "Shall" imposes a duty.
30. "State" means the State of Iowa.

31. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.
32. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
33. “Treasurer” means the County Treasurer of Washington County, Iowa.
34. “Writing” or “written” includes printing, typing, lithographing or other mode of representing words and letters.
35. “Year” means a calendar year.

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

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

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

*(Code of Iowa, Sec. 331.301)*

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

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

**1.08 CERTIFYING, RECORDING AND FILING.**

1. Motion. Action of the Board in the form of a motion will be recorded as required by Section 331.303 of the Code of Iowa, in summary form.
2. Resolution. Action of the Board in the form of a resolution will be certified, recorded and filed as required by Section 331.302 and 331.303 of the Code of Iowa. A preamble, prefatory statement or explanation of a resolution, if employed, shall not be a substantive part of a resolution, and may be omitted from entry in the “minute book” and from publication of the Board of Supervisors proceedings. Copies of adopted resolutions will be delivered to agencies, officers and other persons as required by law or as directed by the Board.
3. Ordinances and Amendments of Ordinances. Action of the Board in the form of an ordinance, amendment of an ordinance, Code of Ordinances or a supplement to the Code of Ordinances will be certified, recorded and filed in accordance with Section 331.302 of the Code of Iowa.

**1.09 INDEMNITY.** The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the County and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the County whether expressly recited therein or not.

**1.10 PERSONAL INJURIES.** When action is brought against the County for personal injuries alleged to have been caused by its negligence, the County may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the County believes that the person notified is liable to it for any judgment rendered against the County, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the County against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the County to the plaintiff in the first named action, and as to the amount of the damage or injury. The County may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the County in the suit.

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

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

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

*(Code of Iowa, Sec. 718.5)*

**1.14 STANDARD PENALTY.** Unless another penalty is expressly provided by this Code of Ordinances for any particular provision, section or chapter, any person violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. Effective July 1, 2009, the fine shall be at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

*(Code of Iowa, Sec. 331.302[2] and 903.1[1a])*

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

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## CHAPTER 2

# ELECTION PRECINCTS

**2.01 ELECTION PRECINCTS.** In accordance with Sections 49.3, 49.4, and 49.6 of the Code of Iowa, and mandated by a July 31, 2007, special election, the County has ten (10) election precincts, with no precinct having a total population in excess of 3,500, as shown by the 2000 Federal Decennial census. The precincts are composed of contiguous territory within the County, and the precinct boundaries are as follows:

1. Ainsworth Precinct.

*All of Oregon Twp., including the City of Ainsworth; all of Crawford Twp., including the City of Crawfordsville; and all of Marion Twp., including all that part of the City of Coppock lying in Washington County.*

2. Brighton Precinct.

*All of Brighton Twp., including the City of Brighton; all of Clay Twp.; and all of Dutch Creek Twp.*

3. English River Precinct.

*All of English River Twp., excluding the City of Kalona; all of Jackson Twp.; and all that part of Iowa Twp. lying south of the English River and west of the Riverside Road (W61).*

4. Kalona Precinct.

*All of the City of Kalona.*

5. Riverside Precinct.

*All of Iowa Twp. except that part lying south of the English River and west of the Riverside Road (W61), including the City of Riverside; and all of Highland Twp.*

6. Washington Ward 1 Precinct.

*All of Ward 1 of the City of Washington; all that part of Washington Twp. outside the Washington City limits lying north of 250<sup>th</sup> St. (G38) on the west side of the City of Washington and lying west of Hwy 1 on the north side of the City of Washington; and all that part of Franklin Twp. lying north of 250<sup>th</sup> St. (G38), including the City of West Chester.*

7. Washington Ward 2 Precinct.

*All of Ward 2 of the City of Washington; and all that part of Washington Twp. outside the Washington City limits lying north of the Iowa, Chicago and Eastern (IC&E) Railroad tracks on the east side of the City of Washington and lying east of Hwy 1 on the north side of the City of Washington.*

8. Washington Ward 3 Precinct.

*All of Ward 3 of the City of Washington; and all that part of Washington Twp. outside the Washington City limits lying south of the Iowa, Chicago and Eastern (IC&E) Railroad tracks on the east side of the City of Washington and lying east of the Wayland Road (W55) on the south side of the City of Washington.*

9. Washington Ward 4 Precinct.

*All of Ward 4 of the City of Washington; all that part of Washington Twp. outside the Washington City limits lying west of the Wayland Road (W55) on the south side of the City of Washington and lying south of 250<sup>th</sup> St. on the west side of the City of Washington; and all that part of Franklin Twp. lying south of 250<sup>th</sup> St. (G38).*

10. Wellman Precinct.

*All of Lime Creek Twp., including the City of Wellman; all of Cedar Twp.; and all of Seventy-Six Twp.*

## CHAPTER 3

# COUNTY INFRACTIONS

3.01 County Infraction  
3.02 Penalties  
3.03 Civil Citations

3.04 Alternative Relief  
3.05 Criminal Penalties

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

*(Code of Iowa, Sec. 331.307[2 & 3])*

**3.02 PENALTIES.** A County infraction is punishable by the following civil penalties:

1. Standard Civil Penalties.  
*(Code of Iowa, Sec. 331.307[1])*
  - A. First Offense – Not to exceed \$750.00
  - B. Each Repeat Offense – Not to exceed \$1,000.00
2. Repeat Offenses. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

*(Code of Iowa, Sec. 331.307[11])*

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

*(Code of Iowa, Sec. 331.307[4])*

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.

7. The penalty for failure to appear in court.

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

*(Code of Iowa, Sec. 331.307[8])*

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

*(Code of Iowa, Sec. 331.307[11])*

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## CHAPTER 5

# LOCAL OPTION SALES AND SERVICES TAX

### 5.01 Imposition of Tax

### 5.02 Tax Rate

**5.01 IMPOSITION OF TAX.** There is imposed a local option sales and services tax applicable to transactions within the cities of Ainsworth, Brighton, Coppock, Crawfordsville, Kalona, Riverside, Washington, Wellman and West Chester of Washington County, and the unincorporated areas of Washington County.

### 5.02 TAX RATE.

1. The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Chapter 423B of the Iowa Code in the incorporated areas of the cities of Ainsworth, Brighton, Coppock, Crawfordsville, Kalona, Riverside, Washington, Wellman and West Chester of Washington County, and the unincorporated areas of Washington County.
2. The local option sales and services tax is imposed on transactions occurring on or after July 1, 2002, through June 30, 2012, within the cities of Ainsworth, Brighton, Crawfordsville, Riverside, Wellman and West Chester of Washington County, and on or after July 1, 2002, until repealed in the cities of Coppock and Kalona of Washington County, and in the unincorporated areas of Washington County, and on or after January 1, 2003, until repealed in the city of Washington of Washington County.
3. All persons required to collect State gross receipts taxes shall collect the tax. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 452A of the Code of Iowa, on the gross receipts from the rental of rooms, apartments or sleeping quarters which are taxed under Chapter 423A of the Code of Iowa during the period 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 99G of the Iowa Code, and on the sale or rental of tangible personal property described in Section 423 of the Code of Iowa. All applicable provisions of the appropriate Sections of Chapter 423 of the Code of Iowa are adopted by reference.

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## CHAPTER 6

# SCHOOL INFRASTRUCTURE LOCAL OPTION TAX

### 6.01 Imposition of Tax

### 6.02 Tax Rate

**6.01 IMPOSITION OF TAX.** There is imposed a School Infrastructure local option sales and services tax applicable to transactions within Washington County, Iowa.

**6.02 TAX RATE.** The rate of the tax shall be one percent (1%) upon the gross receipts taxed under Iowa Code Chapter 423E – School Local Option Tax, in the following school districts of Washington County: Washington Community School District; Mid-Prairie Community School District; Winfield-Mt. Union Community School District; Highland Community School District; Fairfield Community School District; Keota Community School District; Pekin Community School District; and WACO Community School District. The school infrastructure local sales and services tax is imposed on transactions occurring on or after January 1, 2005, through December 31, 2014, within Washington County. All persons required to collect State gross receipts taxes shall collect the tax pursuant to Code of Iowa Section 423E.3 for school infrastructure local option sales and services tax. All applicable provisions of the appropriate sections of Chapter 423E of the Code of Iowa are adopted by reference.

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## CHAPTER 7

# INDUSTRIAL PROPERTY TAX EXEMPTIONS

7.01 Purpose

7.02 Definitions

7.03 Partial Exemption

7.04 Period of Partial Exemption

7.05 Limitations

7.06 Applications

7.07 Approval

7.08 Exemption Repealed

7.09 Dual Exemptions Prohibited

**7.01 PURPOSE.** The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate and cattle facilities.

**7.02 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Cattle facility” or “cattle facilities” means owner-operated cattle facilities, including small or medium-sized feedlots, but not including slaughter facilities. A qualifying cattle facility includes either a facility by new construction or by retrofitting of existing facilities.
3. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. “Distribution center” does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
4. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. The term 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 competitively to manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors upon the recommendation of the Iowa Department of Economic Development.
5. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

**7.03 PARTIAL EXEMPTION.** A partial exemption from property taxation of the actual value added to cattle facilities and to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers shall be granted within unincorporated areas of the County upon proper application and pursuant to the terms of this chapter.

**7.04 PERIOD OF PARTIAL EXEMPTION.** The actual value added to cattle facilities and to industrial real estate for the reasons specified in Section 7.03 is eligible to receive a partial exemption from taxation for a period of five years. However, if the property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center or cattle facility, the partial exemption for the value added shall not be allowed for subsequent assessment years. 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 (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

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

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

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

**7.07 APPROVAL.** A person owning property within the unincorporated area of the County may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction. The Board of Supervisors, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the County. Such prior approval shall also be subject to the hearing requirements of Section 427B.1 of the Code of Iowa. 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.

**7.08 EXEMPTION REPEALED.** When in the opinion of the Board of Supervisors, continuation of the exemption granted by this chapter ceases to be of benefit to the County, the Board of Supervisors may repeal the ordinance codified in this chapter, but all existing exemptions shall continue until their expiration.

**7.09 DUAL EXEMPTIONS PROHIBITED.** A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

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## CHAPTER 8

# URBAN RENEWAL

8.01 Purpose  
8.02 Definition

8.03 Provisions for Division of Taxes

**8.01 PURPOSE.** The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Washington County/Riverside Urban Renewal Area each year by and for the benefit of the State, County, city, school districts or other taxing districts after the effective date of the ordinance codified by this chapter in order to create a special fund to pay the principal of and interest on loans, moneys advanced or indebtedness, including bonds proposed to be issued by Washington County to finance projects in such area.

**8.02 DEFINITION.** As used in this chapter, "TIF District" means a portion of the Washington County/Riverside Urban Renewal Area, the boundaries of which are set out below, such area having been included as part of the legal description of property covered under the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on December 12, 2005:

*Parts of Sections 2, 3 and 10 in Township 77 North, Range 6 West of the 5th P.M., Washington County, Iowa, including Parcel "A" in Government Lot 8 of said Section 2; and Parcel "P" except Lot 1 thereof in said Section 3; and Parcel "A" in the NW¼ of said Section 10; and Parcel "Q" in said Sections 3 and 10; and Parcel "I" in said Section 10; and Parcel "N" in said Section 3; and Parcel "B" in said Section 3 and Parcel "A" in the SW¼ of said Section 3 being more particularly described as:*

*Beginning at the S¼ corner of Section 3; thence N87°58'27"W, 536.48 feet along the south line of the SW¼ of said Section 3 to the former easterly railroad right-of-way of the Central Iowa Railway and Development Company; thence N04°13'56"W, 5.78 feet to the SE corner of Auditors Lot 1 of Parcel "C"; thence N04°13'56" W, 509.91 feet; thence N89°05'36" W, 45.50 feet; thence N02°46'03" W, 263.80 feet; thence N83°18'22" W, 117.02 feet to the centerline of Walnut Avenue; thence along said centerline southwesterly along a 2,682.90 foot radius curve concave westerly 22.48 feet; thence S06°15'18"W, 325.46 feet; thence S06°25'53"W, 438.45 feet; thence S12°18'40"W, 162.94 feet; thence S12°01'33"W, 150.17 feet; thence S66°49'48"W, 41.09 feet; thence S19°58'30"W, 207.02 feet; thence S53°31'57"E, 46.66 feet; thence southwesterly along a 1,216.00 foot radius curve concave southeasterly, 403.35 feet; thence S17°18'35"W, 382.71 feet; thence southwesterly along a 1,075.97 foot radius curve concave northwesterly, 30.28 feet; thence N88°08'13"W, 1,354.70 feet to the west line of the NW¼ of Section 10; thence along said west line N00°00'46"W, 1,316.47 feet; thence N00°37'24"W, 1,934.54 feet; thence N89°22'36"E, 54.86 feet; thence N41°24'08"E, 280.70 feet; thence N12°45'20"E, 299.34 feet; thence N12°47'01"E, 193.44 feet; thence S88°14'18"E, 1,043.86 feet; thence*

*S89°53'59"E, 216.15 feet to the centerline of Walnut Road; thence S87°52'51"E, 1,027.71 feet; thence S88°17'09"E, 1,307.24 feet to the NE corner of the NW¼ of the SE¼ of Section 3; thence N00°04'02"W along the west line of Government Lot 3; 932.24 feet to the south bank of the Iowa River; thence along said south bank S39°37'37"E, 275.24 feet; thence S61°34'17"E, 428.60 feet; thence S67°27'42"E, 316.58 feet; thence S62°56'46"E, 238.19 feet; thence S55°27'01"E, 317.21 feet to the east line of Government Lot 3 of said Section 3; thence S55°27'01"E, 266.32 feet; thence S59°20'40"E, 263.23 feet; thence southeasterly along a 645.27 foot radius curve concave southwesterly, 1,035.19 feet; thence S32°34'27"W, 126.89 feet; thence S09°01'59"W, 445.81 feet; thence S02°00'53"E, 223.96 feet; thence southeasterly along a 480.45 foot radius curve concave northeasterly, 325.04 feet; thence S83°26'21"E, 26.16 feet to the north line of property described in Book 98, Page 131, Washington County Recorder's Office; thence along said north line S29°56'09"W, 125.77 feet; thence S29°03'51"E, 222.00 feet; thence S89°47'33"E, 279.00 feet; thence S01°50'51"W, 212.03 feet to the south line of Government Lot 8; thence N89°53'08"W, 965.93 feet along said south line to the SE corner of Section 3; thence N88°46'20"W along the south line of the SE¼ of Section 3, 571.84 feet; thence N08°08'44"W, 348.44 feet; thence N08°01'37"E, 497.66 feet; thence N07°59'56"W, 500.59 feet; thence N41°01'16"W, 352.74 feet; thence N31°49'03"W, 118.59 feet; thence N88°54'46"W, 75.42 feet; thence N00°46'51"E, 125.00 feet; thence N88°54'46"W, 200.00 feet; thence S01°52'35"W, 1,817.02 feet to the south line of the SE¼ of Section 3; thence N88°46'20"W, 1,382.96 feet to the point of beginning.*

*and*

*Commencing at the SW corner of the NW¼ of the NW¼ of Section 10 in Township 77 North, Range 6 West of the 5th P.M., Washington County, Iowa; thence S88°08'13"E, 1,500.41 feet to the easterly line of Iowa Highway Number 22 right-of-way and the point of beginning. Thence N17°19'15"E, 374.38 feet; thence northeasterly along a 1,075.96 foot radius curve concave southeasterly 450.67 feet; thence N51°11'20"E, 211.24 feet; thence S02°02'55"W, 469.35 feet; thence southwesterly along a 1,034.61 foot radius curve concave northwesterly 442.78 feet; thence N88°07'43"W, 357.99 feet to the point of beginning. Said land contains 394.65 acres including 11.29 acres of public road right-of-way and is subject to easements and restrictions of record.*

**8.03 PROVISIONS FOR DIVISION OF TAXES.** After the effective date of Ordinance No. 05-2, codified in this chapter, the taxes levied on the taxable property in the TIF District each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the TIF District 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 TIF District, 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 subsection 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 TIF District on the effective date of Ordinance No. 05-2, 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 Ordinance No. 05-2 which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

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 TIF District, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this chapter. 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 TIF District shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the TIF District shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other 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 the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

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.

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## CHAPTER 9

# PURCHASE OF TAX SALE CERTIFICATES

### 9.01 Purpose

### 9.02 Definitions

### 9.03 Purchasing Delinquent Taxes

### 9.04 Procedure

### 9.05 Verified Statement

### 9.06 Assignment of Tax Sale Certificates

### 9.07 Purchase of Tax Sale Certificates

### 9.08 Intent to Rehabilitate the Property

**9.01 PURPOSE.** The purpose of this chapter is to allow the County and the cities within the County the opportunity to utilize Iowa Code Section 446.19A, as amended. Iowa Code Section 446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property to promote low- or moderate-income housing.

**9.02 DEFINITIONS.** For the purpose of this chapter, the following terms shall be defined as follows:

1. “Abandoned” means the same as in Iowa Code Section 657A.1(1).
2. “Low- to moderate-income families” means the same as in Iowa Code Section 403.17.
3. “Public nuisance” means the same as in Iowa Code Section 657A.1(7).

**9.03 PURCHASING DELINQUENT TAXES.** Pursuant to Iowa Code Section 446.19A, as amended, the County and each city in the County are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property acquired under Iowa Code Section 446.19A.

**9.04 PROCEDURE.** On the day of the regular tax sale or any continuance or adjournment of the tax sale, the County Treasurer, on behalf of the County or a city, may bid for and purchase tax sale certificates on abandoned property or public nuisance property assessed as residential property or as commercial multi-family housing property a sum equal to the total amount due. The County or city shall not pay money for the purchase, but each of the tax-levying or tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchase price.

**9.05 VERIFIED STATEMENT.** Prior to the purchase, the County or city shall file with the County Treasurer a verified statement that a parcel to be purchased is abandoned and deteriorating in condition or is, or is likely to become, a public nuisance, and that the parcel is suitable for use for low- or moderate-income housing following rehabilitation.

**9.06 ASSIGNMENT OF TAX SALE CERTIFICATES.** After the date that a parcel is sold pursuant to Iowa Code Section 446.18, Section 446.38 or Section 446.39, if the parcel assessed as residential property or as commercial multi-family housing property is identified as abandoned or a public nuisance pursuant to a verified statement file pursuant to Section 9.05, a County or city may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the County or city and recorded with the

County Treasurer. If the certificate is not reassigned by the County or city, the County or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Iowa Code Section 447.1, as of the date of reassignment.

**9.07 PURCHASE OF TAX SALE CERTIFICATES.** The County or city may assign or reassign the tax sale certificate obtained pursuant to this chapter. Preference shall be given to purchasers who are low- or moderate-income families or organizations that assist low- or moderate-income families to obtain housing. Persons who purchase certificates from the County or city pursuant to this chapter are liable for the total amount due the certificate holder pursuant to Iowa Code Section 447 .1.

**9.08 INTENT TO REHABILITATE THE PROPERTY.** All persons who purchase certificates from the County or city under this chapter shall demonstrate the intent to rehabilitate the property for habitation if the property is not redeemed. In the alternative, the County or city may, if title to the property has vested in the County or city under Iowa Code Section 448.1, dispose of the property in accordance with Iowa Code Section 331.361 or Section 364.7, as applicable.

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## CHAPTER 15

### ACCEPTING GIFTS

#### 15.01 Purpose

#### 15.02 Gifts

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

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

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

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## CHAPTER 16

# RESOLVING CONFLICTS

16.01 Purpose

16.02 Definitions

16.03 Initiation of Mediation Procedures

16.04 Implementing Mediation

16.05 Confidentiality of Mediation Sessions

16.06 Costs of Mediation

16.07 Remedy Not Exclusive

**16.01 PURPOSE.** The purpose of this chapter is to provide a process to resolve without litigation those conflicts that arise: (i) between department heads of the Washington County government; or (ii) between Washington County and entities with whom the County has a contract. This chapter does not apply to intra-departmental matters.

**16.02 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Conflict” means an incompatibility where one party is complaining that actions of one or more other parties are adversely affecting either the complaining party’s work environment or its ability to perform or complete official County business in a manner that provides the maximum public benefit. Intra-departmental matters are specifically excluded from being a proper subject for mediation under this chapter.
2. “Mediator” means a facilitator who helps parties in conflict reach a workable agreement.
3. “Party” means any County department head, whether elected or appointed, and including a member of the Board of Supervisors, and any person, business, corporation or entity of any kind, public or private, with whom Washington County has a contract.

**16.03 INITIATION OF MEDIATION PROCEDURES.** Any party who believes a conflict exists and who is directly affected by the conflict may report the conflict, either in person or in writing, to any member of the Board of Supervisors. The parties to a conflict may agree to name an individual, who is mutually agreeable to all parties, to act as mediator. In the event the parties cannot agree on the mediator, the Board of Supervisors shall name an individual who has earned a certificate of training in mediation to serve as mediator.

**16.04 IMPLEMENTING MEDIATION.** Either the complaining party or the Chairperson of the Board of Supervisors shall contact the mediator under either of the following circumstances:

1. All parties to a conflict agree that a mediator be employed; or
2. The Board of Supervisors, by formal motion, without a need for identifying the parties to the conflict, directs that a mediator be employed. If the Board of Supervisors initiates mediation by this method, the Board shall also communicate the identity of the parties in conflict to the mediator.

**16.05 CONFIDENTIALITY OF MEDIATION SESSIONS.** Except for mediation sessions which involve a “governmental body” as the term is defined in Chapter 21 of the

Iowa Code (the Iowa Open Meeting Law), mediation sessions shall not be open to the public. A mediator employed under this chapter shall not disclose any communication entrusted to the mediator which is necessary and proper to the person's function as a mediator.

**16.06 COSTS OF MEDIATION.** The County Board of Supervisors shall authorize the County Attorney's office to budget an appropriate amount of money each year to fund the necessary and appropriate cost of employing mediators under this chapter. The authorization shall be for no less than three percent (3%) of that amount of the County Attorney's fiscal year budget established to pay for juvenile court-appointed attorneys' fees. Any non-Washington County party to a mediation session would bear the responsibility for paying that party's share of the mediator's cost.

**16.07 REMEDY NOT EXCLUSIVE.** Nothing in this chapter shall be construed in a manner which prevents a party from exercising his or her civil rights or from pursuing any legal remedy under State or Federal law. With regard to the duties and responsibilities of department heads, whether elected or appointed, including members of the Board of Supervisors, set forth in the Code of Iowa and the Iowa Administrative Code, nothing in this chapter shall affect their independence in carrying out said duties and responsibilities.

## CHAPTER 17

# FEE FOR UNIFORM COMMERCIAL CODE INFORMATION REQUEST

**17.01 FEE ESTABLISHED.** The fee for a Uniform Commercial Code information request is \$5.00 for each debtor name being requested if the request form is supplied, and \$6.00 for each debtor name requested if the filing office supplies the form. The fee for a copy of a filed UCC is \$1.00 per page.

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## CHAPTER 20

# GENERAL ASSISTANCE PROGRAM

20.01 Purpose

20.02 Definitions

20.03 Eligibility for General Assistance

20.04 Washington County General Assistance Manual

20.05 Application for General Assistance

20.06 Appeal

**20.01 PURPOSE.** It is the position of the County that provision of assistance to financially eligible persons is a matter of public benefit and to that end general assistance shall be administered to financially needy and poor individuals as identified in the *Washington County General Assistance Manual*. It is the intent of the County that this chapter and the *Washington County General Assistance Manual* fulfill the obligations and duties imposed upon it by Chapter 252 of the Code of Iowa.

**20.02 DEFINITIONS.** The definitions of terms used in this chapter are as follows:

1. “Assistant to the Director” means an individual hired and supervised by the Director to review applications, review eligibility, approve applications and any other duties assigned by the Director.
2. “Completed application” means application form completed, signed and all necessary supporting documents completed and filed with the Director or Assistant.
3. “Director” means an individual hired and supervised by the County Board of Supervisors to review applications, review eligibility and approve applications.
4. “General assistance” is as defined by Chapter 252 of the Code of Iowa.

Terms used in the *Washington County General Assistance Manual* are defined therein.

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

**20.04 WASHINGTON COUNTY GENERAL ASSISTANCE MANUAL.** The *Washington County General Assistance Manual* shall set forth the rules, regulations and standards for administering general assistance. The Washington County Board of Supervisors shall adopt the *Washington County General Assistance Manual* by resolution. Amendments to the manual shall be made by resolution pursuant to Chapter 331.302 of the Code of Iowa. Copies of the manual shall be available to the public in the General Assistance Office.

**20.05 APPLICATION FOR GENERAL ASSISTANCE.** Application for general assistance shall be made to the Director or Assistant on forms supplied by the General Assistance Office.

**20.06 APPEAL.** Any decision made by the Director or Assistant may be appealed by following the appeal procedure outlined in the *Washington County General Assistance Manual*.

## CHAPTER 21

# VETERANS' ASSISTANCE

21.01 Purpose

21.02 Definitions

21.03 Eligibility for Veterans' Assistance

21.04 Washington County Veteran Affairs Manual

21.05 Application for Veterans' Assistance

21.06 Appeal

**21.01 PURPOSE.** It is the position of the County that provision of assistance to financially eligible veterans is a matter of public benefit and to that end veterans' assistance shall be administered to financially needy individuals as identified in the *Washington County Veteran Affairs Manual*. It is the intent of the County that this chapter and the *Washington County Veteran Affairs Manual* fulfill the obligations and duties imposed upon it by Chapter 35 of the Code of Iowa.

**21.02 DEFINITIONS.** The definitions of terms used in this chapter are as follows:

1. "Authorized personnel" means Commission members or an assistant assigned to the Executive Secretary.
2. "Commission" means the Washington County Commission on Veteran Affairs.
3. "Completed application" means application form completed and signed and all necessary supporting documentation completed and filed with the Executive Secretary or authorized personnel.
4. "Executive Secretary" means an individual hired and supervised by the Commission to receive applications, review eligibility and conditionally approve applications upon authorization of the Commission.

Terms in the *Washington County Veteran Affairs Manual* are defined therein.

**21.03 ELIGIBILITY FOR VETERANS' ASSISTANCE.** Eligibility for veterans' assistance shall be determined on the basis of need as established and verified by the Commission according to the guidelines set out in the *Washington County Veteran Affairs Manual* and shall be determined without regard to race, creed, religion, national origin, sex or age.

**21.04 WASHINGTON COUNTY VETERAN AFFAIRS MANUAL.**

1. The rules, regulations and standards for administrating veteran affairs shall comprise the manual.
2. The manual that the Commission writes and presents may be adopted by resolution of the Board of Supervisors.
3. Amendments to the manual shall be made by resolution pursuant to Section 331.302 of the Code of Iowa.
4. Copies of the *Washington County Veteran Affairs Manual* shall be available to the public in the Veteran Affairs Office.

**21.05 APPLICATION FOR VETERANS' ASSISTANCE.** Application for veterans' assistance shall be made to the Executive Secretary or authorized personnel on forms supplied by the Veteran Affairs Office.

**21.06 APPEAL.** Any decision made by the Executive Secretary may be appealed by following the appeal procedure outlined in the *Washington County Veteran Affairs Manual*.

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## CHAPTER 30

# AREA SERVICE ROAD CLASSIFICATION

### 30.01 Purpose

### 30.02 Definitions

### 30.03 Road and Bridge Standards

### 30.04 Area Service "B" Roads

### 30.05 Area Service "C" Roads

### 30.06 Powers of the Board

### 30.07 Exemption From Liability

### 30.08 Additions to Area Service System

### 30.09 Reclassification to Area Service "A"

**30.01 PURPOSE.** The purpose of this chapter is to classify certain roads on the area service system in the County as "Area Service B" or "Area Service C" so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57. This chapter also sets road and bridge standards for County roads.

**30.02 DEFINITIONS.** For use in this chapter, 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.
2. "Area Service System 'A' roads" shall be maintained in conformance with applicable State statutes.
3. "Area Service System 'B' roads" are area service roads with a reduced level of maintenance from farm to market or Area Service System A roads.
4. "Area Service System 'C' roads" are area service roads with a reduced level of maintenance from farm to market or Area Service System "A" or "B" roads and have a restricted access. 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.

**30.03 ROAD AND BRIDGE STANDARDS.** Washington County road and bridge standards for new or complete reconstruction projects shall be according to the current Iowa Department of Transportation Instructional Memorandum Number 3.210. Instructional Memorandum Number 3.210 sets minimum design criteria and Washington County hereby sets their own standards for the following design elements:

1. Bridge Width: Minimum bridge width will be 30 feet or beyond the clear zone for structures where the roadway is carried over the structure.
2. Roadway Top Width: The minimum roadway top will be 24 feet wide.
3. Surfacing: Granular surfacing shall be applied at a rate of 1800 tons per mile (approximately 4 inches deep). This may be applied in two applications not more than one year apart.
4. Foreslope: The typical foreslope will be 3:1 or flatter.
5. Backslope: The typical backslope will be 3:1 or flatter with isolated locations no steeper than 2:1.

6. Ditch Depth: The typical ditch depth will be 3 feet or more.
7. Right-of-Way: The typical minimum right-of-way will be 50 feet from centerline on each side.

**30.04 AREA SERVICE “B” ROADS.** The Board is empowered under authority of Chapter 309.57 of the Code of Iowa to classify secondary roads on the Area Service System in the County as Area Service “B” roads so as to provide for a reduced level of maintenance effort on roads so designated.

1. How Established. The Board shall, by resolution, declare its intention to establish an Area Service “B” road in the County after consultation with the County Engineer.
2. Notice of Action. Before the Board may take action to establish an Area Service “B” road, a notice of the proposed action, including the location of the Area Service “B” road and the time and place of the meeting at which the Board proposes to take action shall be published as provided in Iowa Code Section 331.305.
3. Board Action. At the meeting, the Board shall receive oral or written objections from any resident or property owner of the County. After all objections have been received and considered, the Board, at that meeting or on a date to which it is adjourned, after consultation with the County Engineer, may by resolution establish the proposed Area Service “B” road.
4. Reclassification. A road with an Area Service “B” classification shall retain the classification until such time as a request for reclassification is submitted to the Board. The Board may add or delete any road from the Area Service “B” classification by following the preceding procedure.
5. Maintenance Policy. Only the minimum effort, expense and attention will be provided to keep Area Service “B” roads open to traffic. For the various maintenance activities, the minimum maintenance on Area Service “B” roads will be as follows:
  - A. Blading. Blading or dragging will not be performed on a regular basis.
  - B. Snow and Ice Removal. Snow and ice removal will not be performed. Sanding and salting will not be performed.
  - C. Bridges. Bridges on Area Service “B” roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
  - D. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal may not be performed. Adequate sight distances may not be maintained.
  - E. 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.
  - F. Road Surfacing. There will be no surfacing materials applied to Area Service “B” roads.
  - G. Shoulders. Shoulders will not be maintained.

- H. Crown. A crown will not be maintained.
- I. Repairs. There will be no road repairs on a regular basis.
- J. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
- K. Inspections. Regular inspections will not be conducted.
- L. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. Area Service “B” roads shall have signs conforming to the *Iowa State Sign Manual* installed and maintained by the County at all access points to Area Service “B” roads from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

**30.05 AREA SERVICE “C” ROADS.** The Board is empowered under authority of Chapter 309.57 of the Code of Iowa to classify secondary roads on the Area Service System in the County as Area Service “C” roads so as to provide for a reduced level of maintenance effort and restricted access on roads so designated.

1. How Established. Roads may only be classified as Area Service “C” by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land or the agent or employee of the owner, lessee, or a person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.
2. Notice of Action. Before the Board may take action to establish an Area Service “C” road, a notice of the proposed action, including the location of the Area Service “C” road and the time and place of the meeting at which the Board proposes to take action shall be published as provided in Iowa Code Section 331.305.
3. Board Action. At the meeting, the Board shall receive oral or written comments from any resident or property owner of the County. After all comments have been received and considered, the Board, at that meeting or a date to which it is adjourned, may take action after consultation with the County Engineer.
4. 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.
5. 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. A gate may be purchased, installed and maintained by the adjoining landowners.
6. Signs. Area Service “C” road 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. The signs shall be considered a barrier restricting access.

7. 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 Section 716.7 of the Code of Iowa.

**30.06 POWERS OF THE BOARD.** All jurisdiction and control over Area Service “B” and Area Service “C” roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

**30.07 EXEMPTION FROM LIABILITY.** As provided in Iowa Code Section 309.57, the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service “B” or “C”, if the road has been maintained to the level of maintenance effort described in this chapter or in the establishing resolution.

**30.08 ADDITIONS TO AREA SERVICE SYSTEM.** It shall be the policy of the Board not to accept any additional roads or streets into the County highway system.

**30.09 RECLASSIFICATION TO AREA SERVICE “A”.** The Board may consider reclassifying an Area Service “B” or “C” road to Area Service “A” classification as follows:

1. Petition by Property Owners.
  - A. A petition shall be signed by affected property owners which contains the following statement: The undersigned petitioners shall pay all costs of improving an established Area Service “B” or “C” road to the minimum standards as detailed in Section 30.03, including providing right-of-way for said improvement.
  - B. Upon the favorable consideration for reclassification by the Board and the road improvements being satisfactorily made to bring the road up to Area Service “A” standards, the Board will reclassify the road.
2. Petition for Economic Development in Commercial, Industrial or Agricultural Business Ventures.
  - A. Petitions for reclassification shall follow the procedures detailed in the preceding subsection.
  - B. Petitions shall be signed by the owners of the business ventures and shall contain the following statements:
    - (1) The total assessed value of the proposed commercial, industrial or agricultural business venture shall not be less than \$1,000,000.00.
    - (2) The business venture will create not less than three new permanent full-time jobs.
    - (3) The petitioners agree to donate the right-of-way needed to bring the road up to the minimum standards as detailed in Section 30.03.

- (4) The petitioners agree to reimburse Washington County for all improvements made at County expense if the petitioners do not fulfill the preceding requirements within two years.
3. Upon favorable consideration by the Board, the County will make such road improvement to bring the road up to Section 30.03 standards. The Board will then reclassify the road.

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## CHAPTER 31

# UNIFORM RURAL ADDRESS SYSTEM

31.01 Purpose

31.02 Assignment of Road Names

31.03 Standards for Rural Road Names and Signs

31.04 Costs

31.05 Assignment of Building Numbers

31.06 Standards for Building Number Signs

31.07 Responsibility for Installation and Maintenance of  
Building Number Signs

31.08 Violation and Penalty

**31.01 PURPOSE.** The purpose of this chapter is to establish the standards and guidelines for the County-wide signing and addressing. This chapter is designed to promote voluntary compliance with its provisions by the residents of the County. Implementing a uniform address system helps all members of the community when directing emergency vehicles and law enforcement authorities to accidents, to emergencies, and to potential and actual crime scenes.

### 31.02 ASSIGNMENT OF ROAD NAMES.

1. Responsibility. The responsibility for naming all rural public and private roads shall be the responsibility of the E911 Service Board. The developer of a subdivision may make recommendations to the E911 Service Board regarding the naming or numbering of new roads.
2. System. The system for naming is as follows:
  - A. Roads that run in a north-south direction are generally called “avenues” and are named in alphabetical order beginning at the County’s western boundary, each mile starting at the westernmost road (A) and proceeding in sequence through the alphabet for each mile east of the western boundary.
  - B. Roads that run in an east-west direction are generally called “streets” and are numbered in sequence beginning with the number 100 on the road which is on or nearest to the northernmost boundary of the County and increasing by increments of 10 for each mile south of the northern boundary (... 110, 120, etc.).
3. Subdivisions. The official street designations within a new subdivision shall comply with the standards set forth in this chapter. Any final plat shall show the assigned road name or number prior to recording. Only those names and numbers assigned by the E911 Service Board are allowed on private road intersections. Any other roadway designations are in violation of this chapter and shall be removed.

### 31.03 STANDARDS FOR RURAL ROAD NAMES AND SIGNS.

1. Road signs erected at the side of the road in unincorporated areas of the County shall be mounted at a height of at least five (5) feet above the grade level of the road.
2. The road identification signs, known commercially as marker blades, shall have white letters or numbers no less than four (4) inches in height and shall have a

green background for all public roads, and a red background for private roads, and shall be made of reflective material of at least engineering grade aluminum.

**31.04 COSTS.** Except as otherwise indicated in this section, the County E911 Service Board shall be responsible for the purchase, installation and maintenance of road identification signs at designated road intersections in the unincorporated areas of the County. Property owners within a subdivision shall be responsible for the purchase, installation and maintenance of road identification signs at intersections within their subdivision.

**31.05 ASSIGNMENT OF BUILDING NUMBERS.** Property owners wishing to add a building number to a new or existing building location shall contact the E911 Coordinator to obtain a 9-1-1 Rural Address Application. The E911 Service Board shall assign and notify property owners of building numbers for residences, businesses and buildings on all public and private streets and roads in unincorporated Washington County, Iowa.

**31.06 STANDARDS FOR BUILDING NUMBER SIGNS.** A sign displaying the building number assigned for each residence, business or building shall be erected and maintained according to the following specifications.<sup>†</sup>

1. The building number sign shall be of aluminum material, blue background, fourteen (14) inches wide, six (6) inches high and display the number assigned the residence, business or building in four-inch high, white reflective numerals.
2. The building number sign shall be located:
  - A. No closer than fifteen (15) feet and no further than thirty (30) feet from the near edge of the main access driveway to the residence, business or building;
  - B. Within one and one-half (1½) feet of the road right-of-way line or fence on the near side of the road so that the numerals are legible and distinguishable to persons approaching the property from either direction traveling on the road by which the sign is located and can be read by persons from a vertical height of between four (4) and six (6) feet above the road, and shall be kept free from obstructions;
  - C. So that the top of the sign shall be placed no lower than four feet, six inches (4'6") above the natural ground at the point of installation;
  - D. So that the post that secures the sign shall be embedded in the ground a minimum of two (2) feet.
3. In addition to the building number sign described above, the assigned building number may be affixed on each side of the rural mail box for the property.

**31.07 RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE OF BUILDING NUMBER SIGNS.**

1. In order to insure uniform installation and maintenance of building number signs and in furtherance of the purpose of Chapter 34A, Code of Iowa, as amended, the E911 Services Board may provide for the purchase, installation and maintenance of any or all of the building number signs in the unincorporated area of Washington

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<sup>†</sup> See Appendix for specifications for rural address sign post and typical residence marker sign.

County, to be paid for either from funds of the E911 Services Board or fees collected from property owners.

2. Unless otherwise indicated in this chapter or by future action of the E911 Services Board, it shall be the duty of the property owner to obtain, install, and maintain assigned building number signs at residences, businesses and buildings in the unincorporated area of Washington County.

3. It shall be the duty of the property owner to remove any different number which might be mistaken for, or confused with, the number assigned to the property.

**31.08 VIOLATION AND PENALTY.** In addition to any other penalty imposed for violation of this chapter, defendant shall be required to make restitution for the cost of any necessary installation, repair or replacement of the sign, pursuant to Section 331.302, Subsection 903.1(1)(a) and Section 910, Code of Iowa, as amended. It shall be a violation of this chapter for any person to:

1. Willfully and intentionally, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove a road sign or building number sign which has been installed pursuant to this chapter;

2. Knowingly resist or obstruct anyone known by the person to be acting on behalf of the Board of Supervisors or the E911 Services Board to install, repair or maintain a road sign or building number sign pursuant to this chapter.

3. Without lawful authority, unintentionally alter, damage, knock down or remove a road sign or building number sign which has been installed pursuant to this chapter and who fails to repair or replace the sign to its pre-existing condition or to pay for the cost of the repair or replacement of the sign.

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## CHAPTER 35

# PUBLIC UTILITY INSTALLATIONS

### 35.01 Purpose

### 35.02 Definitions

### 35.03 Application and Permit

**35.01 PURPOSE.** The purpose of this chapter is to insure uniform and reasonable installation of public utility service on and along County public highway right-of-ways that will protect and preserve the highway corridor potential for future expansion, construction and growth and to insure that future improvements in or along the public highway right-of-ways may occur at a reasonable cost to the County taxpayer.

**35.02 DEFINITIONS.** For use in this chapter, the following terms or words are defined:

1. “Highway corridor” means the highway right-of-way and all that area within one hundred fifty (150) feet of the centerline of a County highway.
2. “Public utility” means all cable, pipeline and tile lines constructed either underground or above ground on a County public highway right-of-way or within one hundred fifty (150) feet of the centerline of a County highway and includes but is not limited to the following: water lines, tile lines, pipelines, storm sewer lines, and sanitary sewer lines.

**35.03 APPLICATION AND PERMIT.** Application and permit for construction or reconstruction of a public utility shall be in the form as shown in the Appendix to this Code of Ordinances. Such forms are available from the office of the County Engineer. An application for and permit approved by the County Engineer shall be obtained prior to construction of any public utility on a County highway right-of-way or within the highway corridor.

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## CHAPTER 36

# SNOW AND ICE REMOVAL POLICY

### 36.01 Purpose

### 36.02 Level of Service

### 36.03 Sequence of Service

### 36.04 Limitation of Service

### 36.05 Emergency Conditions

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

**36.02 LEVEL OF SERVICE.** Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of Washington 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 rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or a designee acting in the absence of the County Engineer, on a case-by-case basis, 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 and as practicable. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 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 motorists, and their speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight 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.

**36.03 SEQUENCE OF SERVICE.** In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared on a case-by-case basis as provided for in this section, and shall determine when driving, 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 unpaved roads. The Washington County Secondary Road Department regular working hours are 7:30 a.m. to 4:00 p.m. each day exclusive of Saturdays, Sundays and legal holidays observed by Washington County employees. The County Engineer may analyze the severity and individual characteristics of each storm to determine the most efficient working hours for implementing and accomplishing the snow and ice removal policy. This may mean extending the regular working hours by starting earlier and/or working later than the regular operation hours. The implementation and accomplishment of the snow and ice removal policy will not normally be extended to include operations between the hours of 5:00 p.m. and 5:00 a.m. There is no time limit after a snowstorm which any of the following sequence of clearance, on paved or unpaved roads, shall take place. Neither is there an obligation of the County in performing such operations when lack of visibility or driver fatigue, in the professional judgment of the County Engineer, may cause hazardous working conditions. The County Engineer's professional judgment shall prevail, unless it is clearly erroneous.

1. Paved Routes.
  - A. The initial effort will be to get all routes open to two-lane traffic as soon as possible or practicable. During initial snow removal operation, paved roads may only have one lane plowed for a period of time. Extended operation hours may be used to accomplish this sequence of service.
  - B. After two-lane travel is possible, subsequent snow removal will be carried on during regular working hours.
  - C. The truck mounted snowplows and spreaders may be called off the road if snow or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer.
  - 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, curves, and portions of the roadway, as deemed necessary by the County Engineer, may (but not necessarily) have placed on them salt, sand or other abrasive. These areas may not be re-sanded, re-salted or have other abrasives replaced on them between snowstorms. This sequence of service will normally be performed during regular working hours.
2. Unpaved Roads.
  - A. The initial effort will be to get one-lane traffic open to all occupied residences on Level A routes as soon as possible and/or practicable after a

storm has passed. Extended operation hours may be used to accomplish this sequence of service.

B. After one-lane travel is possible to all occupied residences, subsequent snow removal will be carried on during regular working hours.

C. Unpaved roads may not be plowed if the wind is causing continual drifting. The motor graders and/or other snow removal equipment may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the County Engineer. Generally, snow will be plowed to the south and east to reduce drifting across the roadway by the prevailing north and west winds.

D. Snow and ice will not be removed from roads designated as Level B or Level C. The County, at its option, may plow a Level B road if it is the most efficient route for snow removal equipment to get to other Level A roads.

3. Private Drives, Streets and Roads. The County will not clear snow from private drives, streets and roads. Normal snow removal operations may result in snow being deposited in private drives, streets and roads. Snow from private drives, streets and roads shall not be placed on the roadway or shoulders.

4. Mailboxes and Fences. The County will assume no liability for mailboxes and fences damaged because of snow removal unless such action can be determined to be malicious. The County will not repair or replace mailboxes or fences damaged or knocked down by snow removal operations or by the force of snow thrown from the plow.

5. Obstructions. Obstructions on road right-of-way (bales, vehicles, equipment, fences, etc.) which may cause snow drifts and/or interfere with snow removal operations, are to be removed by the owner pursuant to the provisions of Chapter 318 Code of Iowa. The County will not be liable for damage to any obstructions interfering with snow removal operations. Obstructions not removed by owner will be removed at owner's expense as provided in Section 318.5, Code of Iowa.

6. Stalled and Stranded Vehicles. The County will not be liable for damage to vehicles stalled or stranded on the traveled portion or shoulders of roads, during snow removal operations. The vehicle owner's responsibility will be to notify County officials as to the location of stalled or stranded vehicles so County crews can use due care to avoid damage to said vehicles and County equipment. It is also the owner's responsibility to remove vehicles from the roadway as soon as the road is opened. Vehicles obstructing snow removal operations will be removed at the owner's expense.

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

1. Sanding, salting, or placing of other abrasives upon the roadway that are slick, slippery, and dangerous due to the formation of frost.
2. Sanding, salting, or placing other abrasives upon paved roadways due to freezing precipitation that occurs outside the County's regular working hours.

3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.
4. Sanding, salting or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer an “emergency” exists and ice has built up on hill and intersections on the unpaved system so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed, such as scraping with motor graders.
5. Re-sanding or re-salting for freezing and thawing between snowstorms.
6. Removing of sand, salt or other abrasives.
7. Plowing, sanding, salting, or placing of abrasives on any road that is not within the jurisdiction of the County unless it is agreed to do so by a 28E Agreement between the County and the entity having jurisdiction of the road.

#### **36.05 EMERGENCY CONDITIONS.**

1. The County Engineer may suspend the level of service or sequence of service during what in the professional judgment of such official is deemed to be an “emergency” condition. An “emergency” condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff’s Office. The County may respond to all “emergency” conditions, either during or after a snowstorm. Any person who makes a false report of an “emergency” to an officer, official, or employee of Washington County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$500.00 or imprisonment of not more than 30 days in the County jail.
2. The provisions of this chapter shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairperson of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairperson of the Board of Supervisors.

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## CHAPTER 37

# OBSTRUCTIONS, NUISANCES AND WORK ON HIGHWAY RIGHT-OF-WAY

37.01 Purpose

37.02 Definition

37.03 Right to Remove Obstructions in Highways

37.04 Clear Zone

37.05 Obstructions and Nuisances

37.06 Removal of Obstructions and Nuisances

37.07 Failure to Remove

37.08 Permit Required for Work on Highway Right-of-Way

37.09 Entrances onto County Roads

37.10 Removal of Rock from Roadway

**37.01 PURPOSE.** The purpose of this chapter is to define Washington County's policy and procedures for removing obstructions and nuisances from County highways and for work within the highway right-of-way.

**37.02 DEFINITION.** For use in this chapter, "clear zone" means the roadside area within the highway right-of-way starting at the edge of the traveled way, available for recovery of errant vehicles.

### **37.03 RIGHT TO REMOVE OBSTRUCTIONS IN HIGHWAYS.**

1. Washington County shall cause all obstructions in highways under their jurisdiction to be removed.

*(Code of Iowa, Ch. 318)*

2. Highway roadsides shall be as free from physical obstructions above the ground as practicable.

*(Iowa Administrative Code 761-115.7 [306A])*

3. As a minimum, the clear zone should be free of all obstructions. Proper right-of-way maintenance and sight distance requirements may require the entire right-of-way be clear of all obstructions.

**37.04 CLEAR ZONE.** The width of the clear zone is influenced by the type of road facility, speed, horizontal alignment and embankment slopes. The IDOT Design Guides, Instructional Memorandums and Iowa Administrative Code shall be used to define the width of the clear zone.

**37.05 OBSTRUCTIONS AND NUISANCES.** The following are considered obstructions and nuisances:

1. Fence within the clear zone other than right-of-way boundary fence.
2. Any poles, posts, piles of material, hay, cut logs, vehicles, machinery, tanks, or other physical obstructions above the ground within the right-of-way.
3. Any new building within the highway right-of-way. Any existing building within the clear zone or causing maintenance problems.
4. Gates, wire panels, woven wire, board fencing, or any other fencing within the highway right-of-way across the inlet or outlet of drainage structures (pipe, box

culverts, or bridges.) When requested by the owner or tenant, the County may approve tying the fence to the corners of the County drainage structure and allowing one or two strands of electric fence across the waterway.

5. Junk, litter, garbage, scrap, appliances, furniture, building rubble, old fencing, tires, burn barrels, yard waste or anything else dumped in the road right-of-way without permission.

6. Trees, shrubs, vines, brush or other vegetation except for vegetation maintained for highway purposes anywhere in the highway right-of-way or encroaching over the highway right-of-way.

**37.06 REMOVAL OF OBSTRUCTIONS AND NUISANCES.** Obstructions and nuisances may be removed according to Iowa Code Chapter 318 and the cost thereof assessed against the owner or person responsible for placement of the obstructions or the abutting property owner or tenant.

1. It is the duty and responsibility of every person to see that his or her garbage is disposed of properly. Any person whose garbage is found in the highway right-of-way will be assessed the cleanup costs.

2. With prior approval, an abutting property owner, tenant, neighbor, or service club will be allowed to dispose of junk and garbage of unknown origin found in the highway right-of-way at the County recycle center at no cost.

3. The County strongly encourages each abutting property owner and/or tenant to maintain the highway right-of-way to keep it free from all trees, shrubs, vines, brush, and other vegetation not maintained for highway purposes. If the abutting property owners and/or tenants do not perform this maintenance, the County may cut and/or remove said trees, shrubs, vines, brush and other vegetation. The County will leave said cut or removed trees, shrubs, vines, brush and other vegetation in the County road right-of-way to naturally decay. The County strongly encourages each abutting property owner or tenant to clean up any cut or removed trees, shrubs, vines, brush and other vegetation in order to provide an aesthetic roadside.

**37.07 FAILURE TO REMOVE.** Failure to remove obstructions and nuisances after having been given notice shall be a County Infraction and Section 3.02(1) of this Code of Ordinances, Schedule of Civil Penalties, shall apply.

**37.08 PERMIT REQUIRED FOR WORK ON HIGHWAY RIGHT-OF-WAY.<sup>†</sup>** A person shall not excavate, fill or make a physical change within the right-of-way of a public road or highway without obtaining a permit from the highway authority having jurisdiction of the public road or highway. Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the excavation, fill, or physical change within the right-of-way of a public road or highway does not conform to the specifications that accompany the permit, the person shall be notified to make such conforming changes. If after twenty days the changes have not been made, the public road or highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person. If within thirty days after sending the statement of the cost is not

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<sup>†</sup> See Appendix for application, permit form and summary of County's policy on work in the right-of-way.

paid, the highway authority may institute proceedings in the District Court to collect the cost of correction.

*(Code of Iowa, Sec. 318.8)*

1. The following work when performed within the County road right-of-way shall require a permit:
  - A. Tile, sewer, waterline, or other pipeline crossings or repairs.
  - B. Terrace work.
  - C. Ponding or storing of water within the road right-of-way.
  - D. Filling ditches.
  - E. Cleaning or digging ditches.
  - F. Brush and tree removal.
  - G. Construct, enlarge, or change any entrance.
  - H. Paving of an entrance.
  - I. Burning.
  - J. Other physical changes.
2. Failure to get a permit or make such conforming changes shall be a County Infraction and Section 3.02(1) of this Code of Ordinances, Schedule of Civil Penalties, shall apply.

### **37.09 ENTRANCES ONTO COUNTY ROADS.<sup>†</sup>**

1. Permit Required. 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 permit as required in the preceding section.
2. Payment of Costs Associated with Entrance Construction. The property owner or tenant is responsible for installation and providing all materials for the initial entrance construction or modification of existing driveways. Washington County will not provide dirt, pipe or other materials. The property owner or tenant may buy culvert pipe from the County's stockpile. The price quoted for culvert pipe will include delivery by the County. Payment must be made before the culvert pipe will be delivered.
3. Entrance Criteria. The County Engineer will view the location and determine if there is adequate sight distance, correct slope between road and fence line and other specific criteria determined by the County Engineer as follows:
  - A. Adequate sight distance along a highway in each direction from any given point of access where a vehicle must stop before entering the highway.
  - B. The finished surface elevation of an entrance to a County road shall initially be sloped away from the road at about a 4% slope to prevent surface water from draining onto the County road.

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<sup>†</sup> See Appendix for form of application and summary of County's policy on entrances to highways.

- C. The entrance centerline lying within the right-of-way shall be at a right angle to the centerline of the road for a minimum of thirty feet from the near edge of the shoulder of the road.
4. Culvert Pipe Requirements. If the location is approved, the County Engineer will determine if a culvert pipe is required, the size of opening required and the length of culvert pipe required.
- A. Type of Culvert Pipe. Culvert pipes shall be approved by the County Engineer. Used culvert pipe showing rust or having holes will not be approved. New culvert pipe shall meet IDOT standards for entrance pipe. The following new pipe types are approved:
- (1) Corrugated metal pipe: 15" & 18" (16 gauge), 24" & 30" (14 gauge), 36" & 48" (12 gauge), and 60" (10 gauge).
  - (2) Tied reinforced concrete pipe (2000D Class or better – no rejects).
  - (3) PVC plastic pipe (SDR 35 or better).
  - (4) High Q plastic pipe.
- B. Size of Culvert Pipe. The size of the culvert pipe will be determined by the County based on the drainage area. A 15" pipe is the smallest size culvert pipe that will be allowed.
- C. Length of Culvert Pipe. The County will determine the length of culvert pipe based on the top width requested, entrance use, ditch depth and type of road being entered. The following criteria shall be followed:
- (1) A minimum of 16-foot entrance top is required.
  - (2) A minimum of 30-foot culvert pipe is required.
  - (3) Entrances on gravel or dirt roads shall have 3:1 side slopes.
  - (4) Entrances on paved roads shall have 8:1 side slopes for culverts and 10:1 side slopes for dry fills.
- D. If adequate storage is available, a tile drop may be approved.
- E. Culvert Pipe Ownership. After installation, the culvert pipe shall become the property of Washington County.
5. Entrance Installation and Restrictions.
- A. Entrance installation shall be according to IDOT specifications.
- B. Entrance fill shall be compacted by tamping or rolling.
- C. No filling will be permitted in the right-of-way other than necessary to construct the proposed entrance.
- D. No excavations will be made within the limits of the traveled portion of the roadway.
- E. 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 the County road.

- F. Private property may not be used so as to obstruct or encumber the County road right-of-way, or interfere with safety, comfort, and the use of the County roadway users.
- G. The permittee shall leave the road and road right-of-way in as good a condition as it was prior to construction.
- H. The applicant 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 County Engineer.
- I. The applicant shall give written notice of his or her intent to begin construction on a County road right-of-way to the County Engineer at least 48 hours prior to the commencement of said construction so that an inspection of said construction site may be conducted.
- J. Nothing in this chapter shall preclude Washington County from entering upon any entrance on the road right-of-way and performing necessary maintenance for the protection of the County road.
- K. Culvert pipe installation shall be guaranteed and maintained by the applicant for 3 years.
6. Final Approval of Entrance. The applicant shall notify the County Engineer when installation is completed. The application shall not be considered approved by Washington County until the installation is inspected and approved by the County Engineer or authorized agent.
7. Nonconforming Entrances. Any nonconforming entrance built after the effective date of this chapter may be removed by Washington County and the cost billed to the owner or party responsible for installing the entrance.
8. Future Maintenance. Washington County shall maintain any entrance within the right-of-way that has been installed with an approved permit. Culvert pipe installation shall be maintained by the County after the 3-year warranty period. Protecting the ends of the culvert pipe is the responsibility of the owner. Repairing crushed ends on culvert pipe will be the responsibility of the owner. When crushed ends on culvert pipe create drainage problems, the County will notify the owner to repair the culvert ends within 30 days. If the owner fails to facilitate repairs, the County may remove the entrance and culvert pipe.
9. Grandfathered Entrances. Existing approved entrances will continue to be maintained by the County. When culvert pipe replacement is necessitated, the County will furnish 30 feet of culvert pipe or the same length as removed, whichever is longer, at no expense to the owner. A permit will be required if additional length of culvert pipe is requested.
10. Entrance Surfacing. Washington County will not furnish, maintain, nor pay for any driveway surfacing (gravel, oil, asphalt, or concrete). Entrance surfacing removed by the County during road construction will be replaced by the County at no expense to the owner.
11. Roadway Constructions and Replacement of Entrances. Any entrances removed for road construction will be replaced by the County at no cost to the owner. Existing entrance surfacing removed will also be replaced by the County at no

expense to the owner. At the request of the owner and with proper location approval, the County may construct additional entrances at the time of roadway construction with the owner responsible only for the cost of the culvert pipe.

**37.10 REMOVAL OF ROCK FROM ROADWAY.** Anyone removing rock from the County highway for driveway surfacing or any other use will be billed for the material removed and shall be charged with a County Infraction and Section 3.02(1) of this Code of Ordinances, Schedule of Civil Penalties, shall apply. Minimum billing for removal of rock will be \$100.00.

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## CHAPTER 45

### ALARMS

45.01 Definitions	45.07 Response to Alarms
45.02 Alarm User Permits	45.08 False Alarms
45.03 Permit Renewals	45.09 Service by Mail
45.04 Revocation of Permits	45.10 Judicial Review
45.05 Administrative Rules	45.11 Fees
45.06 Automatic Dialing Devices	45.12 Penalties

**45.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Alarm agent” means any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing or responding to or causing others to respond to an alarm device.
2. “Alarm business” means any business operated by a person which engages in the activity of altering, installing, leasing, maintaining, replacing, selling, servicing or responding to a burglar or holdup alarm system or which causes any of these activities to take place.
3. “Alarm system” means an assembly of equipment and devices (or single device such as solid state unit) arranged to signal the presence of a hazard requiring urgent attention and to which police or alarm agents are expected to respond. In this chapter, the term “alarm system” includes the terms “automatic holdup alarm system,” “burglar alarm system,” “holdup alarm systems,” and “manual holdup alarm systems,” as those terms are hereinafter defined. Alarm systems which monitor temperature, humidity or any other condition are also included in the provisions of this chapter.
4. “Alarm user” means any person on whose premises an alarm system is maintained within the County except for alarm systems on motor vehicles or proprietary systems. However, if an alarm system on a motor vehicle is connected with an alarm system at premises (other than a proprietary system), the person using such system is an alarm user. Also excluded from this definition and from the coverage of this chapter are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. Any system solely employing an audible signal emitting sounds or flashing light or beacon designed to signal persons outside the premises are not within the definition of an alarm system and are not subject to this chapter.
5. “Automatic dialing device” refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
6. “Automatic holdup alarm system” means an alarm system in which the signal transmission is initiated by the action of a robber.

7. “Burglar alarm system” refers to an alarm system signaling the entry or attempted entry into the area protected by the system.
8. “False alarm” means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his or her employees or agents.
9. “Holdup alarm system” refers to an alarm system signaling a robbery or attempted robbery.
10. “Local alarm system” refers to a signaling system which when activated causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.
11. “Manual holdup alarm system” refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
12. “Monitoring station” means an office to which the alarm systems are connected or automatic dialing devices are answered where human operators supervise either the alarm circuits or answer incoming telephone alarm signals and where human operators then notify the Sheriff’s Department or a private detective agency to investigate the alarm signal.
13. “Proprietary system” means an alarm system sounding and/or recording alarm signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly or by means of an automatic dialing device to a monitoring station, it becomes an “alarm system” as defined in this chapter.
14. “Remote signaling system” means an alarm signaling system which when activated by an alarm device transmits a signal from an alarm signaling device to a monitoring station where appropriate action is taken to investigate and respond to the signal.
15. “Sheriff” means the County Sheriff or a designated representative.
16. “Signal line” refers to the transmission line through which the signal passes from one of the elements of the signal transmission to another.
17. “Simple misdemeanor” means that classification of criminal offense which is punishable by a penalty of up to thirty (30) days in the County jail or up to a five hundred dollar (\$500.00) fine, but not both. The statute of limitations for a simple misdemeanor is one year from the date of the offense.
18. “Subscriber” means a person who buys and/or leases or otherwise obtains an alarm signaling system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm device.

#### **45.02 ALARM USER PERMITS. †**

1. Every alarm user shall obtain an alarm user permit for each alarm system (excluding proprietary alarm systems) that the alarm user operates within the County.

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† See Appendix for form of permit.

The permits are nontransferable and are issued by the Sheriff. Any person installing a new alarm system shall obtain an alarm user permit before said system is activated.

2. Every person applying for an alarm user permit must submit an application which shall be signed by the individual or by a partner or by the proper corporate official as is appropriate for the form of the person or business seeking the permit and shall include:

A. The user's name, the address of the residence or business upon which the alarm system has been or will be installed, the user's telephone number, the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system and the name and telephone number of at least one other person who can be reached at any time who is authorized to respond to an alarm signal and who can open the premises in which the system is installed.

B. A statement that the applicant will inform the Sheriff within ten (10) days after any substantial change of the information required in paragraph A of this subsection.

C. The name and date of birth of a natural person, if user is a business or legal entity, who is authorized to accept service of legal process on behalf of the alarm user.

**45.03 PERMIT RENEWALS.** Each year between the dates of July 1 and July 15 each alarm user having a permit for an alarm in the County shall make application with the Sheriff to renew its permit by filing an application for renewal on an appropriate form provided by the Sheriff. The application for renewal shall list any changes in the information contained on its application for a permit or since its last renewal. The application for renewal shall be accompanied by the fee established in Section 45.11 of this chapter.

**45.04 REVOCATION OF PERMITS.**

1. In addition to any penalties which may be imposed for the violation of certain provisions of this chapter, an alarm user permit may be revoked upon a finding that the holder of said permit or employee or agent of said holder has done any of the following:

A. Made a knowing misrepresentation or false statement in an application for an alarm user permit or for a renewal of an alarm user permit.

B. Made a knowing misrepresentation or false statement to a law enforcement officer with regard to the operation of an alarm system.

C. Failed to correct any deficiencies in equipment or operation of an alarm user's alarm within thirty (30) days after receipt of notice of same from the Sheriff.

D. Failed to pay within thirty (30) days from postmark date or the date of personal service any bill from the Sheriff's Department for any false alarm charges.

E. Failed to comply with any order or notice issued by the Sheriff, the Board of Supervisors or a Judicial Court within thirty (30) days of the issuance date of said order or notice.

2. No alarm permit shall be revoked until a revocation hearing is held by the Sheriff. Written notice of the time and date and place of the hearing shall be served on the holder of the alarm permit at least ten (10) days before the date set for the hearing. The notice shall set forth a summary of the grounds advanced as the basis for the revocation of the alarm permit.

3. At the hearing before the Sheriff, the holder of the alarm permit or an authorized representative shall be given an opportunity to confront and examine the communications specialist on duty at the time of the hearing and to present evidence on his or her own behalf. The written testimony of other witnesses may be submitted at the hearing, but no witnesses, other than the communications specialist, shall be compelled to give testimony in person at the hearing. Within seven (7) days after the hearing, the Sheriff shall prepare a written order revoking the alarm user permit or shall dismiss the revocation proceeding. No revocation of an alarm user permit shall be ordered unless the Sheriff finds by a preponderance of the evidence that a violation of provisions set forth in paragraphs A through E of subsection 1 of this section have occurred.

4. Any person whose alarm permit is revoked pursuant to this chapter shall have the right to file a written appeal with the Board within ten (10) days after receiving notice in writing of the revocation by the Sheriff. Such appeal shall set forth in detail the specific ground or grounds upon which it is based. The Board shall hold the appeal hearing and shall be responsible for ensuring service of notice on the appellant. At the hearing the appellant or an authorized representative shall have the right to make a written and/or an oral presentation on why an alarm permit should not be revoked. The standard of proof or test for deciding the appeal shall be whether the Sheriff had substantial evidence upon which to base the revocation decision.

5. Within ten (10) days after a holder of an alarm permit receives notice of revocation of its alarm permit, or after it has exhausted all appeals with respect to such revocation, the alarm system upon which the alarm permit had been authorized shall be deactivated.

6. After notice of revocation has been given, an alarm permit holder may continue to operate the alarm system until all of said holder's rights of appeals under this chapter have been exhausted.

**45.05 ADMINISTRATIVE RULES.** The Sheriff shall promulgate such rules as may be necessary for the implementation of this chapter and for determination of grounds for revocation of any permit required by this chapter. The rules shall be approved by the Board of Supervisors and the County Attorney and shall be open to inspection by the public.

**45.06 AUTOMATIC DIALING DEVICES.** Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to a monitoring station that complies with this chapter. Automatic dialing devices may also be interconnected to one or more telephone numbers available to the owner or lessee of the devices or other designated representatives at another location which has been established to receive the alarm.

**45.07 RESPONSE TO ALARMS.** When the County Public Safety Center is notified by an alarm business or monitoring station that an alarm has been received, officers will be

dispatched to the premises protected by the alarm system. The County Public Safety Center personnel will notify the affected user of an alarm.

**45.08 FALSE ALARMS.**

1. False alarms shall be deemed County civil infractions and be prosecuted in accordance with Chapter 3 of this Code of Ordinances.
2. Any alarm user whose alarm user’s permit has been revoked is not precluded under this chapter from applying for a new alarm user’s permit. The Sheriff, however, is not required to grant a new alarm user’s permit unless past delinquencies have been satisfied and the Sheriff is satisfied that the applicant will meet the obligations proposed under this chapter in the future.

**45.09 SERVICE BY MAIL.** Whenever a person, the Sheriff or the Board of Supervisors is required to accomplish service of a notice or an order on a person under the provisions of this chapter, the delivery may be made by certified mail or by hand delivery or by personal service to any authorized agent or employee of the alarm user who is 18 years of age or older.

**45.10 JUDICIAL REVIEW.** Anyone claiming to be aggrieved by any decision made under the provisions of this chapter shall have such rights of appeal as provided by law.

**45.11 FEES.**

1. Alarm User Permit Fee and Renewals .....\$ 5.00
2. False Alarm Fees During Any Calendar Year:
  - First through fourth .....no charge
  - Fifth through tenth .....\$ 25.00 per alarm
  - Eleventh and every false alarm thereafter .....\$ 50.00 per alarm

No refunds of permit fees provided in this chapter shall be made.

**45.12 PENALTIES.**

1. The following constitutes the crime of Unauthorized Use of an Alarm System:
  - A. Using an alarm system when no permit has been issued as required under the provisions of this chapter; or
  - B. Using an alarm system when the permit authorizing said use was revoked under the provisions of this chapter.
2. Any person, business or legal entity of any kind who commits the offense of Unauthorized Use of an Alarm System shall be guilty of a simple misdemeanor.
3. Violations of this chapter shall be enforced by the filing of a complaint and affidavit by a peace officer with the County Clerk of Court. The initial appearance of the alarm user or designee shall be accomplished by the issuance of a citation by the County Magistrate.

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## CHAPTER 50

# ANIMAL CONTROL

50.01 Purpose	50.10 Rabies Vaccination
50.02 Definitions	50.11 Right To Kill
50.03 Responsibilities of Owners	50.12 Keeping of Dangerous Animals Prohibited
50.04 Conditions for Impoundment	50.13 Abatement Procedures Pertaining to Vicious Dogs and Dangerous Animals
50.05 Disposition of Animals	50.14 Control of a Vicious Dog
50.06 Confinement and Animal Rabies Control	50.15 Vicious Dogs at Large
50.07 Animal Neglect	50.16 Animal Welfare and Care
50.08 Livestock Neglect	
50.09 Abandonment of Cats and Dogs	

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

**50.02 DEFINITIONS.** For use in this chapter, the following terms or words are interpreted or defined:

1. "Animal" means any nonhuman vertebrate.
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or fenced-in area, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.
3. "Attack" means an act committed by an animal with the ability to execute such an act that either by threat of physical contact or actual physical contact causes fear, pain or injury to a human being or a domestic animal so long as the latter has not first committed such an act on the offending animal.
4. "Breeding animal" means any animal kept for the purpose of breeding.
5. "Cats" means both male and female animals of the feline species, whether altered or not.
6. "Control" is established when an animal is secured by a leash or lead, confined in a fenced-in area or vehicle, or obedient to a competent person's commands.
7. "Dangerous animal" includes the following <sup>†</sup>:
  - A. Badgers, wolverines, weasels, mink, skunks and other *Mustelids*;
  - B. Bats;
  - C. Snakes which are constricting and exceed six (6) feet in length;

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<sup>†</sup> **EDITOR'S NOTE:** Certain other dangerous animals are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

- D. Raccoons and opossums;
- E. Any animal that while running at large has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct by acting in the following manner: (a) by biting a person or persons on two separate occasions within a 12-month period; or (b) did bite a person once causing injuries above the shoulders of the person.
8. “Disturbance” means the act of trespassing, chasing, maiming or killing domestic livestock or fowl; damaging or destroying personal property; biting or attempting to bite a person.
9. “Dogs” means both male and female animals of *Canis Familiaris*, whether altered or not.
10. “Domestic animal” means all livestock, household animals, breeding animals and kennel animals.
11. “Household animal” means any companion animal normally kept by an owner anywhere on that owner’s property, whether indoors or outdoors, for the purposes of pleasure, protection, working or hunting.
12. “Kennel animal” means any animal that under normal conditions is housed in a veterinary hospital or registered kennel.
13. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.  
(Code of Iowa, Sec. 717.1)
14. “Neglected or suffering conditions” means any condition or situation in which the animal is in imminent danger.
15. “Owner” includes, in addition to its ordinary meaning, any person or persons, firm, association or corporation owning, keeping, sheltering or harboring an animal.
16. “Sanitarian” means the Washington County Sanitarian.
17. “Stray” means any animal unlawfully running at large, the ownership of which cannot with reasonable investigation be ascertained or any animal which has been abandoned by its owner.
18. “Unincorporated areas” means areas not within the confines of an incorporated city.
19. “Vicious dog” means any dog that while running at large has attacked or bitten any domestic animal or fowl on two separate occasions within a 12-month period; or any dog with a known propensity, tendency or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping, or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger the safety of said human beings or domestic animals.

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

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

*(Code of Iowa, Sec. 351.38)*

#### **50.04 CONDITIONS FOR IMPOUNDMENT.**

1. All strays and any dogs found at large are subject to seizure and impoundment.
2. Any dog which is causing a disturbance is subject to seizure and impoundment.
3. Citations may be issued to the owner of an animal in lieu of impoundment. Impoundment may be required when no owner can be identified after a reasonable amount of investigation.
4. Any vicious dog or dangerous animal believed by the County Sanitarian to pose a risk or threat of harm to any person or domestic animal may be seized and impounded.
5. Any animal against which multiple complaints for running at large and causing a disturbance have been made is subject to restraint on the property of the owner by demand of the County Sanitarian. This is to include all animals within the rural and unincorporated communities of the County.

**50.05 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

*(Code of Iowa, Sec. 351.37, 351.41)*

**50.06 CONFINEMENT AND ANIMAL RABIES CONTROL.** When the Board of Health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, the Board of Health shall order the owner to confine

such animal in the manner provided herein. (This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.)

1. A healthy dog or cat that bites a person should be confined and observed for ten (10) days and evaluated by a licensed veterinarian at the first signs of illness during confinement.
  - A. Any illness in the cat or dog should be reported immediately to the County Sanitarian.
  - B. If signs suggestive of rabies develop, the cat or dog should be humanely killed, its head removed and the head shipped under refrigeration for examination by the Iowa veterinary Diagnostic Lab, Ames, Iowa, or the State Hygienic Lab, Iowa City, Iowa.
  - C. The cat or dog must be quarantined by a licensed veterinarian at the owner's expense, if:
    - (1) The animal, over three months of age, has no record of current rabies vaccination. Unvaccinated animals cannot be vaccinated until the end of the quarantine period, at which time the animal must be vaccinated at the owner's expense.
    - (2) The events leading to the incident are such that rabies is suspected; there was no due cause for the incident or the animal has a suspicious recent history. This will be utilized even if the animal has a record of being currently vaccinated for rabies.
  - D. Home quarantine is permissible if:
    - (1) Conditions listed in subsection 1 of this section are not applicable and the owner can provide proper confinement of the animal, complete with the posting of a sign in a conspicuous place, warning of possible rabies infection. Confinement will be done by the kenneling or penning of the cat or dog so that there is a metal barrier as to prevent the intimate approach of any other animal or person.
    - (2) The owner of the cat or dog shall sign an agreement to adhere to the rules of confinement for the designated length of time, and also agrees to notify the County Sanitarian immediately if the dog or cat sickens, dies, or escapes.
    - (3) The animal must be examined by a licensed veterinarian at the end of the quarantine period, and revaccinated if the bite occurred within six (6) months of the expiration date of the current vaccination.
2. If it is not practical to confine the cat or dog for reasons of health and safety, the cat or dog may be humanely killed and the brain sent for examination, with the approval of the County Sanitarian and a licensed veterinarian.
3. Any stray or unwanted dog or cat that bites a person may be killed immediately and the head submitted as described above for rabies examination.

4. Wild carnivorous mammals and bats (as well as the offspring of wild animals cross bred with domestic dogs and cats) that bite people should be killed and the brains submitted as described above for rabies examination. A person bitten by any wild animal should immediately report the incident to a physician who can evaluate the need for anti-rabies treatment. (See current rabies prophylaxis recommendations of the A.C.I.P.)
5. Other biting animals, including livestock, which might have exposed a person to rabies should be reported immediately to the County Sanitarian.

Any animal bitten or scratched by a wild, carnivorous mammal (or a bat) not available for testing should be regarded as having been exposed to rabies. Current guidelines for animal rabies vaccination and control may be found in the compendium of animal rabies control, National Association of State Public Health Veterinarians, Inc.

*(Code of Iowa, Sec. 351.39)*

**50.07 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

*(Code of Iowa, Sec. 717B.3)*

**50.08 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

*(Code of Iowa, Sec. 717.2)*

**50.09 ABANDONMENT OF CATS AND DOGS.** A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

*(Code of Iowa, Sec. 717B.8)*

**50.10 RABIES VACCINATION.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

*(Code of Iowa, Sec. 351.33)*

**50.11 RIGHT TO KILL.** The County Sanitarian reserves the right to euthanize any animal not under observation for rabies or under rabies quarantine for which no reasonable veterinary care would prove to be practical to sustain said animal or when said animal is afflicted with a contagious disease which would endanger the welfare of the other animals in the shelter.

**50.12 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter or harbor any animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any purpose or in any capacity within the County.

**50.13 ABATEMENT PROCEDURES PERTAINING TO VICIOUS DOGS AND DANGEROUS ANIMALS.**

In the event that the Sanitarian has probable cause to believe that a dog is vicious, or that a dangerous animal is kept in violation of this chapter, the Sanitarian shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious or the dangerous animal is in violation and constitutes a hazard. The Sanitarian shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the vicious dog or dangerous animal that a hearing will be held, at which time said owner or keeper may have the opportunity to present evidence why the dog or dangerous animal shall not be declared a hazard. The hearing shall be held promptly within no less than five (5) days or more than ten (10) days after the service of notice upon the owner or keeper of the dog or dangerous animal. The hearing shall be informal and shall be open to the public. After the hearing, the owner or keeper of the dog or dangerous animal shall be notified in writing of the determination. If a determination is made that the dog is vicious or the dangerous animal is a hazard, the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the Sanitarian, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog or dangerous animal contests the determination, he or she may bring a petition in the district court within the judicial district wherein the dog or dangerous animal is kept, praying that the court conduct its own hearing on whether or not the dog be declared vicious or the dangerous animal be found to be in violation and a threat to the public safety. After service of notice upon the Sanitarian, the court shall conduct a hearing de novo and make its determination as to alleged viciousness or endangerment. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be vicious, or the dangerous animal to be a threat to the public safety, the court may establish a time schedule to insure compliance with this chapter. The court may decide all issues for or against the owner or keeper of the dog or dangerous animal regardless of the fact that said owner or keeper fails to appear at said hearing. The determination of the district court shall be final and conclusive upon all parties thereto. However, the Sanitarian shall have the right to declare a dog vicious or an animal dangerous for any subsequent actions of the dog or animal. In the event that the Sanitarian has probable cause to believe that the dog in question is vicious or the animal is dangerous, and poses a threat of serious harm to human beings or domestic animals, the Sanitarian may seize and impound the dog or dangerous animal pending the aforesaid hearings. The owner or keeper of the dog or dangerous animal shall be liable to the County when the dog or dangerous animal is impounded for costs and expenses of keeping such dog or dangerous animal.

**50.14 CONTROL OF A VICIOUS DOG.** In the event that a dog is declared vicious, the Sanitarian may elect to allow the owner to keep the dog at the owner's home if the owner agrees, in writing, that the dog will be secured at all times and the owner agrees to accept any and all responsibility if the dog is involved in another disturbance or bite incident. Failure to keep the dog secured as set out in the written agreement shall be a simple misdemeanor. The Sanitarian may impose any condition reasonably necessary to insure public safety upon release of or for continued ownership of a vicious dog. These provisions shall be documented in writing and a copy of the provisions shall be signed by the owner agreeing to the provisions. There shall be copies on file of this agreement with the Sanitarian and the owner. Contract provisions may include, but are not limited to, any of the following requirements:

1. The dog must be housed in a secure enclosure that could include a fenced area or suitable outbuilding or the residence of the owner.

2. The dog must be housed in a secure kennel or fence of at least six (6) feet in height with a concrete floor or a kennel of six (6) feet in height with poles and fencing imbedded two (2) feet into the ground or gravel.
3. When off the property of the owner, the dog must be on a leash of no more than six (6) feet in length and must be handled by a person eighteen (18) years or older, contained inside a vehicle or animal carrier, or restrained (tied) in the back of a truck.
4. A dog may be tethered, chained, or staked out to an inanimate object only while directly supervised by an adult.
5. The premises must display "BEWARE OF DOG" signs, both written and graphic, on the property.
6. The following significant events must be reported by the owner within five (5) working days: permanent removal from the County; death; birth or siring of offspring; owner's change of address; transfer of ownership, including the new owner's name and address.
7. The following significant events must be reported to the Sanitarian within twenty-four (24) hours: escape or biting of a person or animal.
8. The owner must inform, by written or oral notification, that a vicious dog resides on the property to any persons who are routinely lawfully upon the property of the owner. This includes (but is not limited to) letter carriers, utility company personnel, meter readers, etc.
9. The owner must prove financial responsibility for any injury or damage which may be caused by the dog, by posting a cash or security bond for an amount not to exceed one thousand dollars (\$1,000.00).
10. The dog must be muzzled when out of its kennel or home.
11. The primary housing must have a different perimeter fence which shall be no less than four (4) feet from all sides of the primary fencing which is not adjacent to a solid wall.
12. The kennel must be locked at all times with a padlock of adequate strength.
13. The vicious dog must be tattooed, the number and location of the tattoo registered with the Sanitarian and Auditor's Department. The vicious dog must also wear an identification tag stating the name, address and phone number of the owners and current rabies tag.
14. The dog must be spayed or neutered.
15. The owners of the vicious dog must supply color photographs of the dog to the Sanitarian for the purpose of identifying the dog. There are to be three photographs posed beside a yardstick, one from the left, one from the right, and one facing the camera.
16. The length of time these restrictions are to be in effect shall be determined by the Sanitarian and may include the lifetime of the dog.
17. The dog may be prevented from coming in contact with children.
18. Enrollment in obedience training classes (if applicable) may be required.

It is unlawful to fail to follow the provisions imposed for release or continued ownership of a vicious dog. This violation may be charged as a civil infraction or as a criminal offense. In addition, the court may order the dog be surrendered and humanely destroyed.

**50.15 VICIOUS DOGS AT LARGE.** A vicious dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be required to be permanently removed from the County or destroyed. An animal which is returned to the County after removal under this section shall be destroyed.

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

1. A quantity of wholesome feed suitable for the animal's species and age, sufficient to maintain reasonable levels of nutrition, at intervals of not more than twenty-four (24) hours or longer if the dietary requirements of the animal require.
2. Reasonable access to a supply of clean, fresh water provided for drinking in amounts and at intervals suitable for the species, not to exceed twenty-four (24) hours at any interval.
3. If the animal is a pet, adequate access to a shelter sufficient to ensure that the pet does not suffer unreasonable distress due to natural elements, including but not limited to wind, rain, snow, sun, cold, or dampness.
4. If the animal is livestock, adequate access to a natural or constructed barrier sufficient to offer reasonable protection against temperature extremes, wind, rain, or snow.
5. If the animal is restricted in a confinement area for an extended period, the area shall be kept reasonably clean and free from contaminants, including animal waste, which may threaten the health of the animal.
6. Veterinary or farrier care, if a reasonably prudent person would advise such care to relieve distress from injury, disease or neglect.
7. If the animal is a pet, a confinement area with adequate space for the exercise necessary to preserve the health of the animal and which provides a dry area for the animal to rest. The air temperature or ventilation in the confinement area shall be suitable to preserve the health of a normal animal of the same species.
8. If an animal is fastened by a leash, including a rope or chain, which restricts the movement of the animal, a leash shall be attached to the animal by a well-fitting collar or harness that is fastened to the animal in a manner designed to prevent injury or entanglement. A leash shall not restrict an animal from access to adequate shelter or sufficient food or water.
9. In the event that the Sanitarian finds animals in neglected or suffering conditions, the Sanitarian shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense, providing that the owner is notified by certified mail or by personal service by the Sanitarian before removal. If it is determined by the Sanitarian that the animal is of critical nature, the Sanitarian may take immediate steps to protect the animal, to include

having the animal checked by a veterinarian. Return of the animal to the owner shall not be permitted until the owner shall have made full payment for all expenses so incurred by the Sanitarian. Said payment shall not be considered in lieu of any charges which may be filed.

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## CHAPTER 55

# SOCIAL HOST REGULATIONS

55.01 Purpose  
55.02 Definitions  
55.03 Prohibited Acts

55.04 Exceptions  
55.05 Violations

**55.01 PURPOSE.** Pursuant to the authority granted under Chapter 331, Code of Iowa, this chapter is enacted to protect and preserve the rights, privileges, and property of the County and its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of Washington County. The purpose of this chapter is to prohibit the consumption of alcoholic beverages and/or controlled substances by persons under the age of twenty-one (21), and to prohibit gatherings where persons knowingly allow or permit the consumption of controlled substances or underage drinking of alcoholic beverages to occur on property they own or control. The Washington County Board of Supervisors finds that the occurrence of social gatherings at premises where controlled substances and/or alcoholic beverages are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Surgeon General's Call to Action (2007) is hereby incorporated by reference, as further support of the health, safety and public welfare concerns that exist with underage drinking. The Washington County Board of Supervisors further finds that persons under twenty-one (21) attend gatherings where controlled substances and/or alcoholic beverages are brought or made available, and that the persons who are in control of such premises are either knowingly tolerating, allowing, or permitting such drug and alcohol use to occur. This chapter will establish penalties for persons who knowingly permit or allow underage drinking or drug use, and will encourage those persons to ensure that those activities are not occurring on premises under their control.

### **55.02 DEFINITIONS.**

1. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.
2. "Controlled Substance" means a drug, substance, or immediate precursor as specified in Chapter 124, Code of Iowa.
3. "Event, gathering, or party" means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.
4. "Juvenile" means a person under the age of eighteen (18).
5. "Parent" means any person having legal custody of a juvenile (1) as a natural parent, adoptive parent or stepparent, (2) as a legal guardian, or (3) as a person to whom legal custody has been given by order of the court.
6. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically, for a party or other social function and whether owned, leased, rented, or used with or without permission

or compensation. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.

7. "Social host" means any person, partnership, corporation or association of one or more individuals who aids, allows, entertains, organizes, supervises, controls, or permits an event, gathering or party. This includes but is not limited to (a) the person(s) who owns, rents, leases or otherwise has control of the premises where the event, gathering or party takes place, (b) the person in charge of the premises, or (c) the person(s) who organized the event, gathering or party. If the social host is a juvenile, and the parent(s) are 1) present on the premises, or 2) knows or reasonably should know of the event, gathering or party and knows or reasonably should know that the consumption of alcohol and/or controlled substances is occurring, the parent(s) are also liable for violations of this chapter.

8. "Underage person" means any individual under the age of twenty-one (21).

**55.03 PROHIBITED ACTS.** It is unlawful for any social host of an event, gathering or party on the social host's premises to knowingly permit or allow underage persons to consume controlled substances and/or alcoholic beverages, or knowingly permit or allow underage persons to possess controlled substances and/or alcoholic beverages on the premises, whether or not the social host is present on the premises. A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of controlled substances and/or alcohol, or notified law enforcement and allowed law enforcement to enter the premises for the purpose of stopping the illegal activities.

**55.04 EXCEPTIONS.** This chapter does not apply to actions permitted under Section 123.47(2), Code of Iowa, or to legally protected religious observances, or to situations where underage persons are lawfully in possession of alcoholic beverages during the course and scope of employment.

**55.05 VIOLATIONS.** Violations of this chapter are a civil infraction under the Washington County Code of Ordinances, and are subject to a civil penalty of \$500.00 for each violation. Violations of this chapter may also be considered by the County for purposes of approving licenses applied for by the social host or for any other requirements that are subject to approval by the County.

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## CHAPTER 65

# GENERAL ENVIRONMENTAL HEALTH REGULATIONS

65.01 Definitions	65.09 Rodent Attraction
65.02 Garbage and Refuse	65.10 Rat Harborage
65.03 Health Hazard	65.11 Rodent Control
65.04 Open Dumping Prohibited	65.12 Interference with Enforcement
65.05 Sanitary Disposal Required	65.13 Right To Enter Premises
65.06 Nuisances Prohibited	65.14 Refusal of Admittance
65.07 Abatement of Nuisance	65.15 Appeal
65.08 Cost of Abating Nuisance	65.16 Special Penalty

**65.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “County Sanitarian” means the Washington County Sanitarian.
2. “Garbage” means any putrescible organic waste resulting from the handling, preparation, and consumption of food or of material intended for use as food.
3. “Health hazard” means any condition which can or has the potential to cause injury or sickness to human or animal life, or to the environment.
4. “Nuisance” means 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. This includes all definitions in Section 657.2 of the Code of Iowa.
5. “Open dumping” means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
6. “Rat harborage” means any condition which provides shelter or protection for rodents, thus favoring their multiplication and continued existence in, under, or outside any structure.
7. “Refuse” means putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, and market and industrial solid wastes.
8. “Sanitary Disposal Project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director of the Department of Natural Resources.
9. “Solid waste” means garbage, refuse, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined in Section 321.1 of the Code of Iowa.

**65.02 GARBAGE AND REFUSE.** No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers meeting County specifications. Such containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed therefrom.

**65.03 HEALTH HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste or refuse, either in containers or not, that shall constitute a health or sanitation hazard.

**65.04 OPEN DUMPING PROHIBITED.** Except as may be authorized by State law, no person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than the sanitary landfill facilities operated by the SEMCO Landfill, or rural Washington County solid waste dump site, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

**65.05 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance.

**65.06 NUISANCES PROHIBITED.** The creation or maintenance of a nuisance is prohibited.

**65.07 ABATEMENT OF NUISANCE.** The Board of Health may order the owner, occupant, or person in charge of any property, building or other place to remove at his or her own expense any nuisance, source of filth, cause of sickness, or health hazard found thereon by serving upon said person a written notice stating some reasonable time within which such removal shall be made, and if such person fails to comply with said notice, the Board of Health may cause the same to be executed at the expense of the owner or occupant.

**65.08 COST OF ABATING NUISANCE.** All expenses incurred by the Board of Health in proceeding to abate a nuisance may be recovered by suit in the name of the Board of Health, or the Board of Health may certify the amount of said expenses, together with a description of the property to the County Treasurer who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

**65.09 RODENT ATTRACTION.** It is unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any structure or on any property so that the same may afford food or harborage for rodents.

**65.10 RAT HARBORAGE.** It is unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a rodent harborage. Such articles or materials shall be placed on racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked.

**65.11 RODENT CONTROL.** Upon receipt of a written notice or order from the Board of Health, the owner of any property specified therein shall take immediate measures for rodent control. In the event such control measures are not instigated within the time designated, the Board of Health may instigate condemnation and destruction proceedings or proceed to abate the condition as outlined in the nuisance Sections 65.06 through 65.08.

**65.12 INTERFERENCE WITH ENFORCEMENT.** No person shall interfere with members of the Board of Health, the County Sanitarian, or peace officers in the discharge of any duty imposed by law or the regulations of the Board of Health.

**65.13 RIGHT TO ENTER PREMISES.** The Board of Health or the County Sanitarian may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, source of sickness or health hazard.

**65.14 REFUSAL OF ADMITTANCE.** In case any member of the Board of Health or the County Sanitarian shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing any member of the Board of Health or the County Sanitarian to enter such place for the purpose of examining any possible nuisance, source of filth, source of sickness, or health hazard.

**65.15 APPEAL.** Any person who feels aggrieved by any notice or order made by the Board of Health or the County Sanitarian shall have the right to appeal to the Board of Health at the next regular meeting of the Board of Health. The Board of Health by majority vote shall modify, withdraw, or order compliance with said order.

**65.16 SPECIAL PENALTY.** Any person who violates any of the provisions of this chapter, in addition to any penalty for violation of this Code of Ordinances, may be enjoined from continuing such violations. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the Board of Health shall constitute a separate offense.

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## CHAPTER 66

# ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

### 66.01 Purpose

### 66.02 Adoption of Chapter 567-69 of Administrative Code

### 66.03 Penalties

**66.01 PURPOSE.** The purpose of this chapter is to enact by reference Chapter 567-69 of the Iowa Administrative Code, which relates to on-site wastewater treatment and disposal systems.

### 66.02 ADOPTION OF CHAPTER 567-69 OF ADMINISTRATIVE CODE.

1. Chapter 567-69 of the Iowa Administrative Code, entitled “On-site Wastewater Treatment and Disposal Systems,” is adopted and incorporated by reference as if fully set forth herein.

2. In addition to the rules set forth in Chapter 567-69 of the Iowa Administrative Code, those instances in which an individual is required to install an on-site wastewater treatment and disposal system would include but not be limited to:

A. The New Construction of a Home. This means building or transporting a home (including mobile homes) to a site that does not currently have a properly functioning or approved on-site wastewater treatment and disposal system according to Chapter 567-69 of the Iowa Administrative Code.

B. The Upgrade of an Existing Septic System. This means replacing one or more of the parts (septic tank, tile line, etc.) of an existing septic system.

C. Submission of Form. The submission of a signed complaint form, by an individual, to the Washington County Health Department, detailing the discharge of untreated sewage to the surface. Determining the validity of the complaint will be at the discretion of the Washington County Sanitarian.

**66.03 PENALTIES.** Under the provisions of Section 137.21 of the Code of Iowa, any person who violates any of the rules of the Board regulating on-site wastewater treatment and disposal systems or any lawful order of the Board, its officers or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order, after notice of violation by the Board, shall constitute a separate offense. Additionally, each violation of this chapter is punishable by a civil penalty in accordance with Chapter 3 of this Code of Ordinances. Each day that a violation occurs may be considered a separate offense.

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## CHAPTER 67

# PRIVATE WELL CONSTRUCTION

### 67.01 Purpose

### 67.03 Penalties

### 67.02 Adoption of Chapter 567-38 of Administrative Code

**67.01 PURPOSE.** The purpose of this chapter is to enact by reference Chapter 567-38 of the Iowa Administrative Code, which relates to private well construction.

**67.02 ADOPTION OF CHAPTER 567-38 OF ADMINISTRATIVE CODE.** Chapter 567-38 of the Iowa Administrative Code, entitled “Private Water Well Construction Permits,” is adopted and incorporated by reference as if fully set forth herein.

**67.03 PENALTIES.** Under the provisions of Section 137.21 of the Code of Iowa, any person who violates any of the rules of the Board regulating private water well construction or any lawful order of the Board, its officers or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order, after notice of violation by the Board, shall constitute a separate offense. Additionally, each violation of this chapter is punishable by a civil penalty in accordance with Chapter 3 of this Code of Ordinances. Each day that a violation occurs may be considered a separate offense.

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## CHAPTER 68

# PLUGGING ABANDONED WELLS

### 68.01 Purpose

### 68.03 Penalties

### 68.02 Adoption of Chapter 567-39 of Administrative Code

**68.01 PURPOSE.** The purpose of this chapter is to enact by reference Chapter 567-39 of the Iowa Administrative Code, which relates to requirements for properly plugging abandoned wells.

**68.02 ADOPTION OF CHAPTER 567-39 OF ADMINISTRATIVE CODE.** Chapter 567-39 of the Iowa Administrative Code, entitled “Requirements for Properly Plugging Abandoned Wells,” is adopted and incorporated by reference as if fully set forth herein.

**68.03 PENALTIES.** Under the provisions of Section 137.21 of the Code of Iowa, any person who violates any of the rules of the Board regulating the plugging of abandoned wells or any lawful order of the Board, its officers or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order, after notice of violation by the Board, shall constitute a separate offense. Additionally, each violation of this chapter is punishable by a civil penalty in accordance with Chapter 3 of this Code of Ordinances. Each day that a violation occurs may be considered a separate offense.

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## CHAPTER 69

# NONPUBLIC WATER WELLS

### 69.01 Purpose

### 69.03 Penalties

### 69.02 Adoption of Chapter 567-49 of Administrative Code

**69.01 PURPOSE.** The purpose of this chapter is to enact by reference Chapter 567-49 of the Iowa Administrative Code, which relates to private well construction.

**69.02 ADOPTION OF CHAPTER 567-49 OF ADMINISTRATIVE CODE.** Chapter 567-49 of the Iowa Administrative Code, entitled “Nonpublic Water Wells,” is adopted and incorporated by reference as if fully set forth herein.

**69.03 PENALTIES.** Under the provisions of Section 137.21 of the Code of Iowa, any person who violates any of the rules of the Board regulating nonpublic water wells or any lawful order of the Board, its officers or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order, after notice of violation by the Board, shall constitute a separate offense. Additionally, each violation of this chapter is punishable by a civil penalty in accordance with Chapter 3 of this Code of Ordinances. Each day that a violation occurs may be considered a separate offense.

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## CHAPTER 75

# RURAL SOLID WASTE DISPOSAL

### 75.01 Definitions

### 75.02 General Provisions

### 75.03 Separation of Yard Waste Required

### 75.04 Unlawful Acts

### 75.05 Violation

**75.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Rural Washington County resident” means a citizen residing outside of the corporate limits of any city or an owner of property which is situated outside of the corporate limits of any city who transports solid waste originating on such property.
2. “Solid waste” includes animal, vegetable or mineral matter derived from the preparation or packaging of food stuffs or resulting from the normal operation of households and farms.
3. “Yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**75.02 GENERAL PROVISIONS.** All solid waste deposited at the County dump site shall be placed inside of the dumpsters. The County will pay the gate fees at the SEMCO landfill for any rural Washington County resident who hauls articles to said landfill.

**75.03 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the rural Washington County resident from all other solid waste accumulated on the premises and shall not be deposited at the County dump site or inside of the dumpsters.

**75.04 UNLAWFUL ACTS.** It is unlawful to do any of the following:

1. For anyone other than a rural Washington County resident to unload or deposit solid waste at the County dump site or to use the County dump site for any purpose.
2. For anyone to deposit or unload any of the following at the County dump site: dead animals, fencing, brush of any type, brick, cement, lumber, unwashed or uncrushed chemical cans of any size, or any item exceeding two feet in height, six feet in length or two feet in depth.
3. For anyone to tear open any containers at the County dump site or to dig through or sort through anything left at the County dumpsite.
4. For anyone to remain at or within one hundred (100) feet of a County dump site beyond an appropriate and necessary time period needed to unload any solid waste. Anyone remaining at the dump site beyond ten minutes will be presumed to be in violation of this provision.

**75.05 VIOLATION.** A person who violates the provisions of this chapter is guilty of a violation of this Code of Ordinance, punishable as provided in Section 1.14.

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## CHAPTER 80

# SEXUALLY THEMED BUSINESSES

80.01 Purpose and Findings	80.16 Hours of Operation
80.02 Jurisdiction	80.17 Alcohol Prohibited
80.03 Definitions	80.18 Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos in Video Booths
80.04 Classifications	80.19 Prohibitions Regarding Minors
80.05 Regulations on Location of Sexually Themed Businesses	80.20 Advertising Regulations
80.06 License Required for Operators and Employees	80.21 Loitering; Exterior Lighting and Monitoring Requirements
80.07 Issuance of Permit or License	80.22 Applicability to Existing Businesses
80.08 Fees	80.23 Regulations Concerning Live Public Nudity on Premises
80.09 Periodic Inspections	80.24 Employee License Violation Imputed to Business Licensee
80.10 Expiration of Permit or License	80.25 Prohibition Against "Sex Supermarkets"
80.11 Cause for Suspension	80.26 Immunity From Prosecution
80.12 Cause for Revocation	80.27 Ongoing Duty to Comply
80.13 Nature of Revocation	80.28 Civil Infraction, Injunction and Enforcement
80.14 Right to Hearing; Prompt Judicial Review; Right to Provisional License	
80.15 Transfer of License	

### 80.01 PURPOSE AND FINDINGS.

1. Purpose. It is the purpose of this chapter to regulate sexually themed businesses in order to promote the health, safety, morals and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually themed business within the County, thereby reducing or eliminating the adverse secondary effects from such sexually themed businesses. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually themed materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually themed materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually themed entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material or any other criminal act prohibited by the Iowa Code as currently enacted, and including any laws amended or enacted in the future.

2. Findings. Based on evidence of adverse secondary effects of sexually themed businesses presented to the Board of Supervisors and on findings, interpretations, and narrowing constructions incorporated in both State and Federal court cases, the Board of Supervisors finds that the regulatory provisions of this chapter are within its constitutional power to enact, are designed to serve the County's substantial interest in preventing many of the negative secondary effects associated with sexually themed businesses, are narrowly tailored to that end, and provide reasonable alternative avenues of communication for sexually explicit messages within the County.

A. Sexually themed business lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the unlicensed operators of the establishments.

B. Employees of sexually themed businesses, as defined in this chapter, often engage in certain types of illicit sexual behaviors.

- C. Sexual acts, including masturbation and oral and anal sex, occur at unregulated sexually themed businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- D. Communities have suffered adverse aesthetic impacts caused by sexually themed businesses, including sexually graphic and unsanitary litter in and around adult bookstores and other sexually themed businesses. Unincorporated areas are subject to the same concerns and regulations are needed to protect those who live in these areas.
- E. Person often frequent certain adult theatres, adult arcades, and other sexually themed businesses for the purpose of engaging in sex in or near the premises of such sexually themed businesses, or for the purpose of purchasing or selling illicit drugs.
- F. Numerous communicable diseases may be spread by activities occurring in sexually themed businesses, including but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, mycoplasmal and ureaplasma infections, trichomoniasis and chancroid. Numerous studies and reports have determined that semen is found in the areas of sexually themed businesses where persons view “adult” themed films.
- G. Men and women of all races are most likely to be infected by sexual contact.
- H. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually themed businesses. Further, such a licensing procedure will place a heretofore nonexistent duty on the operators to see that the sexually themed business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County.
- I. Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.
- J. Requiring licensees of sexually themed business to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- K. The fact that an applicant for a license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.
- L. The general health, safety and welfare of the citizens of the County will be promoted by the enactment of this chapter.

**80.02 JURISDICTION.** The provisions of this chapter shall apply to all of the unincorporated areas of Washington County, Iowa.

**80.03 DEFINITIONS.** For purposes of this chapter, the words and phrases defined in the sections of this chapter shall have the meanings described below, unless a different meaning is clearly indicated by the context or definition.

1. “Adult arcade” means an establishment to which the public is permitted or invited where, for any form of consideration including but not limited to coin operated or slug-operated or electronically, electrically, or mechanically controlled, one or more still or motion picture machines, slide projectors, or other image-producing devices for viewing by five or fewer persons are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions or images ,where the images so displayed are distinguished or characterized by the depiction or description of specific sexual activities or specified anatomical areas.
2. “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:
  - A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
  - B. Instruments, devices, or paraphernalia designed for use or marketed primarily or stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

The terms “adult bookstore,” “adult novelty store,” and “adult video store” also include a commercial establishment which regularly maintains one or more adult arcades. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

3. “Adult cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
  - A. Persons who appear in a state of nudity or semi-nude; or
  - B. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. “Adult motel” means a motel, hotel, or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides other photographic reproductions, or live performances which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on- or off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or
  - B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - C. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than (10) hours.
5. “Adult motion picture theatre” means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. “Adult theatre” means a theatre, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of semi-nudity.
7. “Controlling interest” means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent (20%) or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.
8. “County Sanitarian” means the County Sanitarian appointed by the Board of Health of Washington County, Iowa, or other employee of the Board of Health designated by the Sanitarian or the Board of Health to carry out those duties.
9. “Day care” or “child care facility” means child care facilities as defined in Chapter 237A, Iowa Code.
10. “Distinguished or characterized by an emphasis” means the dominant or principal theme of the object described in such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description specified sexual activities or specified anatomical areas.
11. “Employ,” “employee” or “employment” means any person who works or performs any service on the premises of a sexually themed business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, whether or not said person is paid a salary wage, or other compensation by the operator of said business. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
12. “Establish” or “establishment” means and includes any of the following:

- A. The opening or commencement of any sexually themed business as a new business;
  - B. The conversion of an existing business, whether or not a sexually themed business, to any sexually themed business; or
  - C. The addition of any sexually themed business to any other existing sexually themed business;
  - D. The relocation of any such sexually themed business.
13. “Home-based business” means a business, other than a farming operation operated from or on the premises of a residence in unincorporated areas of the County, which sells goods or services.
14. “Licensee” or “permittee” means a person in whose name a permit or license to operate a sexually themed business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually themed business license. In the case of an employee, it means the person in whose name the sexually themed business employee license has been issued.
15. “Nudity” or “state of nudity” means:
- A. The appearance of the bare human buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
  - B. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast, or where those areas are covered and the covering is removed and those areas displayed for any duration.
16. “Operator” means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises. “Operator” also includes any persons on the premises of a sexually themed business who are authorized to exercise overall operational control of the business or who causes to function or who puts or keeps the business in operation. A person may be found to be operating or causing to be operated a sexually themed business whether or not that person is an owner, part owner, or licensee or permittee of the business.
17. “Operate or cause to be operated” mean to cause to function or to put or keep in a state of doing business.
18. “Permitted or licensed premises” means any premises that requires a license and/or permit and that is classified as a sexually themed business.
19. “Person” means any individual, proprietorship, partnership, corporation, association or other legal entity.
20. “Public building” means any building owned, leased or held by the United States, the State, the County, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes.
21. “Public park or recreation area” means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within

the County which is under the control, operation or management of the County park and recreation authorities.

22. “Religious facility or institution” means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, or residence or location where Amish religious services are held.

23. “Residence” means any single-family dwelling, duplex, townhouse, or multiple-family dwelling or mobile park or residential subdivision, or public or private campground.

24. “Regularly features” or “regularly shows” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually themed business.

25. “School” means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities, and specifically includes homes or facilities that comply with the provisions of Chapter 299A of the Code of Iowa, where competent private instruction is held, and schools run by and for the education of the Amish. “School” includes the school grounds but does not include the facilities used primarily for another purpose and only incidentally as a school, except for a home or facility where competent private instruction under Chapter 299A takes place, or an Amish school.

26. “Semi-nude or “state of semi-nudity” means a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple and areola or the female breast, as well as portions of the body covered by supporting straps or devices, or where those areas are covered and the covering is removed to any extent and those areas displayed for any duration. This definition does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola and nipple are not exposed in whole or in part.

27. “Semi-nude model studio” means any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It is a defense to prosecution for any violation of this chapter that a person appearing nude or semi-nude or in a state of nudity or semi-nudity did so in a modeling class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:

- (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
  - (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
28. “Sexually themed businesses” means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency, or nude model studio, as defined in this section.
29. “Sexually themed entertainment activity” means the sale, rental, or exhibition, for any form of consideration, of books, films, videocassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display specified anatomical areas or of specific sexual activity.
30. “Specified anatomical areas” means:
- A. Human genitals, including the male and female pubic area, anus, or buttocks, or the nipple or areola of the female breast;
  - B. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
  - C. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
31. “Specified criminal activity” means any of the following offenses:
- A. Iowa Code Section 728.2 (dissemination and exhibition of obscene materials to minors);
  - B. Iowa Code Section 728.3 (admitting minors to premises where obscene material is exhibited);
  - C. Iowa Code Section 728.4 (rental or sale of hard-core pornography);
  - D. Iowa Code Section 728.5 (public indecent exposure in certain establishments);
  - E. Iowa Code Section 728.12 (sexual exploitation of a minor);
  - F. Iowa Code Section 709.2-4 (sexual abuse);
  - G. Iowa Code Section 709.8 (lascivious acts with a child);
  - H. Iowa Code Section 709.9 (indecent exposure);
  - I. Iowa Code Section 709.12 (indecent contact with a child);
  - J. Iowa Code Section 709.14 (lascivious conduct with a minor);
  - K. Iowa Code Section 709.C.1 (criminal transmission of human immunodeficiency virus);
  - L. Iowa Code Section 711.4 (extortion);
  - M. Iowa Code Section 725.1-4 (prostitution, pimping, pandering, leasing premises for prostitution);

N. Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses in other jurisdictions that, if the acts would have constituted any of the foregoing offenses, if the acts had been committed in Iowa; for which:

(1) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(2) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(3) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

32. “Specified sexual activity” means and includes any of the following:
- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
  - B. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, masturbation or sodomy;
  - C. Human genitals in a state of sexual stimulation, arousal or tumescence;
  - D. Excretory functions as a part of or in connection with any of the activities described in this subsection.
33. “Substantial enlargement of a sexually themed business” means an increase in the floor areas occupied by the business by more than 15% as the floor areas exist on the date this chapter is enacted.
34. “Transfer of ownership or control” means any of the following:
- A. The sale, lease, or sublease of the business;
  - B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
  - C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership control.
35. “Video room” means a room, booth, or area where a patron of a sexually themed business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

36. "Youth facility or organization" means a club, campground or camp, or other building or area where minors and adults gather for recreation and/or learning activities. Such facilities include those which are occupied only on an occasional basis or only during certain times of the year.

**80.04 CLASSIFICATIONS.** Sexually themed businesses shall be classified as follows:

1. Adult bookstores, adult novelty stores, adult video stores;
2. Adult cabarets;
3. Adult motels;
4. Adult motion picture theatres;
5. Semi-nude model studios.

**80.05 REGULATIONS ON LOCATION OF SEXUALLY THEMED BUSINESSES.**

1. A person shall not operate or cause to be operated a sexually themed business within 1,320 feet of:
  - A. A residence;
  - B. Any religious facility or institution;
  - C. Any school;
  - D. The boundary of any subdivision which is platted for residential development;
  - E. Publicly owned park, pond, open space or recreation area;
  - F. Facility for a youth organization, including but not limited to boys or girls club or similar youth organization;
  - G. Day care or child care facility;
  - H. Home-based business.
2. A person shall not operate or cause to be operated a sexually themed business within 1,000 feet of another sexually themed business as defined in this chapter.

The distances shall be measured from the 911 sign of the affected property to the 911 sign for sexually themed business property. The maps used in consideration of this chapter used those markers in the creation of the maps.

**80.06 LICENSE REQUIRED FOR OPERATORS AND EMPLOYEES.**

1. It is unlawful for any person to operate a sexually themed business in the County without a valid sexually themed business permit or license issued by the County.
2. It is unlawful for any person to be an employee, as defined in this chapter, of a sexually themed business in the County without a valid sexually themed business employee permit or license issued by the County.
3. An applicant for a sexually themed business permit or license or a sexually themed business employee permit or license shall file in person at the office of the County Auditor a completed application made on a form provided by the County

Auditor. The application shall be signed by the applicant and notarized. An application shall be considered complete when it contains the information required in paragraphs A through F as follows:

- A. The applicant's full name and any other names used in the preceding five (5) years;
- B. Current business address or another mailing address of the applicant;
- C. Written proof of age, in the form of a copy of a birth certificate and a picture identification document issued by a governmental agency;
- D. If the application is for a sexually themed business permit or license, the business name, location, legal description, mailing address and phone number of the sexually themed business;
- E. If the application is for a sexually themed business permit or license, the name and business address of the statutory agent or other agent authorized to receive service of process;
- F. A statement of whether the applicant has been convicted or has pled guilty or *nolo contendere* (no contest) to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

The information provided pursuant to paragraphs A through F of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the County Auditor within ten (10) working days of a change of circumstances that would render the information originally submitted as false or incomplete.

4. An application for a sexually themed business permit or license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior or the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with Section 80.18 of this chapter shall submit a diagram meeting the requirements of that section.

5. If a person who wishes to operate a sexually themed business is an individual, he or she shall sign the application for a license as applicant. If a person who wishes to operate a sexually themed business is other than an individual, each officer, director, general partner, each other person who will manage, supervise, or control the premises, and each other person who will participate in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 80.07 of this chapter and each applicant shall be considered a permittee or licensee, if a permit or license is granted.

6. The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the County Auditor on a confidential basis, except that such information may be disclosed only to law enforcement and county public health agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

**80.07 ISSUANCE OF PERMIT OR LICENSE.**

1. Upon the filing of a completed application under Section 80.06(3) for a sexually themed business permit or license, the County Auditor shall immediately issue a temporary permit to the applicant. The temporary permit shall expire upon the final decision of the Board of Supervisors to deny or grant the license. Within twenty (20) days of the initial filing date of the completed application, the County Auditor shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The County Auditor shall approve the issuance of a temporary permit or license unless:

- A. An applicant is less than (18) years of age.
- B. An applicant has failed to provide information as a required by Section 80.06 of this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
- C. The permit or license application fee has not been paid.
- D. An applicant has committed a violation of Section 80.09(1), Section 80.12(2), or Section 80.18 of this chapter within the previous year.
- E. The sexually themed business premises are not in compliance with the interior configuration requirements of this chapter.
- F. An applicant has been convicted of a specified criminal activity, as defined by this chapter.

2. Upon the filing of a completed application for a sexually themed business employee permit or license, the County Auditor shall issue a temporary permit to the applicant. The temporary permit shall expire upon the final decision of the Board of Supervisors to deny or grant the license. Within twenty (20) days of the initial filing date of the completed application, the County Auditor shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The County Auditor shall approve the issuance of a temporary permit or license unless:

- A. An applicant is less than eighteen (18) years of age.
- B. An applicant has failed to provide information as required by Section 80.06 of this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
- C. The permit or license application fee has not been paid.
- D. An applicant has committed a violation of 80.09(1), Section 80.12(2), or Section 80.18 of this chapter within the previous year.
- E. An applicant has been convicted of a specified criminal activity, as defined by this chapter.

3. The permit or license, if granted, shall state on its face:

- A. The name of the person or persons to whom it is granted;
- B. The number of the permit or license issued to the permittee or licensee;
- C. The expiration date; and

- D. The address of the sexually themed business, if the permit or license is for a sexually themed business.
4. The sexually themed business permit or license shall be posted in a conspicuous place at or near the entrance to the sexually themed business, so that it may be easily read at any time.
5. A sexually themed business employee shall keep the employee's permit or license on his or her person or on the premises where the licensee is then working or performing and shall produce such permit or license for inspection upon request by a law enforcement officer or other County official performing functions connected with the enforcement of this chapter.

#### **80.08 FEES.**

1. **Filing Fee Required.** A filing fee, in accordance with the established fee schedule, shall be charged for each application for initial license and annual renewals to assist in deferring the costs of the administrative review. The applicant shall be held responsible for submitting the required fees upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.
2. **Fee Schedule.** The fee schedule shall be established by the Board of Supervisors. <sup>†</sup>
3. **Fee Refund.** Whether the request is granted or denied, the applicant shall not be entitled to a refund of the fee paid.

#### **80.09 PERIODIC INSPECTIONS.**

1. After a permit or license is granted, sexually themed businesses and sexually themed business employees shall permit officials, employees, or agents of the County to inspect, from time to time, on an occasional basis, the portions of the sexually themed business premises where the patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the sexually themed business is occupied by patrons or is open for business. A permittee's or licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this section for purposes of permit or license denial, suspension, and/or revocation. This section shall be narrowly construed by the County to authorize reasonable inspection of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspection.
2. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

#### **80.10 EXPIRATION OF PERMIT OR LICENSE.**

1. Each temporary permit shall be valid for the time specified, and shall not be extended after it expires. Each license issued shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided

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<sup>†</sup> See Appendix for Fee Schedule.

in Section 80.06 and Section 80.08 of this chapter. If the license is suspended, the expiration date of the license shall not be extended.

2. Application for renewal should be made at least ninety (90) days before the expiration date. When made less than ninety (90) days before the expiration date, the expiration of the license will not be affected.

#### **80.11 CAUSE FOR SUSPENSION.**

1. The County shall issue a letter of intent to suspend a sexually themed business license for a period not to exceed thirty (30) days, if the sexually themed business licensee has violated this chapter or has knowingly allowed an employee to violate this chapter.

2. The County shall issue a letter of intent to suspend a sexually themed business employee license for a period not to exceed thirty (30) days, if the employee has violated this chapter.

#### **80.12 CAUSE FOR REVOCATION.**

1. The County shall issue a letter of intent to revoke a sexually themed business license or a sexually themed business employee license, if the respective licensee commits two (2) or more violations of this chapter within a 12-month period.

2. The County shall issue a letter of intent to revoke a sexually themed business license or a sexually themed business employee license if:

A. The licensee knowingly gave false information in the application for a sexually themed business license or sexually themed business employee license.

B. The licensee knowingly engaged in possession, use, or sale of controlled substances on the premises.

C. The licensee knowingly engaged in prostitution on the premises.

D. The licensee knowingly operated the sexually themed business during a period of time when the license was suspended.

E. The licensee knowingly engaged in any specified sexual activity to occur in or on the licensed premises.

F. Alcoholic beverages were knowingly permitted in or on the premises of a sexually themed business in violation of this chapter or State or Federal law.

3. A business licensee is liable for the acts of an employee only pursuant to the standard established in Section 80.24 of this chapter.

**80.13 NATURE OF REVOCATION.** When, after the notice and hearing procedure described in Section 80.14 of this chapter, the County Auditor revokes a license, the revocation shall continue for two (2) years and the licensee shall not be issued a sexually themed business license or sexually themed employee license for two (2) years from the date revocation becomes effective, provided that, if the conditions or Section 80.14 of this chapter are met, a provisional license will be granted pursuant to that section. If, subsequent to revocation, the County Auditor finds that the basis for the revocation pursuant to Section

80.12 of this chapter has been corrected or abated, the applicant shall be granted a license, if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under paragraphs A through E of subsection 80.12(2) of this chapter, an applicant may not be granted another license until at least two (2) years have elapsed.

**80.14 RIGHT TO HEARING; PROMPT JUDICIAL REVIEW; RIGHT TO PROVISIONAL LICENSE.**

1. If facts exist that warrant the denial, suspension, or revocation of a license under this chapter, the County Auditor shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds thereof, by personal delivery or by certified mail. The notification shall be directed to the most current business address or other mailing address on the file with the County Auditor for the respondent. Within ten (10) working days of the receipt of such notice, the respondent may submit a written request to the County Auditor for a hearing before the Board of Supervisors to refute the grounds alleged by the County Auditor for denial, suspension or revocation of the license. Within five (5) days of the receipt of respondent's written response, the County Auditor shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding. Within twenty (20) working days of the receipt of respondent's written response, the Board of Supervisors shall conduct a hearing at which respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the County's witnesses. The County Auditor shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending or revoking the license. The hearing shall take no longer than two (2) days, unless extended or recessed to meet the requirements of due process and proper administration of justice. The Board of Supervisors shall issue a written decision within five (5) days after the hearing. If the decision is to deny, suspend or revoke the license, it shall state the reasons for such action, and the denial, suspension or revocation shall become final for purposes of appeal immediately, but shall not take effect or be enforced until thirty (30) days thereafter. If the decision is to grant the license, the County Auditor shall immediately issue a license to the respondent. If the respondent does not request a hearing within ten (10) business days of receiving the County Auditor's notice of intent to deny, suspend, or revoke the license, the license shall be deemed denied, suspended, or revoked, as applicable.

2. An applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to challenge or appeal such action or seek a declaration of rights concerning such action and/or concerning this chapter, upon factual grounds or constitutional grounds or both, to the district court within (30) days after issuance of the Board of Supervisor's written decision. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin or seek a declaration of rights concerning this chapter or the County Auditor's denial, suspension or revocation, the County Auditor shall immediately issue the aggrieved party a provisional license. The County shall supply the court with any documents, reports, or transcripts relevant to the lawsuit within fifteen (15) days after receiving notice of the lawsuit. The provisional license shall allow the aggrieved party to continue operation of the sexually themed business or to continue employment as a sexually themed business employee and will expire only upon the court's entry of a judgment on the merits of the aggrieved party's action to appeal,

challenge, restrain, or otherwise enjoin or seek a declaration of rights concerning this chapter or the County's denial, suspension or revocation of a license under this chapter.

3. This section shall be liberally construed to permit the uninterrupted operation of the sexually themed business or the uninterrupted employment of the sexually themed business employee during the course of any court action challenging this chapter or an adverse licensing decision under this chapter until the court of law rules upon all the aggrieved party's factual and/or constitutional claims.

**80.15 TRANSFER OF LICENSE.** A permittee or licensee shall not transfer his or her permit or license to another, nor shall a permittee or licensee operate a sexually themed business under the authority of a permit or license at any place other than the address designated in the sexually themed business permit or license application.

**80.16 HOURS OF OPERATION.** A person who operates, causes to be operated, or is a permittee or licensee or permittee of a sexually themed business, except for an adult motel, regardless of whether or not a permit or license has been issued for said business under this chapter, shall not allow such business to be or remain open for business or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between hours of 12:01 a.m. and 9:00 a.m., Monday through Saturday, or between 11:00 p.m. on Sunday and 9:00 a.m. on the following Monday; however, a sexually themed business which holds a liquor license or retail beer permit entitling the holder to sell alcohol, liquor or beer on Sunday may remain open between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday for the purpose of selling alcohol, liquor or beer only. An employee of a sexually themed business, except for an adult motel, regardless of whether or not a permit or license has been issued for said business under this chapter, shall not engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 12:01 a.m. and 9:00 a.m. Monday through Saturday, or between 11:00 p.m. on Sunday and 9:00 a.m. on the following Monday; however, a sexually themed business which holds a liquor license or retail beer permit entitling the holder to sell alcohol liquor or beer on Sunday may remain open between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday, for the purpose of selling alcohol, liquor or beer only.

**80.17 ALCOHOL PROHIBITED.** The sale, possession, use or consumption of alcoholic beverages is prohibited in or on the premises of a sexually themed business, except for the sale of alcoholic beverages pursuant to a valid alcoholic beverages permit or license issued to the business by the State of Iowa and approved by the County.

**80.18 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS.** A person who operates or causes to be operated a sexually themed business, other than a sexually themed motel/hotel, and regardless of whether or not a permit has been issued to said business under this chapter, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually themed business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's or employee's stations, the location of all overhead

lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's or employee's station may not exceed 32 square feet of floor area with no dimension greater than eight feet. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. Each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. Such plans may, in the discretion of the County, be reviewed by the County Engineer to ensure conformity with this chapter and any other applicable regulations. The County Auditor may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's or employee's station may be made without the prior approval of the County or its designee.
4. It is the duty of the owners and operator of the premises to insure that at least one employee is on duty and situated at each manager's or employee's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's or employee's stations. The view required in this subsection must be by direct line of sight from the manager's or employee's station.
6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to insure that the view area specified in subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials or person at all times and to insure that no patron is permitted access to any area of the premises which has been designate as an area in which patrons will not be permitted in the application filed pursuant to subsection 1 of this section.
7. No viewing room may be occupied by more than one person at any one time. No holes, commonly known as "glory holes," shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom. There shall not be any obstructions to the interiors of the viewing rooms by the manager or employee, such as doors or curtains.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2.0) foot candles as measured at the floor level.

9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises.

A person having a duty under this section commits a misdemeanor if he or she knowingly fails to fulfill that duty.

**80.19 PROHIBITIONS REGARDING MINORS.** A person commits a misdemeanor if he or she operates or causes to be operated a sexually themed business, regardless of whether or not a permit has been issued for said business under this chapter, and knowingly or with reasonable cause to know, permit, suffer, or allow:

1. Admittance of a person under eighteen (18) years of age to the business premises.
2. A person under eighteen (18) years of age to remain at the business premises.
3. A person under eighteen (18) years of age to purchase goods, or services at the business premises.
4. A person who is under eighteen (18) years of age to work at the business premises as an employee.

**80.20 ADVERTISING REGULATIONS.** A person who operates or causes to be operated a sexually themed business, regardless of whether a permit or license has been issued under this chapter, and advertises the presentation of any activity prohibited by any applicable State statute or local chapter commits a separate County civil infraction for each violation. For a violation that occurs on more than one day, each day shall be a separate County civil infraction. A person who operates or causes to be operated a sexually themed business, regardless of whether a permit or license has been issued under this chapter, may not display or otherwise exhibit the materials and/or performances at such sexually themed business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually themed business. A violation of this section is a separate County civil infraction for each violation. For a violation that occurs on more than one day, each day shall be a separate County civil infraction. The operator, licensee or permittee shall not allow any portion of the interior premises to be visible from outside the premises.

**80.21 LOITERING; EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.**

It shall be the duty of the operator, licensee or permittee of a sexually themed business to:

1. Post conspicuous signs stating that no loitering is permitted on such property, and that no one under 18 may enter the premises.
2. Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every two (2) hours or inspecting such property by use of video camera and monitors. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within a manager's or employee's station or at a cash register where an employer is regularly present.
3. Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. All off-street parking areas and premises entries of the sexually themed business shall be illuminated from dusk to closing

hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surfaces and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually themed business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

**80.22 APPLICABILITY TO EXISTING BUSINESSES.** The provision of this chapter shall apply to the activities of all sexually themed businesses and sexually themed business employees described herein, whether such business or activities were established or commenced before, on, or after the effective date of this chapter. All existing sexually themed businesses and sexually themed business employees are hereby granted a temporary permit to continue operation or employment for a period of 180 days following the effective date of this chapter. Within said 180 days, all sexually themed businesses and sexually themed business employees must make application for a license pursuant to this chapter. Within said 180 days, sexually themed businesses must make any necessary changes to the interior configurations of the regulated business premise to conform to this chapter.

**80.23 REGULATIONS CONCERNING LIVE PUBLIC NUDITY ON PREMISES.**

1. It is a violation of this chapter for licensee required to obtain a sales tax permit to knowingly or intentionally violate Iowa Code Section 728.5. It is a violation for any person to knowingly or intentionally, in a sexually themed business, to appear in a state of nudity.
2. It is a violation of this chapter for an employee to knowingly and intentionally appear semi-nude in a sexually themed business unless the employee, while semi-nude, is at least six (6) feet from any patron or customer and on a stage at least two (2) feet high as measured from the floor.
3. It is a violation of this chapter for an employee, while semi-nude in a sexually themed business, to knowingly or intentionally receive any pay or gratuity directly from any patron or customer or for any patron or customer to knowingly or intentionally pay or give any gratuity directly to any employee, while said employee is semi-nude in a sexually themed business.
4. It is a violation of this chapter for an employee, while semi-nude in a sexually themed business, to knowingly or intentionally touch a customer or the clothing of a customer or for a customer to knowingly and intentionally touch an employee or the clothing of an employee, while said employee is semi-nude in a sexually themed business.
5. All patrons of a sexually themed business must be fully clothed. No patron may be on the premises of a sexually themed business in any state of full or partial nudity.

A sign, in a form to be prescribed by the Board of Supervisors and summarizing the provisions of subsections 1 through 5 of this section, shall be posted near the entrance of the sexually themed business in such a manner as to be clearly visible to patrons upon entry into the inside of the building.

**80.24 EMPLOYEE LICENSE VIOLATION IMPUTED TO BUSINESS LICENSEE.**

Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually themed business licensee for purposes of license denial, suspension or revocation only if an officer, director or general partner, or a person who managed, supervised or controlled the business premises knew or reasonably should have known that such act was occurring and failed to prevent such act. It shall be a defense to liability under this chapter that the person to whom the violative act is imputed was powerless to prevent the act.

**80.25 PROHIBITION AGAINST "SEX SUPERMARKETS."** No building, premises, structure or other facility that contains any sexually themed business shall contain any other kind of sexually themed business.

**80.26 IMMUNITY FROM PROSECUTION.** The County and departments and employees, the Washington County Sheriff's Office and all other State or County officers, agents and employees charged with enforcement of State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually themed business while acting within the scope of authority conferred by this chapter.

**80.27 ONGOING DUTY TO COMPLY.** The operator, licensee or permittee of a sexually themed business shall comply with all requirements of this chapter, any amendments, or any subsequently enacted State or County laws, ordinances or regulations. For any existing business, in the event of changes in this chapter, the business shall have no more than ninety (90) days to comply with the new regulations. Failure to comply will result in suspension of the establishment license until the establishment complies with the changes.

**80.28 CIVIL INFRACTION, INJUNCTION, AND ENFORCEMENT.** A person who operates or causes to be operated a sexually themed business without having a valid permit or license, or who violates the location regulations of Section 80.05 or who is in violation of any provision of this chapter commits a civil infraction under this Code of Ordinances. Each day that a violation occurs shall be considered a separate violation. This provision does not limit the power of the County or any other person to sue for injunctive relief for violations of or noncompliance with this chapter. All sexually themed businesses shall comply with any other applicable Federal, State or County laws or ordinances and any court decisions, and all penalties and enforcement actions under those laws shall apply in addition to any remedies specified in this chapter.

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## CHAPTER 90

# SUBDIVISION REGULATIONS

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## PURPOSE AND JURISDICTION

**90.01 SHORT TITLE.** This chapter shall be known and may be cited and referred to as the “Subdivision Ordinance” of Washington County, Iowa.

**90.02 PURPOSE.** This chapter is adopted to establish rules, regulations and minimum standards for the design, development and improvement of all new subdivisions and to provide procedures for the submission and approval of plats and improvement plans to achieve the following objectives, among others:

1. To provide for accurate, clear, and concise legal descriptions of real estate in order to accurately identify property boundaries for taxation purposes and minimize or prevent, wherever possible, land boundary disputes or real estate title problems. To ensure that all divisions and subdivisions of land in unincorporated Washington County are reviewed and a consistent and equitable method is used for that review.
2. To encourage orderly development in unincorporated Washington County and provide for the regulation and control of the extension of public and private improvements and public services; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other required features; to provide for the improvement of land, and the design of subdivisions, consistent with the goals and policies set forth in the Washington County Comprehensive Plan; and,

to promote the public health, safety, and general welfare of the citizens of Washington County, Iowa.

3. To provide for a balance between the land use right of individual landowners and the economic, social, and environmental concerns of the public when Washington County is reviewing proposed development, or enforcing land use regulations that will enable Washington County to encourage efficient, yet attractive, urban development patterns; to provide for the residential and business needs of the County through new subdivision; to preserve the availability of agricultural land; to protect soil from wind and water erosion; and to protect environmentally sensitive areas.

**90.03 APPLICABILITY.** This chapter applies to all of the unincorporated territory or land in Washington County, Iowa, and applies to all plats, corrections or modifications of plats and vacations submitted after the date of adoption of the Subdivision Ordinance. This chapter also applies to plats and subdivision plats recorded prior to the adoption of the Subdivision Ordinance consistent with existing law. In addition, this chapter applies to a property split or further subdivision within a recorded plat that occurs after the adoption of the Subdivision Ordinance.

**90.04 INTERPRETATION OF REGULATIONS.** The terms of this chapter shall be controlling, unless other regulations, ordinances, deed restrictions, covenants or easements are more restrictive, in which case, the most restrictive provisions shall control, unless those provisions are illegal or unconstitutional. Reference numbers to the Code of Iowa sections are those in effect on the date of the adoption of the Subdivision Ordinance. Future changes in the numbering of the Code of Iowa sections are intended to be incorporated herein by reference without future amendment of this chapter. Amendments to the Code sections which are the same or substantially similar to those in effect on the date of the adoption of the Subdivision Ordinance are incorporated by this reference. These Code of Iowa references are for the convenience and continuity of enforcement and shall in no event be construed to make this chapter or any part hereof invalid.

**90.05 EXEMPTIONS.** The following subdivisions of land or transactions shall be exempt or partially exempt from the provisions of this chapter:

1. The division of land into burial lots in a cemetery.
2. An Acquisition Plat shall be exempt and comply with the submission of items as required in Iowa Code Chapter 354, Section 4, Paragraphs 3, 4, and 5.
3. An Auditor's Plat (Subdivision Plat) and Auditor's Plat of Survey shall be exempt from all except Section 90.25(1) and reviewed under the appropriate sections of 90.25(3) or 90.29(3) and items required in sections of Iowa Code Chapter 354.
4. The Vacation of Official Plats, Vacation of Streets or Other Public Lands, Corrections on Recorded Plats and Re-Plat of Official Plats shall be exempt from the provisions other than those required to process the affidavits, petitions or plats as outlined in Iowa Code Chapter 354.
5. The division of land into parcels of forty (40) acres or more (aliquot part) not involving any new street, easement or other dedication.
6. A Plat of Survey for the division of land which has been and will remain in Agricultural Use shall be exempt from the application procedure, departmental

review and fees otherwise required by this ordinance. The plat shall meet the requirements of Section 90.23, 90.24 and 90.25(1) and shall be submitted to the Subdivision Coordinator for his review and signature. In addition, the plat shall state the parcel is valid for agricultural use only.

7. The division and platting of right-of-way land owned by the State of Iowa for sale or transfer shall be exempt from all except Section 90.25(1) and review per Section 90.25(3) and items required in sections of Iowa Code Chapter 354. Further division or division into buildable lots by the subsequent owner shall require the compliance with this chapter.

8. Retracement Plat of Survey shall be exempt.

**90.06 PLATS IN UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES (OR INCORPORATED AREAS).** For subdivisions located in the unincorporated area of Washington County but within two miles of a designated area outside of the City limits of a municipality which has established extraterritorial jurisdiction, the following shall apply:

1. The municipality and Washington County do not have a 28E or similar jurisdictional agreement establishing the procedure for review of the subdivision located in the overlapping territory. The Plat of Survey or Subdivision Plat with the detailed attachments shall be submitted to both the municipality and the County for review and approval outlined as follows:

A. Review of the complete plat and submittals by both the municipality and the County or with an agreement between the governing bodies, either may provide a variance to any of its standards, improvements required or conditions for approval. The municipality shall review the plat first and forward it to the County together with the approval resolution for recording. Upon approval by the County, a copy of the same shall be sent to the municipality.

B. After discussion, either the municipality or the County may waive the right to review the Subdivision Plat or Plat of Survey. The resolution from each governing body stating its action shall be forwarded with the plat for recording and a copy of same provided to the other governing body.

2. The municipality and Washington County have a 28E agreement which defines the areas under the agreement and the specific control of those areas. The 28E agreement also provides the procedure for plat submittal and approval.

3. Where the proposed subdivision is located in overlapping areas of review of two municipalities, the provisions of Chapter 354, Section 9.3, Code of Iowa shall apply. The County shall also require the plat submittal for the complete review procedure.

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## DEFINITIONS

**90.10 LANGUAGE RULES.** For the interpretation of this chapter, certain terms and words are hereby defined. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the Ordinance context clearly indicates that a different meaning was intended.

1. The word “shall” is always mandatory and the word “may” is permissive.
2. Words used in the present tense include the future tense; words in the singular include the plural and words in the plural include the singular and words of one gender include all other genders, unless the context clearly indicates the contrary.
3. In the event of a difference of meaning or inconsistency between the heading of a section of this chapter and the context thereof, the context shall control.

**90.11 DEFINITIONS.** The following definitions shall apply for purposes of this chapter in addition to or instead of the definitions in Section 354.2 and 355.1 of the Code of Iowa.

1. “Abutting” means having a common boundary. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway or body of water shall not be construed as abutting.
2. “Agricultural use” means the land, structure, or use, while so used, which are primarily adapted for farmland, farms, farm operations, and farm dwellings; and the necessary accessory uses for treating or storing the farm products; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activity. For purposes of this chapter and its implementation, this definition includes private open space, including but not limited to woodlands, wetlands, native and open prairies, surface waters and wildlife habitats.
3. “Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half ( $\frac{1}{2}$ ), one-quarter ( $\frac{1}{4}$ ), one-half ( $\frac{1}{2}$ ) of one-quarter ( $\frac{1}{4}$ ) or one-quarter ( $\frac{1}{4}$ ) of one-quarter ( $\frac{1}{4}$ ) shall be considered an aliquot part of a section.
4. “Alley” means a dedicated public right-of-way or service way, other than a street, designed to provide a secondary means of access to abutting property.
5. “Auditor’s Plat” means a Subdivision Plat required by either the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation and prepared by a surveyor under the direction of the County Auditor.
6. “Block” means an area of land within a subdivision that is entirely bounded by public streets or land, streams, railroad right-of-ways or the boundary of the subdivision.
7. “Board of Adjustment” means the Board of Adjustment of Washington County, Iowa, consisting of a five member quasi-judicial board appointed by the Board of Supervisors as authorized by Section 90.92 of this chapter and whose purpose is to hear requests for variances to this Subdivision Ordinance as stated in the terms of this chapter.

8. “Board” or “Board of Supervisors” means the Board of Supervisors of Washington County, Iowa.
9. “Board of Health” means the Washington County Board of Health.
10. “Buildable lot” means a lot with adequate area to afford the construction of a residence meeting the minimum net lot area needs of this chapter for the type of water and sewer service selected.
11. “Building” means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
12. “Building setback” means the horizontal distance specified by protective covenants or ordinance requirements between the proposed building lines and right-of-way lines, easement lines or front, rear or side lot boundary lines.
13. “Central sewer system” means a central sanitary sewer collection system available to each proposed and platted lot in the subdivision and discharging into an integral treatment facility, the construction and location of which is approved by the Iowa Department of Natural Resources. The central system does not include individual on-site septic systems.
14. “Central water system” means a single well or connected multiple wells and the distribution equipment needed to provide water to all the subdivision lots.
15. “Cluster subdivision” means a developed area for single-family housing permitting the reduction in lot areas and bulk requirements, provided there is no increase in the number of lots permitted compared to conventional lot design of the area. The remaining unoccupied land area is devoted to open space.
16. “Commission” means the Land Use and Planning Commission of Washington County, Iowa.
17. “Common or open space” means an area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access and the enjoyment and benefit of the owners and occupants of the individual building sites of said subdivision.
18. “Comprehensive Plan” means the general plan for the development of the County, that may be titled Master Plan, Land Use Plan, Comprehensive Plan or some other title, which has been adopted by the Board of Supervisors. Such “Comprehensive Plan” shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.
19. “Corn Suitability Rating” (CSR) means an index to provide a rating for each soil type for the corn productivity potential utilizing soil profile properties, soil slope characteristics, weather conditions and other factors, the information found in the Soil Survey for Washington County, Iowa, provided by the USDA Soil Conservation Service and other contributing agencies.
20. “County infraction” means a civil offense as defined in Chapter 3 of this Code of Ordinances and punishable by a civil penalty and issued by means of a citation as detailed.

21. “Covenant, restrictive or protective” means a private legal restriction on the use of land, attached in the deed to the property. A set of covenants is most commonly used in the establishment of a subdivision, implemented by the developer to control the use of all lots and list the responsibilities of all lot owners.
22. “Dedication” means a grant to Washington County or other municipality of title in fee simple to land or other real property and improvements and/or a grant to the public or an entity of any easement so described.
23. “Developer” means the owner or the authorized agent of the owner of the land to be subdivided. Consent shall be required from the legal owner of said land.
24. “Division” means dividing a tract or parcel of land into two (2) parcels by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.
25. “Easement” means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity. The grant may be a particular form of usage and/or a restriction on the usage of said property.
26. “Environmental Administrator” means the Environmental Administrator or designee for Washington County, Iowa, as appointed by the Washington County Board of Health.
27. “Flood hazard area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a 100-year flood, as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency or if not designated, then as determined by a licensed engineer.
28. “Flood plain” means the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.
29. “Forty acre aliquot part” means one-quarter ( $\frac{1}{4}$ ) of one-quarter ( $\frac{1}{4}$ ) of a section, the area of approximately forty (40) acres.
30. “Improvement” means addition of any facility or construction on the land necessary to prepare it for building sites, carried out by a subdivider in the initial stages of development, including but not limited to, grading, installation of wells, water mains, sewers, drainage structures, street surfacing and other utilities and services.
31. “Land Use and Planning Commission” means the Washington County Land Use and Planning Commission.
32. “Lot” means a tract of land represented and identified by number or letter designation on an official plat.
33. “Lot types” are defined for the purpose of this chapter as follows:
  - A. Corner Lot: A lot abutting upon two streets at their intersection.
  - B. Double Frontage Lot: A lot, other than a corner lot, having frontage on two (2) non-intersecting streets.
  - C. Flag Lot: An interior lot with the major area located behind other lots and a narrow strip of land, used exclusively for access purposes, connecting the main area with a public street.

- D. Interior Lot: A lot, other than a corner lot, having frontage on one street.
- E. Outlot: A lot set aside for purposes other than residential or business buildings and the use or function clearly designated and accepted by the Board.
34. "Official plat" means a subdivision plat or Auditor's subdivision plat that meets the requirements and has been approved under the terms of this chapter and has been filed for record in the offices of the County Recorder, Auditor and Assessor.
35. "Owner" means any person or legal entity holding title to or sufficient equitable interest in the property sought to be subdivided under these regulations.
36. "Parcel" means a part of a tract of land.
37. "Person" means individuals, executors, trustees, corporations, firms and associations of whatever form.
38. "Planned Unit Development (PLUD)" means an area of a minimum contiguous size, as specified by ordinance to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. The PLUD shall comply with the provisions of this Subdivision Ordinance.
39. "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 and prepared by a licensed land surveyor.
40. "Property line adjustment" means adjustment of the boundary line(s) between two abutting lots or parcels and all property ownership remains with the abutting owners.
41. "Quarter-Quarter Section" means the northeast, northwest, southeast or southwest quarter ( $\frac{1}{4}$ ) of a quarter ( $\frac{1}{4}$ ) section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
42. "Replat" means a survey of an area within an official plat requested by the property owner through petition to the governing body to correct a substantial error or defect in said official plat.
43. "Re-subdivision" means any further subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
44. "Retracement plat of survey" means a plat of survey of an existing parcel or parcels including the previously recorded description of each parcel and no new division.
45. "Right-of-way" means the land area, the right to possession of which is secured by deed or easement, usually to a governing body. The main purposes are providing for vehicular and pedestrian traffic and for utility placement.

46. “Roadway” means the improved portion of the right-of-way used by vehicular traffic, typically between the back of curbs or between the edges of pavement or gravel.

47. “Street” means the entire width between property lines or the right-of-way lines of every public or private way intended to provide access to abutting property, provide for the circulation of vehicular and pedestrian traffic and for the placement of utilities. The term “street” includes avenue, circle, drive, highway, lane, place, road, thoroughfare, or any other similar designation. In the appropriate context, the term “street” may refer to the surfacing installed within the right-of-way.

A. Arterial Street: Any street serving major traffic movements which is designed primarily as a traffic carrier between cities and towns or between various sections of the County, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.

B. Collector Street: Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

C. County Road: Any street under the jurisdiction of Washington County.

D. Cul-de-sac: A street having one end connecting to another street and the other end terminated by a vehicular turn-around.

E. Dead-End Street: A local street having only one outlet connection.

F. Frontage Street: A local street which is parallel with an adjacent permanent highway, arterial street, or collector street, and which provides access to abutting properties and provides protection from fast through-traffic on the adjacent highway or street.

G. Highway: An officially designated Federal or State numbered highway, or other major street or road designated by the County as a thoroughfare.

H. Local Street: A street designed primarily to provide access to abutting properties and to discourage through traffic.

I. Private Street: The land area between property lines through private property to which the access for vehicular traffic is dedicated to the public, but not accepted into a municipal, county, or state road system.

J. Public Street: The land area between property lines or right-of-way lines to which access for vehicular traffic is dedicated to the public and accepted by a governmental agency.

48. “Subdivider” means the owner of property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

49. “Subdivision” means the repeated or simultaneous dividing of a tract, lot, or parcel of land into two or more parts, for immediate or future sale, transfer or building development. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

- A. Major Subdivision: All subdivisions involving the creation:
    - (1) Six (6) or more lots without improvements, fronting on an existing street.
    - (2) Two or more lots requiring major improvements including streets.
  - B. Minor Subdivision: A subdivision, re-subdivision or new parcel fronting on an existing street and not requiring any new major improvements and not adversely affecting the remainder of the parcel or adjoining property.
    - (1) Multiple Lots: The creation of two to five lots (total).
    - (2) Property Split: The division of a parcel adding no more than one new parcel.
50. “Subdivision Coordinator” or “Coordinator” means the Subdivision Coordinator for Washington County, Iowa, including any of the Coordinator’s staff and other County Office’s staff designated to carry out the duties prescribed by this chapter.
51. “Subdivision improvement agreement” means a binding agreement between the owner or subdivider and the County in which the subdivider agrees to complete all of the improvements listed in general form on the approved preliminary plat within a one-year period following the recording of the final plat and provides a surety bond to guarantee the completion of same.
52. “Subdivision plat” means the 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 Washington County and which is submitted to meet the requirements of this chapter.
- A. Minor Subdivision Plat: The single process Minor Subdivision Plat detailing the proposed lot layout and minimum improvements to the land and submitted with additional documents to the County for review and approval and upon approval, filed with the County Recorder, Auditor and Assessor.
  - B. Preliminary Plat: The initial Major Subdivision Plat detailing the proposed lot layout, construction and improvements to the land and submitted with additional materials to the County for review and approval as the first phase of the process.
  - C. Final Plat: The Major Subdivision Plat in its final form with the constructed improvements detailed and submitted with additional documents to the County for approval and upon approval, filed with the County Recorder, Auditor and Assessor.
53. “Surety bond” means a financial commitment provided by the subdivider in the form of a bond, escrow or letter of credit to the County to guarantee the completion of the improvement installation. The surety shall be payable to the County on demand and written with the same time limit as the Subdivision Improvement Agreement.
54. “Surveyor” means an Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa.

55. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

56. "Watercourse" means any lake, river, creek, ditch or other body of water or channel having definite banks and bed with water flow or the occurrence of water, except lakes or ponds without outlet to which only one landowner is riparian. Watercourse does not include water flow or the occurrence of water in a terrace, grassed waterway, solids settling basin, road ditch, areas subject to rill erosion, or other similar areas.

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**PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**

**90.20 PURPOSE.** The purpose of these sections is to provide a consistent and uniform method to prepare, make application, review and approve subdivision plats and plats of survey.

**90.21 PROCEDURES FOR ALL PLAT CLASSIFICATIONS.** All subdivisions and surveys shall be placed into one of the following classifications by the Subdivision Coordinator before the application and review procedure begins.

1. In order to secure approval of any plat of survey or proposed subdivision plat, the owner and subdivider shall submit to the Subdivision Coordinator plats and other information and documentation as required by this chapter.
2. The procedure for classification, submission, review and approval for all plats prior to recording shall include, but not be limited to the following:
  - A. Minor Subdivision: Property split as defined in this text; not part of a subdivision; pre-application conference; application submittal with plat of survey; review as plat of survey and approval by Subdivision Coordinator.
  - B. Minor Subdivision: Multiple Lots as defined in this text; pre-application conference; application submittal with minor plat; review and approval by the Board of Supervisors.
  - C. Major Subdivision as defined in this text; pre-application conference; application submittal with preliminary plat; review of same by Commission; approval by the Board; submittal of construction plan; review and approval of same by Subdivision Coordinator; application submittal with final plat; review of same (as needed) by Commission and approval by Board of Supervisors.
  - D. Property Line Adjustment as defined in this text and access is not affected and no additional buildable lot or parcel is created; pre-application contact; application submittal with a plat of survey; review as plat of survey and approval by the Subdivision Coordinator.
  - E. Acquisition plat as defined by Iowa Code 354; submit to the Recorder with the items as required in Section 4, Paragraphs 3, 4 and 5 of the same.
  - F. Auditor's plat of survey as defined by Iowa Code 354 and for a property split; pre-application contact; application submittal with plat of survey; review as plat of survey and for compliance with 354.4, 13, 15 and 16 and approval by the Subdivision Coordinator.
  - G. Auditor's plat (subdivision) as defined in this text and for a major or minor subdivision; pre-application conference; application submittal with a minor plat; review as minor plat and for compliance with 354.6, 13, 15 and 16 and approval by the Board of Supervisors.

- H. Retracement plat of survey as defined in this text; pre-application contact; application submittal with plat of survey; review as plat of survey and approval by the Coordinator.
- I. Corrections and Errors on Recorded Plats as defined by Iowa Code 354; pre-application contact; application submittal with an affidavit; review for compliance with 354.24 and 26 and approval by the Subdivision Coordinator.
- J. Re-Plat of official plat as defined by Iowa Code 354; pre-application contact; petition submittal to Board; public notice and Board action; application submittal with final plat; review as a final plat and for compliance with 354.6, 25 and 26; public hearing and approval by the Board of Supervisors.
- K. Vacation of Official Plats and Vacation of Streets or Public Lands as defined by Iowa Code 354; pre-application contact; application submittal with petition or request; review for compliance with 354.22 and 23; public hearing and resolution of approval by Board of Supervisors.
- L. Return sale of right-of-way land owned by the State of Iowa; pre-application contact; application submittal with plat of survey; review as plat of survey and for compliance with Iowa Code 354.4.3, 4 and 5 and 354.5.2, 4 and 5 and approval by the Subdivision Coordinator.
3. The plat and application submission shall be considered as officially accepted after it has been examined by the Subdivision Coordinator and found to contain the information and items essential for proper review. The Coordinator in writing may waive specific informational requirements upon finding that said information is not needed for evaluation of the application.
4. Application denial, re-application, withdrawal, amendments and changes taking place during the review process shall be conducted in the following manner:
- A. Disapproval of a subdivision plat by the Board shall terminate further consideration of such application. After modifications of the plat and/or submissions to comply with the reasons for denial, the items may be re-submitted with a new application.
- B. Withdrawal of an application and plat may occur at any time during the review process and at that time the application fee will be forfeited. After a three-month period, the previously withdrawn plat may be re-submitted as a new application.
- C. Amendments to the application may be submitted by the subdivider and upon authorization from the Subdivision Coordinator, all changes shall be detailed on a revised plat for re-examination and consideration.
- D. Any changes made to a final plat or minor plat after approval by the Board shall be grounds for revocation of the approval.

**90.22 PRE-APPLICATION CONFERENCE OR CONTACT.** Prior to the preparation of a plat, a developer or land owner intending to subdivide land or other modifications within the scope of this chapter should make contact with the Subdivision Coordinator. The classification of the plat will be made and the owner will be informed of the approval

procedure and the documents required for submittal. The extent of the meeting will be determined and planned according to the following:

1. Office contact is recommended prior to the preparation of the plat of survey for a property split, other divisions, transfers, adjustments or corrections. An office visit with the Subdivision Coordinator is recommended to assure accurate and complete document preparation and submittal by providing the needed applications and contacts to other County Offices with jurisdiction relating to the plat procedure.
2. A pre-application conference is recommended during the initial planning stage for a minor or major subdivision. The conference may be attended by the owner and representatives as needed, affected County Departments, City staff (if applicable), utility provider agents and Subdivision Coordinator or staff. It is recommended that the subdivider provide material relating to the proposed subdivision including a location map detailing the existing adjacent streets and other facilities. A sketch plan detailing the layout of the lots, streets, basic improvements, site conditions and adjacent features and utilities is also recommended. The subdivider will be provided with the needed application forms, fee schedules, submittal criteria and improvements specifications to assist in the preparation of the appropriate plat and requested items for the proposed subdivision.

There is no fee at the pre-application stage. The assistance and suggestions provided at the pre-application conference shall not be binding upon the subsequent review and approval of the subdivision plats.

**90.23 SUBMISSION REQUIREMENTS FOR ALL PLATS.** The drawing scale and size requirements will provide consistent documents for accurate review by all affected offices and provide a convenient size for recording and processing.

1. The plat shall be to a legible scale of one inch equals one hundred feet (1" = 100') or a whole number multiple of the same as authorized by the Subdivision Coordinator.
2. The date of the document, the approximate true north point, and a stated legible scale detailed with a bar graph shall be shown on each plat sheet.
3. The drawing size for the plat shall be one of the following sizes: 8½" x 14", 11" x 17", or 22" x 34". 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. If 22" x 34" sheets are used, a reduced (8½" x 14" or 11" x 17") sheet shall be included to be filed with the County Recorder. The recording sheet shall provide a two-inch top margin or a 2" high by 2¼" wide block out along and below the top margin.
4. In addition to the paper copy, electronic format when available, for all minor and final plats shall be submitted on disk to the Auditor's Office. The preferred program will be detailed with the information provided at the pre-application conference.
5. The plat shall contain a certification statement signed and dated by the surveyor and shall bear the surveyor's Iowa registration number and original legible seal. The name and address of the professional preparing the plat shall be provided.

**90.24 MONUMENTS.** Permanent monuments placed at each corner and angle point of the lots and parcels as required by Iowa Code Section 355.6 and at each corner and angle point referenced by the legal description traversing to the point of beginning shall be:

1. The permanent monument solidly embedded in the ground shall be a minimum size of ½-inch diameter and 30 inches long, and capable of being detected by commonly used magnetic or electronic equipment.
2. Approved alternate monuments include:
  - A. Scribed “X” in concrete surfaces.
  - B. P-K nail, mag nail, or other magnetic item in concrete, wood or asphalt surface.

**90.25 PLAT OF SURVEY PROCEDURE.** A plat of survey shall be prepared for a property split, property line adjustment and other plat procedures as previously noted and submitted together with the application. The review procedure shall include the following:

1. Plat of Survey Requirements. The plat shall be clearly marked as a plat of survey and the information on the plat shall include all items required in Chapters 354 and 355, Code of Iowa, and the related Iowa Administrative Code including, but not limited to the following:
  - A. The name of the proprietor(s).
  - B. A parcel letter designation for one or both parcels as determined and approved by the County Auditor.
  - C. An accurate description of each parcel.
  - D. The total acreage of each parcel and of that lying within a public right-of-way in each parcel and that portion of the same in each quarter-quarter section.
  - E. Permanent monument placement, existing monument location and reference and plat boundary identification shall be as required by Iowa Code Chapter 355.
  - F. Detail the location and width of any access easements.
  - G. An approval block entitled:

<i>Meets Subdivision Ordinance Requirements</i>	
_____	_____
<i>Washington County Subdivision Coordinator</i>	<i>Date</i>

2. Plat of Survey Application Submittal. The application for plat of survey approval shall be submitted to the Subdivision Coordinator. The application shall be accompanied by the fee, contain the following information and items and include five (5) copies of the plat of survey:
  - A. The name, address, and telephone number of the land owner(s) and the developer, if other than the owner.

- B. The names, addresses, telephone numbers of all professional consultants advising the developer (i.e., surveyor, engineer, attorney, planner, realtor, etc.).
  - C. The property description and street address or general location.
  - D. The present and proposed use of the subject property.
  - E. A copy of any protective covenants, use restrictions, details of any building setbacks and easements to be recorded with the plat of survey.
  - F. A statement of the proposed water supply and sanitary sewage treatment methods for any new buildable lot created with the submissions as required in this chapter and the description of any existing water and sewer installations.
  - G. Other submissions from the “Improvements Required” and “Standards for Design” sections as requested by the Subdivision Coordinator for specific site conditions.
  - H. Entrance authorization for County roads or State Highways. A copy of the highway right-of-way work permit for a new or modified entrance to a County road. A copy of the permit application made to the Iowa Department of Transportation authorizing an entrance to a State Highway.
  - I. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.
  - J. A copy of the certified resolution from the City Council or other administrative approval relative to the action regarding the plat of survey if it is within the municipality’s extraterritorial jurisdiction or within the scope of a 28E agreement with the County.
3. Plat of Survey Approval Procedure. The Plat of Survey, application and documentation review is as follows:
- A. The Subdivision Coordinator shall provide copies for review to the County Engineer, County Auditor, Environmental Administrator, and City (if applicable). The various officials requested to provide a written recommendation to the Coordinator within ten (10) days after receipt of the application.
  - B. After review of the complete application and County officials’ recommendations, the Subdivision Coordinator shall approve or disapprove the application. If the Plat of Survey and submissions comply with the Subdivision Ordinance, the Coordinator shall sign the approval block. In the event the plat of survey or documents do not comply, the Coordinator shall notify the owner and surveyor of the specific item(s) of noncompliance. The owner or surveyor may then correct the plat and return for review completion. The Coordinator’s review shall normally be completed within ten (10) days.
  - C. Copies of the approved plat of survey and documents shall be returned to the owner or the surveyor with instructions to file the plat of survey and any other required documents at the County Recorder’s Office to complete the process.

D. The plat of survey shall be filed with the County Recorder within thirty (30) days of the Coordinator's approval. If the plat is not filed within that time period, the Coordinator shall consider extension of the time period or request Board action to revoke the plat approval.

E. Appeals of the Subdivision Coordinator's action on the plat of survey shall be reviewed by the Land Use and Planning Commission. The applicant or city with co-jurisdiction over the plat must submit the appeal in writing within thirty (30) days of notification of the decision sent by return receipt mail.

**90.26 MINOR SUBDIVISION PLAT PROCEDURE.** A Minor Subdivision Plat shall be prepared for a Minor Subdivision and submitted with the application form and other attachments to the Subdivision Coordinator. The review procedure shall include the following:

1. Minor Subdivision Plat Requirements.
  - A. The plat shall be clearly labeled as a Minor Subdivision Plat.
  - B. The information on the plat shall include items required in Chapters 354 and 355, Code of Iowa and the related Iowa Administrative Code.
  - C. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.
  - D. Subdivision acreage and lot areas with the portions of each within existing street right-of-way.
  - E. A location map on or accompanying the plat, detailing the general placement of the proposed subdivision in relation to the surrounding lands and roads.
  - F. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the proposed subdivision.
  - G. The location, right-of-way width, surfacing width and names of all existing streets. The location and identification of existing easements including those for access and utilities.
  - H. The location of all known wells, water mains, sanitary and storm sewers, field tiles and other utilities in and within two hundred (200) feet of the proposed subdivision.
  - I. The location of known surface features such as buildings, parks, cemeteries, bridges, culverts, water bodies, watercourses, wetlands and wooded areas in and within two hundred (200) feet of the proposed subdivision.
  - J. The location and detail of all proposed driveways to be installed including easements and covenants for shared access and turn-around areas.
  - K. The location and detail of all proposed utilities, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electrical and communication services.

L. The location, width, purpose and limitations of all proposed easements with accurate dimensions and references to known lines shall be provided.

M. The accurate outline of all property and easements which are offered for dedication for public use with the purpose indicated thereon. Also include any additional easements to extend the right-of-way for existing Area Service "A" County Roads and detail any land or improvements, if any, to be dedicated to the County.

N. The accurate outline of all property including driveways, open space and water and sewer systems and easements that may be retained by deed covenant for the common use of the subdivision residents and details provided for the dedication procedure, restrictions and maintenance.

O. When the plat is located in or adjacent to a flood prone area as indicated by available government publications, the areas subject to storm water overflow along any watercourse or drainage area within the proposed subdivision shall be clearly designated on the plat. The delineation shall be provided for all watercourses or as needed after preliminary data review and agreement by the Coordinator and County Engineer. The vertical elevation line of the boundary of the one hundred (100) year flood event as determined by a licensed engineer shall be detailed along each watercourse. A copy of the engineer's hydraulic analysis shall be attached to the application.

P. Any other pertinent information, as requested by County Departmental Review.

Q. An approval block entitled:

PLAT/PLAN APPROVED BY WASHINGTON COUNTY	
APPROVED BY THE WASHINGTON COUNTY BOARD OF SUPERVISORS ON THIS _____ DAY OF _____	
BY: CHAIRPERSON	ATTEST BY: COUNTY AUDITOR

2. Minor Subdivision Plat Application Submittal. The application form for Minor Subdivision Plat shall be submitted to the Subdivision Coordinator and shall be accompanied by the fee, eight (8) copies of the Minor Subdivision Plat and the following documents:

A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e., surveyor, engineer, attorney, planner, realtor, etc.).

B. A certificate from the County Auditor approving the succinct subdivision name.

- C. The name(s) and mailing address(s) of the land owners adjacent the proposed subdivision or subdivider's property surrounding the proposed subdivision.
- D. A statement of the proposed water supply and sanitary sewage treatment methods to be utilized in each of the lots which complies with the requirements of this chapter and of the Board of Health Ordinances.
- E. A copy of the protective covenants or restrictions for the proposed subdivision. The purpose and restrictions of all easements affecting the property shall be clearly defined. The procedure for dedication of any open areas and related minor improvements to the homeowner's association together with the maintenance responsibility assignment shall be detailed.
- F. Certificates of dedication, if applicable, of property and/or easements to the public. Additional certificates of dedication for the extended right-of-way easement for existing Area Service "A" County Roads and for land or improvements, if any, to the County.
- G. A statement as to the ability of the subdivider to obtain authorization for new driveways to County roads or State highways. If available, a copy of the Highway Right-Of-Way Work Permit for the new or modified entrance to a County road or a copy of the permit application made to the Iowa Department of Transportation authorizing an entrance to a State highway.
- H. A signed signature block on the Minor Subdivision Plat by the City relative to its consideration regarding the Minor Subdivision Plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.
3. Minor Subdivision Plat Approval Procedure. The Minor Subdivision Plat, application and items shall be submitted to the Subdivision Coordinator thirty (30) days prior to a regular Board of Supervisor meeting at which the applicant desires to be heard. The procedure shall be as follows:
- A. Distribution of Minor Subdivision Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for their review. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.
- B. Department Review of Minor Subdivision Plat. Within fifteen (15) days of receipt of the plat materials, the several County departments shall complete their reviews of the same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews and comments to the owner or subdivider and to the Board of Supervisors.
- C. Minor Subdivision Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the plat and documents as outlined in the department technical reviews to assure compliance with this chapter and provide the plat accuracy required for filing. The subdivider may request in writing a sixty-day extension, as approved by the Coordinator, prior to the Board of Supervisors action. As needed, the Coordinator shall

submit to the Board of Supervisors a report detailing the completion of the noted corrections or modifications.

D. Board of Supervisors Public Hearing. After receipt of the department reviews for the Minor Plat and application, the Board of Supervisors shall hold a public hearing on the consideration of same. The notice of public hearing shall be given as provided by current Iowa Code. The Coordinator shall send a notice of the public hearing to the property owners adjacent the proposed subdivision or the subdivider's property surrounding the proposed subdivision. The notice shall be sent seven (7) to ten (10) days prior to the hearing date.

E. Board of Supervisors Review. The Board of Supervisors shall, within thirty (30) days, or more as extended, after receipt of the Minor Subdivision Plat, application and reviews and conducting the hearing, evaluate the application and act upon it. Action may be taken at the conclusion of the public hearing or postponed to an announced future meeting date. Action may also be postponed by agreement with the subdivider to allow the application corrections for compliance to be completed. With such examination, the Board of Supervisors shall ascertain whether the plat complies with all applicable provisions of this Ordinance and other regulating standards and plans of the County in order to protect the public interest, health and welfare of the County residents.

F. Board of Supervisors Action. Upon consideration of the Minor Subdivision Plat and submissions as detailed, the Board of Supervisors shall provide a resolution to approve or deny approval of the plat. The reasons for disapproval shall be clearly defined and set forth in the resolution and a copy shall be forwarded to the subdivider by the Coordinator. An additional resolution, as needed, shall accept the dedication of any minor improvements and/or easements to the County.

G. Approval and Filing. Certified signatures of the Board of Supervisors Chair shall be affixed to five copies of the approved Minor Subdivision Plat and three copies of the resolution(s). The approval and signatures authorize the plat and documents to be filed with the County Recorder and other offices as required in Iowa Code 354.18 and the distribution detailed in subsection 4 "Release for Recording" following this section. The owner, subdivider or agent shall file the plat and documents with the various County offices. Upon official recording of the plat and documents, Washington County shall recognize the plat as being in full force and effect.

H. Duration of Approval. The Minor Subdivision Plat shall be filed with the County Recorder within thirty (30) days of the Board of Supervisors approval. If the plat is not filed within that time period, the applicant may request an extension of up to sixty (60) days from the Board of Supervisors to record the plat or the Board of Supervisors may consider action to revoke their approval.

I. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisor's decision to District Court per Iowa Code 354.10.

- J. Variances. See Section 90.92.
4. Minor Subdivision Plat Release for Recording. The Subdivision Coordinator shall assemble the approved Minor Subdivision Plat together with all attachments required by law and by this Ordinance, to include the following, and release to the subdivider for filing with the various County Offices:
- A. Approved Minor Subdivision Plat with signatures from all required officials. One each retained by the Auditor and the Coordinator and three to the subdivider to be filed with the Recorder.
  - B. Resolution of the Board of Supervisors for approval of the Minor Subdivision Plat. One each retained by the Auditor and the Coordinator and one to the subdivider to be filed with the Recorder.
  - C. Resolution(s) of the Board of Supervisors, as needed, accepting any dedications to the public and approving and accepting any dedications to the County.
  - D. A copy of the protective covenants or restrictions for the subdivision.
  - E. A certificate from the County Auditor approving the subdivision name.

**90.27 PRELIMINARY PLAT PROCEDURE.** The subdivider shall prepare a preliminary plat for a major subdivision and shall submit the plat, application and other attachments and statements. The preliminary plat of a proposed subdivision is not intended to serve as a record plat. Its purpose is to allow review of all substantive aspects and impose such conditions as will be necessary to ensure compliance with County plans and regulations and safeguard the public interest, health and welfare.

1. Preliminary Plat Requirements. The preliminary plat shall be clearly labeled as such and the information on the plat shall include all items required in Chapters 354 and 355, Code of Iowa, and the related Iowa Administrative Code including, but not limited to the following:
- A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.
  - B. The name of the proposed subdivision.
  - C. The complete legal description of the subdivision boundary. Subdivision acreage in each quarter-quarter section, and lot area totals with the portions of each within existing street right-of-way.
  - D. A location map on or accompany the plat, detailing the general placement of the proposed subdivision in relation to the surrounding lands and roads.
  - E. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the proposed subdivision.
  - F. The location, right-of-way width, surfacing width and names of all existing roads, streets, and easements of access, railroad right-of-ways, and utility easements in and within 200 feet of the proposed subdivision.

- G. The location of known surface features such as permanent buildings, parks, cemeteries, bridges, culverts, water bodies, watercourses, wetlands and wooded areas in and within 200 feet of the proposed subdivision.
- H. The location of all known wells, water mains, sanitary and storm sewers, field tile, gas lines, overhead or underground electrical or other utility lines in and within 200 feet of the proposed subdivision.
- I. The layout of proposed blocks (if any) and lots and the proposed use if other than single-family dwellings. The lots progressively numbered including dimensions and area of each. The lots for streets, parks and open or common areas assigned a progressive letter.
- J. The location, right-of-way width, cross section, surface material, grade and names of all proposed public or private streets.
- K. The location and general detail of all proposed utilities, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electric services.
- L. The location, width, purpose and limitations of all proposed easements. Additional right-of-way easements for existing Area Service "A" County Roads.
- M. The location and area of all property proposed to be set aside for park or playground use and other open space with a descriptive outline of the use and conditions for dedication and maintenance.
- N. Topography with elevations based on sea level datum shall be as follows:
- (1) Five-foot vertical intervals for site slopes of ten percent (10%) or more.
  - (2) Two-foot vertical intervals for site slopes of less than ten percent (10%).
  - (3) Spot elevations where the site is too flat for contours.
- O. The areas subject to storm water overflow along any watercourse or drainage area within the proposed subdivision shall be clearly designated on the plat. The vertical elevation line of the boundary of the 100-year flood event as determined by a licensed engineer shall be detailed along each watercourse. A copy of the engineer's hydraulic analysis shall be attached to the application. The delineation shall be provided for all watercourses or as needed after preliminary data review and agreement by the Coordinator and County Engineer.
- P. All proposed building setbacks required in covenants or other regulations.
- Q. Any other pertinent information, as requested.
2. Preliminary Plat Application and Submittal. The application for preliminary plat approval shall be submitted to the Subdivision Coordinator. Fifteen (15) copies of the preliminary plat and the fee shall be submitted with the application containing the following information and attached items:

- A. The name, address and telephone number of the land owner(s) and subdivider, if other than the owner. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e., surveyor, engineer, attorney, planner, realtor, etc.).
- B. The name(s) and mailing address(s) of the land owners adjacent the proposed subdivision or subdivider's property surrounding the proposed subdivision.
- C. A statement by the subdivider detailing the proposed method of water supply and sanitary sewage treatment which complies with the appropriate Standards for Design and Development section of this chapter. When municipal or public systems are proposed, preliminary agreements with the affected municipality, governing agency application forms and general design criteria shall be provided.
- D. A statement by the subdivider describing the general nature and type of improvements proposed for the subdivision, the manner intended to provide for their installation and the timetable for the completion of same. An outline of the provisions of the proposed subdivision improvement agreement, if needed.
- E. A general cost estimate prepared by the subdivider's engineer for the improvements outlined in C and D to be installed after the final plat approval.
- F. A statement of any proposed protective covenants or restrictions in outline form to be recorded with the final plat.
- G. A copy of the preliminary plat and a cover letter shall be sent by the subdivider to each utility provider for the proposed subdivision prior to the submission to the County. A copy of each cover letter sent and the signed postal receipt request for the same to be submitted with the application.
- H. A copy of the preliminary plat and a cover letter shall be sent by the subdivider to the primary fire, ambulance and law enforcement officials designated to provide services to the proposed subdivision. A copy of the same shall be sent to the school district administration serving the development area. The plats and letters shall be sent prior to the application submission to the County and a copy of each letter and the signed postal receipt request for the same submitted with the application.
- I. A copy of the signed land disturbing activities affidavit to be submitted to the Washington County Soil and Water Conservation District. A copy of the general storm water permit No. 2 application and plan to be submitted to the DNR.
- J. Storm water drainage evaluation for each waterway leaving the subdivision. Drainage volumes for a 25-year rainfall events in cubic feet per second provided for conditions before and after the completed proposed development including flow control measures as outlined in this chapter.
- K. Entrance authorization for subdivision streets to County roads or State Highways. A copy of the highway right-of-way work permit for the new or modified entrance to a County road. A copy of the permit application

made to the Iowa Department of Transportation authorizing an entrance to a State Highway.

L. An approved New 911 Street Name Application for the subdivision street names forwarded from the 911 Supervisor.

M. A certificate from the County Auditor approving the succinct subdivision name.

N. A proposed fence agreement(s) for all fences for those boundary sections of the proposed subdivision which are adjacent to land with an agricultural use.

O. A copy of the resolution from the City Council relative to its consideration and action regarding the proposed Preliminary plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

P. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.

3. Preliminary Plat Approval Procedure. The preliminary plat, application and items shall be submitted thirty (30) days prior to the regular Land Use and Planning Commission meeting at which the applicant desires to be heard. The review and approval procedure shall be as follows:

A. Distribution of Preliminary Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for their review. Copies of the plat and application shall be reserved for the Commission members. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.

B. Department Review of Preliminary Plat. Within fifteen (15) days of receipt of the preliminary plat and materials, the several County departments shall complete their reviews of same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews and comments to the owner or subdivider and to the Commission members.

C. Commission Public Meeting. The Coordinator shall schedule a public meeting for the Commission to review the submitted preliminary plat within thirty (30) days of the acceptance. The notice of the public meeting shall be posted and provided to area news media. The Coordinator shall send a notice of the meeting to the property owners adjacent the proposed subdivision or the subdivider's property surrounding the proposed subdivision. The notice shall be sent seven (7) to ten (10) days prior to the meeting date.

D. Commission Review and Recommendation. The Commission shall, within forty-five (45) days of the acceptance, submit recommendations to the Board. The Commission shall review the preliminary plat and applicable materials and evaluate the public comments and department technical review comments. The Commission shall recommend to the Board that the preliminary plat be approved, approved with conditions or disapproved. A

copy of the Commission's recommendation and supporting statement shall be forwarded to the subdivider. A copy of the same together with copies of the preliminary plat, application and department reviews shall be forwarded to the Board.

E. Preliminary Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the preliminary plat and documents as outlined in the department technical reviews and the Commission's recommendation to assure compliance with this chapter. As needed, the Coordinator shall submit to the Board a report detailing the completion of the noted corrections or modifications. The subdivider may request in writing a sixty-day extension as approved by the Coordinator and prior to the Board action.

F. Board Public Hearing. After receipt of the written recommendations for the proposed subdivision, the Board shall hold a public hearing on the consideration of same. The notice of public hearing shall be given as provided by Iowa Code.

G. Board Review and Action. The Board shall, within thirty (30) days after receipt of the Commission's recommendation and information, conduct a public hearing, evaluate the application and reports and provide a resolution considering the same. Upon such examination, the Board shall ascertain whether the plat conforms to the ordinances, standards and plans of the County in order to protect the public interest, health and welfare and through the resolution approve, approve with conditions or disapprove the plat. The conditions for the approval or the reasons for disapproval shall be clearly defined and set forth in the resolution. Three copies of the preliminary plat and resolution shall be signed by the Board Chair. The Coordinator shall maintain one set of each and send another set to the subdivider.

H. Status of Approval. Approval of the preliminary plat by the Board shall signify the general acceptability of the proposed subdivision and not approval for recording purposes. This initial approval shall constitute authorization to proceed with the preparation of the Construction Plans and Final Plat and the installation of the improvements after the required approval.

I. Duration of Approval. The approval of the preliminary plat shall be effective for twelve (12) months and if the final plat for all or part of the approved preliminary plat is not filed within that period, or authorized extension thereof, the approval of the same shall become null and void. Upon written request of the subdivider, the Coordinator may grant one extension of time of up to twelve (12) months maximum. For final plat submissions on successive phases of an approved preliminary plat, the Coordinator may grant one 24-month time extension for each successive phase to a maximum of three (3) such extensions.

J. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisor's decision to district court per Iowa Code 354.10. The decision notification to the applicant shall be sent by restricted certified mail.

**90.28 CONSTRUCTION PLAN PROCEDURE.** The preparation and approval of the construction plans and specifications, the construction procedures for and inspection of the improvements and the methods for acceptance of the completed improvements are detailed in the following.

1. Methods of Installing Improvements. Upon approval of the preliminary plat for the proposed subdivision, the subdivider shall prepare construction plans and specifications for the proposed improvements and select a timetable and sequence for the installation of those improvements in relation to the final plat preparation and submission utilizing one of the following methods:

A. Completion of the Required Improvements Installation Prior To The Submission of the Final Plat. The construction plans for the improvements outlined with the approved preliminary plat shall be submitted thirty (30) days prior to the schedule construction start. After review and approval of the plans and with the needed permits, the construction phase may be started. After the completion, inspection and certification of the improvement installation, the final plat submission would begin the final phase of the subdivision process.

B. Partial Completion of the Required Improvements Installation Prior to the Submission of the Final Plat. The construction plans for the improvements outlined with the approved preliminary plat shall be submitted thirty (30) days prior to the schedule construction start. The subdivider shall also submit the schedule of improvements to be completed prior to the final plat submission and a list and cost estimate of the improvements to be completed after the submission. After review and approval of the plans, the scheduled improvements may be installed, inspected and certified complete. The final plat may then be submitted together with a subdivision improvement agreement and surety bond for the remaining improvements. Upon approval of the final plat, the remaining improvements may be installed, inspected and certified complete and the improvement agreement and surety bond subsequently released and a warranty bond, if any, initiated to complete the subdivision procedure.

C. No Improvements Completed Prior to the Submission of the Final Plat. The construction plans, detailed cost estimate for the required improvements, subdivision improvement agreement and surety bond shall be submitted with the final plat application and submissions. Upon approval of the final plat and attachments and official recording, the improvements may be installed, inspected and certified complete. The release of the improvement agreement and surety bond and the initiation of the warranty bond, if any, would complete the procedure.

2. Construction Plan Requirements. A licensed engineer shall prepare and certify the plans and specifications for the required improvements outlined with the approved preliminary plat. Detailed cost estimates for all improvements scheduled to be installed after the final plat approval shall be prepared and certified by a licensed engineer. The construction plans shall be prepared on 17" x 22" or 22" x 34" sheets and the scale appropriate to clearly detail the proposed construction features. Upon the request by the subdivider and the recommendation of the County Engineer, the Subdivision Coordinator may waive, in writing, listed informational requests which

would not be required to assure compliance with this chapter and other County standards and regulations. The construction plans shall include, but not be limited to, the following information:

- A. A cover sheet including: owner, subdivider, engineer and attorney (with addresses and phone numbers); all standard notes and a plan sheet index; and a signature block for utility and County approvals.
  - B. The approved preliminary plat with topographic survey information.
  - C. Street construction plans, profiles, details and specifications for base material, surfacing, shoulder or ditches, entrances, sidewalks, if utilized, traffic control devices and lighting. Interval sections detailing the profile grade and elevations.
  - D. Storm water drainage plans, profiles, details and specifications for storm sewers, drainage facilities, culverts and outlets including hydrological and hydraulic calculations (may be shown on street plans).
  - E. Water distribution system plans, profiles, details and specifications including plans for water supply facilities and, if applicable, water hydrants. A copy of the plans submitted to the Iowa DNR shall be provided.
  - F. Sanitary sewer system plans, profiles, details and specifications for central collection facilities and primary or secondary treatment facilities, if utilized (may be on street plans). A copy of the plans submitted to Iowa DNR shall be provided.
  - G. Locations of the utility easements.
  - H. Grading plans, profiles and details for the entire preliminary plat area pertaining to the site development and the proposed cross sections and final contours in critical drainage areas.
  - I. The storm water pollution prevention plan and details to be submitted to the Iowa DNR.
  - J. A general schedule of the timing and sequence of the construction for all required improvements (recommended for inclusion on the cover sheet).
  - K. A detailed cost estimate for all or the remaining improvements to be installed after the submission of the final plat for approval.
  - L. For unusual site conditions, additional plans and specifications as requested.
3. Construction Plan Submittal and Approval. The application for construction plan approval along with copies of the construction plan, details, attachments, subdivision improvement agreement and surety bond, if needed and the fee shall be submitted to the Subdivision Coordinator. The plan and attachments shall be processed as follows:
- A. Information and copies submitted and distribution with one copy of each retained by the Coordinator shall be as follows:
    - (1) Construction plan and detail pages – 4 sets: 2 to the County Engineer and 1 to the Environmental Administrator.

(2) Cost estimate for partial or complete improvements, when required – 3 copies: 1 each to the County Engineer and Environmental Administrator.

(3) Subdivision Improvement Agreement, when required – 2 copies: 1 to the County Attorney.

(4) Surety bond, when required – 2 copies: 1 to the County Attorney.

(5) Storm water pollution prevention plan as prepared – 1 copy.

B. Review by the County Offices and action reply within fifteen (15) days:

(1) The County Engineer shall review the construction plans and submissions for conformity with the approved preliminary plat and compliance with these design standards and specifications and other County standards and regulations.

(a) Notification of approval of the plans and submissions shall be sent in letter form to the Subdivision Coordinator. When a cost estimate is included for all or part of the improvements to be completed after the final plat approval, the amount for the surety bond shall be equal to one hundred twenty five percent (125%) of the cost estimate approved by the County Engineer. A copy of the approval letter and one signed copy of the approved plans shall be forwarded to the Coordinator to be sent to the subdivider.

(b) Plans and submissions which do not conform shall be noted in letter form detailing the specific manner of non-conformance and sent to the subdivider and the Coordinator. The subdivider may then correct the same and resubmit.

(c) The Coordinator shall be informed in writing of the subdivider's failure to correct the plans within a 30-day period following the receipt of the letter of nonconformance.

(2) The Environmental Administrator shall review the construction plans and submissions for conformity with the approved preliminary plat and compliance the Board of Health Ordinances.

(a) Notification of approval of the plans and submission in letter form shall be forwarded to the Coordinator to be sent to the subdivider.

(b) Plans and submissions which do not conform shall be noted in letter form detailing the specific manner of nonconformance and sent to the subdivider and the Coordinator. The subdivider may then correct the same and resubmit.

(c) The Coordinator shall be informed in writing of the subdivider's failure to correct the plans within a 30-day period following the receipt of the letter of nonconformance.

(3) The County Attorney shall review the subdivision improvement agreement and surety bond for acceptance by the County.

(4) The Subdivision Coordinator shall review the information and issue a construction authorization letter to complete the construction plan processing. Approved plans and submissions shall be processed as follows:

(a) All improvements completed prior to final plat recording. Upon receipt of the County Engineer's and Environmental Administrator's approval letters, and after a review of the plans and documents to assure compliance with these regulations, the Coordinator shall issue a letter authorizing construction to proceed. The County Department approval letters and signed plans shall also be sent.

(b) When all or part of the improvements are completed after the final plat recording. Upon receipt of the County Engineer's, Environmental Administrator's and County Attorney's approval letters and after a review of the plans and documents to assure compliance with these regulations, the Coordinator shall issue a letter authorizing construction to proceed and forward the County Department approval letters and signed approved plans according to the following:

(i) When all improvements are to be installed after the final plat recording, the authorization letter shall be forwarded after that recording.

(ii) When all or part of the improvements are to be installed prior to the final plat recording, the authorization letter shall be sent after the Coordinator has completed the plan review.

A letter informing the subdivider of the failure to correct the plans within a 30-day period following the receipt of the initial nonconforming notice letter shall be sent by the Coordinator. Failure of the subdivider to make corrections to the plans or submissions and resubmit for approval within thirty (30) days after this second notification shall result in a plan denial and a denial letter sent to the subdivider.

C. Construction plans submitted for subdivisions located within the extraterritorial jurisdiction of a municipality or within the bounds of a 28E agreement with the municipality shall be evaluated by the Subdivision Coordinator. The submittal of the construction plans, subdivision improvement agreement and surety bond may be waived in writing by the Coordinator providing the subdivision regulations of the municipality or the terms of the 28E agreement, if applicable, are adequate to assure the improvements installation conforming with this chapter.

D. The applicant may appeal the denial of the construction plans by the Subdivision Coordinator with a written petition submitted to the Board of

Supervisors. The appeal must be submitted within thirty (30) days of receipt of the denial letter sent by restricted certified mail.

4. Authorization to Proceed with Construction. Preliminary work shall not be initiated and the improvement installation shall not be started until the construction plans are reviewed by the Subdivision Coordinator and authorization granted.

A. Receipt of the Subdivision Coordinator's authorization letter shall allow the subdivider to proceed with the construction and installation of the improvements. Improvement installation after the final plat approval shall be completed within one year following the date of the plat recording or as outlined in the subdivision improvement agreement.

B. The installation of improvements and construction shall conform to the approved construction plans. Any minor design and/or specifications modification desired after construction has commenced shall be submitted in writing to the Subdivision Coordinator. After appropriate department review, a decision shall be provided to the request. In the event that actual construction work deviates from that detailed on the approved construction plans and was not approved as outlined above, the subdivider may be required to correct or modify the deviation prior to the final inspection request. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or issued permits and/or withholding of future approvals and permits.

C. Application may be submitted to the Subdivision Coordinator to extend the time period as outlined in the subdivision improvement agreement for the completion of the improvements. A one-time, one-year extension may be granted upon satisfactory proof of hardship or other compelling reason. The subdivider shall submit a revised cost estimate for all the incomplete improvements and with the appropriate approval, post a new surety bond and new improvement agreement.

5. Inspection of Construction. It is the responsibility of the subdivider to monitor the construction operations of the required improvements to assure that the installation is in accordance with the approved construction plans and provide the necessary inspections, reports and testing to authenticate the same.

A. Improvements to be dedicated to and accepted by the County shall be inspected during all phases of construction and upon any completion prior to and/or after the Final Plat submission according to the following:

(1) During all phases of construction, a full-time qualified construction inspector approved by the County Engineer shall maintain daily inspection and progress reports and submit the same weekly to the County Engineer. Quality control testing and samples taken to comply with County specifications or at the request of the County Engineer shall be performed by the inspector or test laboratory with the results submitted to the County Engineer.

(2) A final inspection conducted by the County Engineer shall be requested by the subdivider upon completion of the improvement construction prior to and/or after the final plat submission. The

subdivider's engineer's completion certification and as-built plans for each stage shall also be submitted to the County Engineer.

(3) Any defects or deficiencies found in the installed improvements during the final inspection or any deviations in the same from the approved construction plans or County specifications shall be noted by the County Engineer and a report of the same sent to the subdivider. After correction of the defects and deviations by the subdivider within two (2) months of the notification date, the completion of the final inspection shall be requested.

(4) Upon completion of the final inspection and when conformity of the installed improvements to the construction plans is found by the County Engineer, a certification letter noting that conformity and the satisfactory completion of the improvement installation shall be prepared and forwarded to the Coordinator and a copy to be sent to the subdivider.

B. Improvements to be dedicated to the individual lot owners or homeowner's association shall be inspected by a qualified construction inspector selected by the subdivider. The frequency and scope of the construction phase reports and extent of the final inspection to be determined by the subdivider. A copy of the final inspection report shall be sent to the Subdivision Coordinator.

6. Completion and Dedication Procedure. A method provided to assure the correct installation of the required improvements and provide the transfer of those improvements to the future lot owners or those public improvements to the County. Upon completion, the subdivider and subdivider's licensed engineer shall submit a certification that all work was performed in accordance with the approved construction plans and specifications, the requirements of this chapter and applicable County requirements.

A. All or part of the improvements completed prior to the final plat submittal shall utilize the following procedure combined with the final plat procedure:

(1) After any required inspections and any corrections made, a certificate from the County Engineer acknowledging satisfactory completion or partial completion and receipt of the subdivider's engineer's certification of the completion of the improvements in accordance with the approved construction plans and specifications.

(2) Approved construction plans and/or as-built plans for the completed portions.

(3) Dedication of streets, open areas, any improvements and easements as needed to the homeowner's association or County as outlined in the final plat procedure.

(4) Warranty bond for the improvements provided to the County and/or homeowner's association as outlined in subsection 8 below.

B. All or the remainder of the required improvements completed after the final plat is recorded shall utilize the following procedure:

- (1) After any required inspections and any corrections made, a certificate from the County Engineer acknowledging satisfactory completion of all remaining items and receipt of the subdivider's engineer's certification of the completion of the same.
  - (2) Approved construction plans and as-built plans for all or the remaining improvements.
  - (3) Dedication of streets, open areas, any improvements and easements, as needed, to the homeowner's association, County or other entity as outlined as follows:
    - (a) The dedication of the streets, open areas and other improvements to the homeowner's association with the required legal document filed with the Recorder, Auditor and Assessor. Additional articles attached to existing covenants shall address maintenance responsibilities with the above dedications.
    - (b) A certificate of dedication of the required legal form, for streets, public areas and/or easements to the County or any other public entity for public use. A resolution of the Board or certification by the public entity approving and accepting the dedication of any streets, easements or other improvements which are to become the property of the County or entity.
  - (4) Warranty bond for the improvements provided to the County and/or homeowner's association as outlined in subsection 8 below.
  - (5) The subdivision improvements agreement and surety bond shall be released after completion of the above items. A resolution of the Board of Supervisors shall be prepared, acted upon and filed with the needed County Offices.
7. Default. If the specific improvements are not installed pursuant to the terms of a valid subdivision improvement agreement, and a surety bond has been posted, thirty (30) days prior to the surety expiration, the Subdivision Coordinator shall review the development progress and report same to the Board. The Board may direct the County Attorney and Engineer to pursue the following:
- A. Declare the subdivision improvement agreement to be in default and require that all improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
  - B. Suspend final plat approval until the specified improvements are completed and record a document to that effect with the Recorder's Office for public notification;
  - C. Obtain funds pursuant to the surety and complete the improvements by itself or through a third party;
  - D. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or

addition for whom the improvements were not constructed, in exchange for the subsequent owner's improvement agreement to complete the required improvements; and/or

E. Exercise any other rights available under the law.

8. **Warranty Bond.** The subdivider shall guarantee the design of the improvements and warrant against defects the materials used and the installation and construction workmanship of the improvements as follows:

A. For the improvements which are dedicated to and accepted by the County, the subdivider shall warrant the design, material quality and installation and construction workmanship for a period of five (5) years after the Board acceptance date. The warranty shall be by bond or other acceptable collateral and be approved by the County Attorney and a copy forwarded to the Coordinator. The amount shall be fifty percent (50%) of the cost of the completed and accepted improvements to assure the repair or replacement of any defective improvements and to indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

B. For improvements to be dedicated to the individual lot owners or homeowner's association, the protective covenants shall address the warranty provided to the designees, including the specific improvements, term, replacement or repair and cost or losses involved.

**90.29 FINAL PLAT PROCEDURE.** The subdivider shall prepare a final plat for all or a part of the approved preliminary plat and submit the plat, application and other attachments to the Subdivision Coordinator. The final plat and documents shall be prepared in conformance with the approved preliminary plat and in accordance with the standards and specifications of this chapter. The final plat approval is required as the completion of the major subdivision process to enable the final plat and documents to be recorded, dedications, if any, made and complete the requirements to allow the subject property ownership transfers. Prior to the preparation of the final plat, the subdivider should visit the Subdivision Coordinator.

1. **Final Plat Requirements.** The final plat shall be clearly labeled as such and the information on the plat shall include all items required in Chapters 354 and 355, Iowa Code, and the Iowa Administrative Code including, but not limited to the following:

A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.

B. The subdivision name.

C. The complete legal description of the subdivision boundary.

D. Accurate detailing of all lots and blocks (if any), streets and easements shall include the length and bearing of each line and curve data when applicable. Lots shall be progressively numbered and lots for streets, parks and common areas assigned a progressive letter.

E. Subdivision acreage and lot areas with the portions of each within existing street right-of-way.

- F. The description and location of all existing and new permanent monuments.
  - G. The approved names of all proposed public or private streets within the subdivision and the location and names of all existing streets and the location of existing access and utility easements in and within 200 feet of the subdivision.
  - H. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the subdivision.
  - I. The location, width, purpose and limitations of all proposed easements including additional right-of-way easements for existing adjacent roads. Accurate dimensions and references to known lines shall be provided.
  - J. The accurate outline of all property and easements which are offered for dedication for public use with the purpose indicated thereon and of all property including streets, open space and water and sewer systems and easements that may be retained by deed covenant for the common use of the subdivision residents.
  - K. A statement on the plat to the effect “Washington County is not involved in the construction or maintenance of this private road system including right-of-way and is further held harmless for any maintenance costs for said road system or for any other damages sustained pertaining to the use of said road system.”
  - L. The detailing and location of watercourses, drainage ditches and areas subject to flooding in the subdivision. The vertical elevation line of the boundary of the 100-year flood event as determined by a licensed engineer shall be detailed along each watercourse. The delineation shall be provided for all watercourses or as previously agreed.
2. Final Plat Application and Submittal. The application for final plat consideration shall be submitted to the Subdivision Coordinator. Ten (10) copies of the final plat and the fee shall be submitted with the application containing the following information:
- A. The name, address and telephone number of the land owner(s) and subdivider, if other than the owner.
  - B. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e. surveyor, engineer, attorney, planner, realtor, etc.).
  - C. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.
  - D. A copy of the protective covenants or restrictions for the subdivision. The purpose and restrictions of all easements affecting the property shall be clearly defined. The procedure for dedication of the streets, open areas and related improvements to the homeowner’s association together with the maintenance responsibility assignment shall be detailed.
  - E. Approved construction plans, or as-built plans conforming with this chapter and other standards, for all streets, grading, central sewer system,

storm drainage facilities, water distribution system and other pertinent site improvements.

F. Certificate from the County Engineer acknowledging satisfactory completion or partial completion of the required improvements and receipt of the subdivider's engineer's certification of the completion of the improvements in accordance with the approved construction plans and specifications. In lieu of the completion of part or all of the required improvements, a copy of the subdivision improvement agreement for the same and the approved surety bond for said improvements.

G. Certificates of dedication, as needed, of streets, utilities, public areas and/or easements to the future lot owners and/or public for public use. Additional certificates of dedication for the extended right-of-way easement for existing Area Service "A" County Roads and for land or improvements, if any, to the County.

H. A copy of the warranty bond for improvements completed and dedicated to the County.

I. A certificate from the County Auditor approving the subdivision name.

J. The official signed fence agreement(s) for all fences for those boundary sections of the subdivision which are adjacent to land with an agricultural use.

K. A copy of the certified resolution from the City Council relative to its consideration and action regarding the final plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

L. A statement from the proprietors attesting to their consent and desire as required by Section 354.11 Iowa Code.

M. A statement from the mortgage or lien holders attesting to their consent and desire and including other attachments as required by Section 354.11 Iowa Code.

N. An opinion by an attorney-at-law attesting to the property title ownership and encumbrances, if any, as required by Section 354.11 Iowa Code.

O. A certificate from the County Treasurer detailing tax liability and bond security, if any, as required by Section 354.11 Iowa Code.

3. Final Plat Approval Procedure. The final plat, application and items shall be submitted to the Subdivision Coordinator. The procedure shall be as follows:

A. Distribution of Final Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for review. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.

B. Evaluation for Conformity. The Coordinator shall review the final plat and submissions for substantial conformity to the approved preliminary plat. A final plat conforming to the approved preliminary plat shall be forwarded directly to the Board of Supervisors for consideration. If a number of deviations on the final plat are found, the plat and documents shall be forwarded to the Land Use and Planning Commission for review. The factors to be evaluated on the final plat by the Coordinator shall include but are not limited to: any change in the access to or the number or layout of lots or blocks and any change in the location or design of streets and right-of-ways.

C. Department Review of Final Plat. Within fifteen (15) days of receipt of the final plat materials, the several County departments shall complete their reviews of same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews to the subdivider and to the Commission members, if so needed, and to the Board.

D. Commission Review and Recommendation. If needed, the Commission shall, within forty-five (45) days of the filing or more with approved extension, submit recommendations to the Board. The Commission shall review the Final Plat and applicable materials and evaluate the department reviews. The Commission shall recommend to the Board that the final plat be approved, approved with conditions to be completed prior to the Board review or disapproved. Copies of the recommendations together with the statement of reasons therefor shall be forwarded to the Board and the subdivider.

E. Final Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the final plat and documents as outlined in the department technical reviews and Commission's recommendation to assure compliance with this chapter and provide the plat accuracy required for filing. The subdivider may request in writing a maximum 60-day extension, as approved by the Coordinator, prior to the Board action.

F. Board Review. The Board shall, within thirty (30) days or more, as extended, after receipt of the final plat, application and reviews and when applicable, the Commission's recommendation, evaluate the application and act upon it. As needed, the Coordinator shall also submit a report detailing the completion of the conditions for approval recommended by the Commission. With such examination, the Board shall ascertain whether the plat conforms to the intent of the approved preliminary plat and complies with all applicable provisions of this chapter and other regulating standards and plans of the County in effect as of the date of the approved preliminary plat.

G. Board of Supervisor Action. Upon consideration of the final plat and submissions as detailed, the Board shall provide a resolution to approve or deny approval of the final plat. The reasons for disapproval shall be clearly defined and set forth in the resolution and a copy shall be forwarded to the subdivider by the Coordinator. An additional resolution, as needed, shall

accept the dedication of all streets, easements, parks and other improvements to the County for public use.

H. Approval and Filing. Certified signatures of the Board Chair shall be affixed to five copies of the approved final plat and three copies of the resolution(s). The approval and signatures authorize the plat and documents to be filed with the County Recorder and other offices as required in Iowa Code 354.18 and the distribution detailed in subsection 4, "Final Plat Release for Recording," following this section. The owner, subdivider or agent shall file the plat and documents with the various County offices. Upon official recording of the plat and documents, Washington County shall recognize the plat as being in full force and effect.

I. Duration of Approval. The final plat shall be filed with the County Recorder within thirty (30) days of the Board approval. If the plat is not filed within that time period, the Board shall consider action to revoke the plat approval or extend the time period.

J. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisor's decision to district court per Iowa Code 354.10. The decision notification to the applicant shall be sent by restricted certified mail.

4. Final Plat Release for Recording. The approved final plat together with the following items shall be presented to the Subdivision Coordinator for review and release to the owner or subdivider for filing with the various County Offices:

A. Approved final plat with signatures from all required officials. One each retained by the Auditor and the Coordinator and three to the subdivider to be filed with the Recorder.

B. Resolution of the Board of Supervisors with approval of the Final Plat and as needed, acknowledgement of the satisfactory completion or partial completion of the required improvements. One each retained by the Auditor and the Coordinator and one to the subdivider to be filed with the Recorder.

C. Resolution(s) of the Board of Supervisors, as needed, accepting any dedications to the public and approving and accepting any dedications to the County.

D. A statement from the proprietors attesting to their consent and desire as required by Section 354.11 Iowa Code.

E. A statement from the mortgage or lien holders attesting to their consent and desire and including other attachments as required by Section 354.11 Iowa Code.

F. An opinion by an attorney-at-law attesting to the property title ownership and encumbrances, if any, as required by Section 354.11 Iowa Code.

G. A certificate from the County Treasurer detailing tax liability and bond security, if any, as required by Section 354.11 Iowa Code.

H. A copy of the protective covenants or restrictions for the subdivision.

- I. A certificate from the County Auditor approving the subdivision name.
- J. The official signed fence agreement(s) for all fences for those boundary sections of the proposed subdivision which are adjacent to land with an agricultural use.
- K. A subdivision improvement agreement for the incomplete improvements.
- L. A copy of the certified resolution from the City Council relative to its consideration and action regarding the final plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

**90.30 RESERVED.**

[The next page is 475]

## **REQUIRED IMPROVEMENTS**

**90.40 REQUIRED IMPROVEMENTS.** The subdivider shall, at his or her expense, install and construct all improvements required by this chapter. It is the intent of this chapter that, unless otherwise accepted by the Board of Supervisors, the required improvements shall remain the property and the responsibility of the subdivider, or successors in interest to the lands being subdivided.

**90.41 EXTENT OF IMPROVEMENTS REQUIRED.** The proposed subdivision shall provide adequate facilities and services to accommodate the demands from the maximum number of potential residents or occupants. The essential services and facilities shall include, but not be limited to: streets, water service, wastewater treatment and disposal, storm water management, electrical service and telecommunications service and conform to the “Standards for Design and Development” of this chapter and other regulations and standards adopted by the County. The improvements for a subdivision planned in phases shall be designed and implemented to allow the project to function effectively and independently at the completion of each successive phase.

**90.42 INSPECTION.** All improvements shall be inspected to ensure compliance with the requirements of this chapter. The scope, responsibility and cost of such inspections are the main responsibility of the subdivider as outlined in Section 90.28(5), “Inspection of Construction.”

**90.43 MAINTENANCE OF IMPROVEMENTS.** Upon completion of the required improvements and inspection, the maintenance of the improvements shall be the responsibility of the current and future owners of the subdivided land as follows:

1. Improvements Dedicated to Individual Lot Owners or to a Homeowner’s Association. An acceptable agreement shall be provided by the subdivider to assure adequate continuous maintenance of the subdivision streets, sewer systems, water supply systems and other commonly owned improvements and ensure that the County will not need to assume the maintenance responsibility for the improvements retained by the land owners. No subdivision shall be valid until and unless legal covenants, running with the land sufficient to ensure the maintenance responsibility of any such improvement, have been reviewed by the County Attorney and approved with the final plat by the Board of Supervisors as required by this chapter.
2. Warranty Bond. Improvements dedicated to and accepted by the County shall be protected with the limited term warranty as detailed in Section 90.28(8), “Warranty Bond.” The accepted improvements, if any, shall be maintained by the County.

**90.44 MINIMUM IMPROVEMENTS.** The improvements set forth shall be considered the minimum necessary to assure and protect the public health, safety and welfare. These minimum improvements installed or for which bond is posted in any subdivision, before the final plat is approved, shall be in accordance with the following criteria:

1. Potable Water: The developer shall make provisions for an approved, adequate supply of potable water to every lot in the subdivision. Determination for

the method of supply shall be based upon the availability of a public water supply, adequate on- site water quality and quantity and the number of lots in the proposed subdivision. The water supply and distribution system shall be designed and installed in accordance with the Iowa Code and the applicable standards and requirements of the Iowa Department of Natural Resources, the local municipality or rural water association and the Board of Health.

- A. External public water supply available through either a municipality or rural water association shall be considered. Selection may be evaluated utilizing the distance to the supply and the number of residents in the proposed area.
  - B. Internal water supply shall be provided utilizing a public or non-public central system or individual private wells. Selection may be determined through the evaluation of the number of lots in and potential for expansion of the proposed subdivision.
2. Sanitary Sewer: The subdivider shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision. Determination of the method of disposal shall be based upon the distance to a municipal treatment system, the type of potable water supply utilized and the number of lots in the proposed subdivision. The sewage disposal and collection system shall be designed and installed in accordance with the Iowa Code, the applicable standards and requirements of the Iowa Department of Natural Resources, the local municipality regulations and the Board of Health regulations.
- A. Municipal sewage treatment system of adequate capacity available with the extension of service lines to the proposed subdivision shall be considered. Selection may be made evaluating the distance to the available collection system, type of water supply utilized and number of residents in the proposed area.
  - B. Internal sanitary sewer systems shall be provided utilizing either a central collection and treatment system or individual on-site systems. Selection may be made evaluating the type of water supply utilized and the number of lots.
3. Storm Water Management. The purposes of these storm water provisions are to protect life and property from reasonably preventable flood hazards and to protect the quality of surface waters from contamination. Adequate storm sewer and drainage systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins using existing drainage channels whenever possible and designed to prevent increases in downstream erosion or flooding.
4. Fire Hydrants; Fire Protection. The utmost consideration should be given to providing fire protection to the proposed subdivision with an on-site municipal water source. Fire protection in the proposed subdivision may be addressed with the evaluation of the housing density, total lot numbers, lot sizes and access to the homes. The distance to the nearest fire station, on-site municipal water source fire hydrants and the distance to other suitable water sources for fire protection may also be considered as factors for the public safety and property protection.

5. Streets. The subdivider shall grade and improve all the streets between the right-of-way lines within the proposed subdivision. The streets shall provide access to every lot in the subdivision and be related appropriately to the site topography to permit an efficient drainage system installation and minimize the lot to street grade differential. The street layout shall be designed with consideration of the existing and planned streets and the proposed uses of the subdivision and the surrounding area. Curvilinear streets or loop streets shall be encouraged where such use will result in a more desirable and unique layout. Utility easements shall be placed along such streets. The street width, drainage system, construction and road surface shall be determined by the number and size of lots and shall meet the County road standards for streets to be dedicated to the County or the subdivision street standards for private streets. Washington County does not accept the ownership of the subdivision streets and does not assume the maintenance and responsibility for the same.

6. Street Name and Regulatory Signs and Building Number Signs. All streets within and all intersections within or abutting the subdivision shall have traffic control signs complying with the latest edition of the *Manual of Uniform Traffic Control Devices*. All subdivision street names shall be approved and name signs furnished as outlined in the Uniform Rural Address System stated in Chapter 31 of this Code of Ordinances. Building number assignment shall be determined by the same Chapter 31 and issued upon request at the start of the building process.

7. Street Lights. Street lights shall be provided as needed and recommended by the subdivider's engineer.

8. Sidewalks. Site factors for the proposed minor or major subdivision shall be evaluated with the application submittal to determine the need for sidewalk installation. The major safety concern may be the increased pedestrian traffic through or from the proposed subdivision. The subdivider shall indicate on the application the inclusion or exclusion of the sidewalks, and the reasons therefor, depending upon the following and other factors:

A. Sidewalks are installed on the adjacent lots along the existing street for the proposed minor subdivision.

B. Traffic volume on an existing collector or arterial street adjacent the proposed subdivision may be a safety concern for pedestrian traffic exiting the subdivision and traveling to a school or other public site within thirteen hundred (1,300) feet.

9. Perimeter Fences. Any subdivision boundary adjoining property with an existing agricultural use (either an active use or conservation reserve programs) shall be fenced. Where no fence exists or where repairs are needed, the cost of construction or improvement shall be assumed by the subdivider. A fence agreement(s) between the adjacent landowner(s) and the subdivider, heirs and future lot owners or homeowner's association shall be prepared and recorded assigning the cost for construction and future maintenance to the latter.

10. Open Space. All major residential subdivisions shall provide common or individual open space through the character of the subdivision or dedication of same.

A. Large lot subdivisions, provided that at least ninety percent (90%) of all lots are 1½ or more acres average area, shall not be required to set aside common open space.

B. Residential subdivisions containing ten (10) or more lots shall dedicate usable common space for the private use of the subdivision residents. A minimum of 20,000 square feet usable land, with additional area specified relating to the number of lots in the subdivision, shall be clearly identified on the plan as common open space.

11. Parks and School Sites Reserved: When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan, other official plan of the County or documented public organization plan, the subdivider shall indicate such areas on the plat. The area shall be reserved for a specified time period to allow the option to purchase the land for the intended use.

12. Power, Gas and Communication Lines: The Board and Commission recommend the underground installation of all utility lines as a preferred method. The subdivider is responsible for coordinating the installations with the selected utility companies. Transformers, pedestals and similar above-ground appurtenances shall be located so as to not be unsightly or hazardous.

A. Electric lines nominal voltage in excess of 15,000 volts shall be overhead.

B. Overhead electrical lines, if utilized, shall be placed in the easements provided in the rear of the lots or as determined by the service provider.

**90.45 EASEMENTS REQUIRED.** Easements shall be provided for utility services, including storm sewer drainage structures, where necessary. The width and location of the easements shall depend upon the type of utility and the access required by the utility provider or site conditions. Whenever any stream or major surface watercourse is located in the subdivision, easement provisions shall be made for the maintenance and unrestricted flow through the area.

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## STANDARDS FOR DESIGN AND DEVELOPMENT

**90.50 POLICY STATEMENT.** The standards and details of design contained herein are intended only as minimum requirements (unless specifically noted otherwise) to allow the general layout of the subdivision to be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions to provide an economical, attractive and quality community.

**90.51 CHARACTER OF DEVELOPMENT.** The Board of Supervisors shall have the right to retain or modify the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the appearance and value of the area surrounding the subdivision and also to assure the implementation of the intended character and community style in the proposed subdivision.

**90.52 CONFORMANCE TO APPLICABLE CODES AND REGULATIONS.** No subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:

1. The Comprehensive Plan for Washington County and all other ordinances adopted by the County and all other applicable laws, ordinances and regulations of the appropriate local jurisdictions.
2. All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.
3. All applicable laws, rules and regulations of the State of Iowa and its duly constituted agencies.

**90.53 LAND USE CONSIDERATIONS AND SUITABILITY.** No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor or inadequate drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or Washington County residents, until such time as the unsuitable conditions or restrictions are corrected to the satisfaction of the Board of Adjustment. If any area within the proposed subdivision is found to be unsuitable for any of the reasons sited in this section, the Land Use and Planning Commission shall state its reasons in writing to the Board of Adjustment and the subdivider. The Commission shall base its findings upon its review and consideration of the technical reviews from the County Engineer, other County Departments and the Washington County Conservation Board. The subdivider may present data regarding such unsuitability and propose modifications of the conditions to the Board of Adjustment. A use approval or authorization from any regulating agency shall also be submitted. Upon review, the Board of Adjustment may approve or alter the proposed modifications regarding the unsuitable conditions and require additional covenants be placed on the property. This determination in written form shall be forwarded to the subdivider and Commission to be incorporated into the further plan submissions for the proposed subdivision. The criteria for the consideration of the land suitability and use are as follows:

1. Adverse soil conditions, poor or inadequate drainage and unsuitable topography found within the proposed subdivision may be corrected or modified by the subdivider upon submission of plans and documentation to the Board of Adjustment. The subdivider may provide plans to alleviate the difficulties where soil types indicate problems of erosion and sedimentation control, unstable bearing for streets and/or buildings and sanitary waste disposal. Documentation of lands previously altered or filled with non-earth or decomposing materials shall be submitted. Soil borings, soil classification and other tests may be utilized by the subdivider in preparing the remedial plans. The plan shall detail the proposed use and restrictions for each of the areas to be altered. Each individual lot, after the approved modifications, shall provide adequate buildable area for the proposed residence and the selected well and sewer system as detailed in the Board of Health Regulations and approved by the Environmental Administrator.

2. The use of lands subject to flooding, when included in a proposed subdivision, shall be limited by the requirements and subject to the approval of several regulating agencies. Building restrictions and controls in a flood hazard area are under the jurisdiction of the Iowa Department of Natural Resources.

**90.54 STANDARDS FOR IMPROVEMENTS.** The following standards shall be utilized for the installation of the improvements, common facilities and services.

1. Potable Water. All lots in the subdivision shall be provided with an adequate supply of potable water. The determination of the supply method and appropriate design for that system shall utilize the following criteria:

A. External public water supply utilizing the extension of a municipal or rural water supply of adequate capacity, where reasonably accessible and with an agreement between the parties, shall be considered for use in the proposed subdivision. When the proposed subdivision is located within one mile or the extraterritorial area of a municipality (whichever is greater) or four miles of a rural water supply line, the subdivider shall furnish evidence of discussion of the extension of water services with the parties involved. A statement by the municipality governing body or the water association relating to the opportunity to extend water services or statements from the municipality's or association's engineer and the subdivider's engineer regarding the feasibility of the extension would provide the needed detail. With an agreement, the subdivider shall provide a complete water distribution system including pipe, valves and other appurtenances extending from the source, into and through the subdivision with a service connection to each lot. The water distribution system shall be designed and constructed in accordance with the standards of the appropriate State agency, municipality or rural water association.

B. Water sources from within the proposed subdivision shall be utilized where the external public water source is not reasonably accessible. The determination for the use of two forms of central water supply or private individual well supply shall evaluate the total potential number of single family residential (SFR) lots and residents in the proposed subdivision. The approval of the water supply will be limited to the proposed subdivision. If lots are further subdivided, or adjacent land is subdivided, the size of the entire subdivided area will be considered in determining whether a public or

non-public central water supply is required. The water system selection criteria shall be as follows:

Private wells each providing service to a single-family residence	6 private wells maximum in the subdivision
Nonpublic central water systems	Up to 12 single-family residences maximum in the subdivision
Public central water system	Over 12 single-family residences in the subdivision

(1) Private or nonpublic wells shall be utilized in the proposed subdivision as outlined in the selection criteria. The subdivider shall submit with the preliminary plat, acceptable evidence of the availability of water on the site. The subdivider may be required to make one or more test wells within the boundaries of the proposed subdivision if the evidence is deemed unacceptable by the Environmental Administrator. Each test hole shall be numbered and its location and results shown on the construction plans. All tests shall be performed in accordance with the Board of Health Ordinance. The well(s) may be installed at the expense of the subdivider or at the expense of the subsequent lot owner(s) or homeowner’s association at the time lot development takes place.

(a) Private individual lot wells shall be approved and permitted by the Environmental Administrator utilizing the Board of Health Ordinance and this chapter.

(b) Nonpublic central water systems shall be approved and permitted by the Environmental Administrator utilizing the Board of Health Ordinance and this chapter. The subdivider shall install a central water supply and distribution system including all of the necessary pipe, valves and other appurtenances and a service connection to each lot. The supply and distribution system shall be designed by a licensed engineer and the plans and details submitted with the construction plan. The well location(s), separation distances from septic systems and needed easements shall be indicated on the preliminary plat. The ownership, operation, testing and maintenance of the nonpublic central system shall be addressed with the protective covenants.

(2) Public central water systems shall be permitted and regulated through the Iowa Department of Natural Resources. The subdivider shall provide the design and install the central water supply and distribution system, including all necessary pipe, valves and other appurtenances, according to the appropriate standards and specifications. A service connection to each lot shall be provided. The well location(s), separation distances from septic systems and needed easements shall be indicated on the preliminary plat. The plans and details as prepared by the subdivider’s engineer and submitted to the DNR shall be submitted with the construction plans. The ownership, operation, testing and maintenance of the public

central water system shall be addressed with the protective covenants.

2. Sanitary Sewer: All lots in the proposed subdivision shall be provided with an approved, sanitary means of sewage disposal. The determination of the disposal method and the appropriate design for the system shall utilize the following criteria:

A. A municipal sewage treatment system of adequate capacity, where reasonably accessible and with the municipality agreement, shall be evaluated for use by the proposed subdivision. When the proposed subdivision is located within one mile or the extraterritorial area of the municipality (whichever is greater), the subdivider shall furnish evidence of discussion of the extension of sewer services with the municipality. A statement by the municipality governing body relating to the opportunity to extend sewer services or statements from the municipality’s engineer and the subdivider’s engineer regarding the feasibility of the extension would provide the detail needed. With an agreement with the municipality, the subdivider shall provide a complete collection system including pipe and all appurtenances extending from the municipal connection, into and through the subdivision with a service connection to each lot. The sewer collection and transfer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and affected municipality regulations.

B. Sewage treatment and disposal within the proposed subdivision shall be utilized where a municipal facility is not reasonably accessible. The determination for the use of a central system or on-site sewer systems shall evaluate the total potential number of single family residential lots in the proposed subdivision and the type of water supply. The approval of the sewer system will be limited to the proposed subdivision. If lots are further subdivided, or adjacent land is subdivided, the size of the entire subdivided area will be considered in determining whether a central sanitary sewer system is required. The sewer system selection shall also consider the drainage across the proposed subdivision from sewer systems in existing subdivisions within 500 feet. The criteria utilized for determination of the use of a central sewer system based on the maximum number of planned and potential SFR lots shall be as follows:

	Public or any Central Water Combined with Private Individual Wells	Private Individual Wells
Central sewer system used when SFR lot numbers at or over:	25	15

The criteria for the two sewer systems shall be as follows:

(1) Central sanitary sewer systems shall be permitted and regulated through the Iowa Department of Natural Resources. The subdivider shall provide the design and install the complete central sewer system, including all mains and appurtenances according to the appropriate standards and specifications. A service connection to each lot shall be provided. The plans and details for the sewer

system as prepared by the subdivider's engineer and submitted to the DNR shall be submitted with the construction plans. The ownership, operation, testing and maintenance of the central sewer system shall be addressed with the protective covenants.

(2) On-site sewer systems shall be utilized when a central system is not required. The subdivider shall detail the proposed sewer system location for each lot on the preliminary plat and submit acceptable evidence of the suitability of the soil for the on-site method of sewage treatment and disposal selected for each lot in the proposed subdivision. The on-site sewer systems shall be permitted and installed in accordance with the Board of Health Ordinance. For subsurface absorption installations proposed for any or all lots, one or more soil boring tests as needed shall be submitted for the soil evaluation by a licensed engineer. Care shall be used during the construction to restrict compaction or any modification of the septic absorption field area. Lots where subsurface absorption systems are proposed shall provide adequate space for two septic fields, the second to act as a replacement site when the first field fails. When subsurface sand filters are proposed or required, the subdivider shall provide the necessary utility easements and drainage collection and transfer lines including sampling ports. The on-site sewer systems, when approved, may be installed at the expense of the subdivider, or at the expense of a subsequent lot owner at the time of the lot development.

3. Storm Water Management. All lots and internal streets shall be adequately drained through the installation of enclosed storm sewers or surface drainage channels. The subdivider shall submit a plan for storm water control for all major subdivisions and minor subdivisions with over five (5) acres of total area. The total storm water drainage outflow rate from the subdivision with the improvements installed shall be designed to not exceed that rate prior to the modifications. The storm water drainage system shall be designed by a licensed engineer.

A. A general detail of the storm water control improvements shall be submitted with the preliminary plat and complete details with the construction plan. The ownership and maintenance of storm water control improvements shall be defined in the plan. The dedication and the continued maintenance of the same shall be addressed with the protective covenants.

(1) Storm water control improvements shall extend to the boundaries of the proposed subdivision to provide for the continuation to adjoining properties. Enclosed storm sewers, when utilized, shall be designed and built to SUDAS Standards.

(2) On-site detention facilities sufficient to capture the runoff of a twenty-five (25) year storm from the subdivision drainage areas shall be designed and installed. The release rate of storm water from the detention facilities shall be restricted so as not to exceed the volume produced by a five (5) year storm event. The outlet discharge from the subdivision surface drainage requiring a new waterway across adjacent property or enlarging an existing waterway will

require an easement and/or flowage agreements with the affected abutting property owners for the outlet flow and potentially require storm water discharge permits. In cases where outflow enters a lake, river or stream, the subdivider shall construct and maintain a catch or sedimentation basin as required to prevent material deposits from entering the water bodies.

4. Fire Hydrant/Protection:

A. The subdivider shall provide an adequate water supply for fire protection based upon the recommendations of the affected fire department(s) and the guidelines of the National Fire Protection Association. The three main sources for consideration are:

(1) Fire hydrants shall be installed with the public water supply extended from a municipal water source. The water mains should be sized to meet the specifications for the nearest fire department. The fire hydrants shall be installed in accordance with the *Uniform Fire Code*.

(2) A fill pipe located at the perimeter of a municipality with adequate supply or a rural water supply well or storage site. An adequate access road and a secure and convenient fill pipe would be required. This water source shall be evaluated by the affected fire department(s) and is based primarily on the distance between the pipe and the site (usually a maximum of 3 miles).

(3) Dry hydrants shall be designed to provide a suitable water source in the proposed subdivision or as close as possible to the site. The construction details shall be furnished with the construction plans. The standpipe specifications and details are available through the NFPA and the terminal cap sizing from the affected fire department. This water source shall be evaluated by the affected fire department(s) and is based mainly on the volume and dependability of the supply. Another factor evaluated for an off-site hydrant is the distance from the pipe to the site (usually a maximum of 3 miles).

B. The access road to the dry hydrant location shall be designed for all-weather use and be evaluated by the County Engineer. The dry hydrant locations shall utilize the following guidelines:

(1) On site construction shall include the dedication of the access and dry hydrant to the homeowner's association. Maintenance shall be provided by the association as outlined in the protective covenants.

(2) Construction on a remote site shall be at the expense of the subdivider. Before the construction is started the following information may be required:

(a) An easement or lease agreement for the site and access road.

(b) Right-of-way use agreement with municipality, County or State.

- (c) Water use agreement between the applicable fire departments and the owner.
  - (d) Maintenance of the road provided by the proposed subdivision homeowner's association or group of nearby associations or residents with an agreement.
- 5. Streets. All lots within the proposed subdivision shall be given access to a private or public street. All subdivision streets shall be held and maintained as private streets. All subdivision streets including those providing access to a public street shall be a separate lot owned by the subdivision lot owners or homeowner's association. The planning, design and construction of all new or existing streets within the proposed subdivision shall consider the following criteria:
  - A. All proposed streets shall be designed and constructed to provide adequate access for but not limited to fire, ambulance and police services.
  - B. Street planning in the proposed subdivision shall provide ease of circulation as well as convenient access to adjoining streets and potential streets within and adjacent the subdivision. The following criteria shall be utilized:
    - (1) Continuation of existing or planned streets shall be incorporated into the proposed subdivision street and lot planning. Proposed streets shall provide for the continuation or completion of any existing streets (constructed or recorded) or any street extensions which are part of an approved preliminary plat in adjoining property. The width of the street planned as a continuation into the proposed subdivision shall not be less than that of the existing street or planned street.
    - (2) Future recommendations involving elements of a Comprehensive Plan or Street Plan for the area of the proposed subdivision shall be utilized in the street and lot planning. Extension of the streets to the subdivision boundaries shall be incorporated into the preliminary plat when recommended by the Plan, the Commission or other County departments.
    - (3) Plats for large lot subdivisions shall consider the street and lot arrangement for the future local streets created by the division of the large lots. Easements for the future street area along with the needed utilities shall be detailed on the plat.
  - C. Access to County or State roads shall utilize the following planning criteria:
    - (1) The number of access locations onto the public streets shall be minimized in the planning of the streets and lots within the proposed subdivision. The public street traffic volume or classification shall determine the number and spacing of access locations utilizing the County road standards or appropriate IDOT regulations.
    - (2) A single access point onto the public street shall be limited to a maximum of ten lots located along the proposed subdivision street.

A through or loop street with a second access point shall be provided when that number is exceeded.

(3) Public street access through existing private streets from a proposed subdivision shall be granted upon approval of the owners of the existing streets. Where the private streets exist as of the effective date of the Subdivision Ordinance, the proposed subdivision plat shall not be considered until the subdivider has secured in writing the approval of all the owners of the affected existing private streets. This approval shall indicate the willingness of all of the existing lot owners or homeowner's association to enter into a new homeowner's association or other agreement with the legal document binding all existing and future owners to the repair and maintenance of the affected existing private streets.

D. Access to existing public streets from bordering lots in a proposed subdivision shall be limited by the number of adjacent lots in each 1,300 feet of street length. Applicable Iowa Department of Transportation regulations, County road standards and safety considerations shall be utilized in the determination. All access is to be placed at the direction of the County Engineer. No access shall be permitted to an existing public street from any lots where access is available to a private street within the proposed subdivision. Bordering lot street access evaluation shall utilize one of the following:

(1) A maximum of four adjacent lots in 1,300 feet of street length each with individual access are permitted after complying with the evaluation criteria. A driveway turnaround area shall be planned for each individual lot access to minimize vehicles backing into the street. Consideration shall also be given to providing sufficient residence setback distance from the public road right-of-way to establish a frontage street to serve future additional lots.

(2) More than four adjacent lots in 1,300 feet of street length or less, when required by the evaluation criteria, shall utilize one of the following to reduce the number of access points:

(a) An interior parallel street with access locations to the existing street as needed and the lots placed with the rear abutting the existing street. An easement at the rear of the lots shall provide a buffer.

(b) A series of cul-de-sac or loop streets, entering from and planned at right angles to the existing street. The rear of the adjacent affected lots shall abut the existing street and include an easement for a buffer.

(c) A frontage street serving all or several of the lots and separated from the existing street by a buffer and having suitable access to the existing street.

E. Limited access highways and railroad right-of-ways which are adjacent a proposed subdivision and affect the planning shall utilize the following criteria:

(1) In residential subdivisions consideration shall be given to adding a buffer strip to the rear of the lot when the rear of the lot is abutting a railroad or limited access highway right-of-way.

(2) Nonresidential subdivision lots adjacent a railroad or limited access highway right-of-way shall be of sufficient depth to ensure suitable size for commercial or industrial sites when streets are located at the front of the lots and when the rear is placed adjacent that right-of-way.

(3) Interior streets parallel to the railroad or limited access highway when intersecting a street which crosses the railroad or highway at grade shall, to the extent practical, be at a distance of at least 225 feet from the railroad or highway right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of the appropriate approach gradients.

F. The following criteria shall be utilized for the planning, design and construction of all street improvements:

(1) Alleys shall not be approved in residential subdivisions with normal street frontage except where justified by the continuation of an existing alley from an abutting subdivision block or other special conditions. Alleys may be provided in business areas or industrial districts for adequate access to block interiors and for off street loading or service purposes. Dead-end alleys shall be provided with a turn-around area with a minimum right-of-way diameter of 110 feet or greater as needed for the proposed use.

(2) Dead-end streets shall not be approved, except where a street is terminated at the subdivision boundary adjacent property considered for future development. This temporary dead-end street shall service four lots maximum. A temporary circular right-of-way or other form of turn around with a street surface the same as required in the subdivision shall be constructed at the end of the street which is greater than one lot in length.

(3) Street intersections shall be designed with the following features to provide for safety and orderly traffic flow:

(a) No more than two streets shall intersect or cross at the same point.

(b) The angle of intersection of street center lines shall be as near as possible to a right angle. Variations are allowed between 80 and 100 degrees.

(c) Intersections of the street centerline offsets shall be a minimum of 150 feet apart, except where topography, or other physical conditions require variations from that distance.

(4) Cul-de-sacs may be permitted if no other feasible alternatives can be utilized. Streets that connect with other streets, or loop streets

are preferable for circulation, maintenance and fire protection. The following criteria shall be utilized for cul-de-sac streets for residential lots:

- (a) The street shall be no longer than 750 feet and service no more than ten lots. The right-of-way width of the street leading to the turnaround shall be a minimum of 60 feet. A street length up to 1,000 feet may be permitted provided the street traffic surface width is increased by ten feet from that normally required, to provide adequate access for emergency and service vehicles.
  - (b) The turnaround shall have a right-of-way diameter of 110 feet plus sufficient easements for utilities, drainage and other services. The traffic surface of the turnaround shall be a minimum of 85 feet in diameter. For commercial or industrial subdivisions, the turnaround diameter shall be increased by 20 feet or more with a corresponding increase in the traffic surface as needed.
- (5) Half streets platting will not be permitted. Where there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission and approved by the Board.
  - (6) Parkways or special types of roads designed for the proposed subdivision may be utilized by requesting variances from the standards detailed herein to allow the design to conform to the topography or other special features of the area.
  - (7) Additional right-of-way dedication shall be required for any subdivision, excluding a property split, having frontage on an existing public street which does not meet the 50 feet minimum from the road centerline required for an Area Service "A" County road. Additional right-of-way dedications may be needed for other County or State roads.
  - (8) Subdivision entrances to County roads shall be constructed and maintained by the subdivider or property owner without cost to the County and comply with Chapter 37 of this Code of Ordinances. The construction specifications, warranty and maintenance of any entrance dedicated to the County shall be addressed with the acceptance and dedication documents filed with the final plat. Entrances to State highways shall comply with the specifications and permit requirements of the IDOT, Highway Division, and obtain authorization from the Resident Construction Engineer. The following criteria shall be utilized, in addition to that listed above, for the entrance design and construction:
    - (a) High volume entrances, determined by the County Engineer when evaluating vehicles per-day usage, may require higher design standards to assure safety and avoid exceeding the adjoining road capacity.

(b) School bus turnarounds or loading zones at the subdivision entrance with the County road may be required for any subdivision planned with four or more residential lots. The school bus turnaround or loading zone, if required, shall be constructed in accordance with the design requirements of the appropriate school district or IDOT and placed adjacent to the County road within the subdivision's property.

(9) Subdivision streets shall be designed and constructed to the specifications and standards as recommended by the County Engineer and approved by the Board of Supervisors. Roads to be dedicated to the County shall utilize the County road standards and subdivision private streets shall utilize the subdivision streets standards. Any existing private streets within the proposed subdivision shall be upgraded to meet the applicable standards. Washington County does not accept the ownership of the subdivision streets and does not assume the maintenance and responsibility for the same.

G. Traffic generation from the proposed subdivision onto existing County roads shall be evaluated by the County Engineer in relation to the type of traffic surface on those roads utilizing the County Road Performance Standards for Subdivisions. If the considered road is non-paved, and the trips generated by the proposed subdivision would increase the use of that non-paved County road to an unacceptable level, the County Engineer may require the subdivider to upgrade, to the County road standards, said road from the subdivision access to the nearest hard surface County road. The recommendation would be completed after an agreement reached between the subdivider, County Engineer and Board. The County road performance standards for subdivisions shall be recommended by the County Engineer and approved and adopted by the Board of Supervisors.

H. Road Assessment Agreement. For any proposed subdivision utilizing an existing county gravel road for primary access, the subdivider shall provide covenants running with each of the lots of the plat providing for the participation of each lot owner in a secondary road assessment district agreement under Chapter 311, Iowa Code. Two types shall be provided:

(1) Road Improvement. The purpose of the agreement is to provide for the future improvement of the same county road from the access point(s) to the nearest hard surfaced county road at a time scheduled by the Board of Supervisors in the County Five-Year Road Construction Program.

(2) Dust Control. The purpose of the agreement is to provide for the surface improvements for dust control only along the existing county gravel roads on the most commonly traveled route(s) to the nearest hard surfaced county road(s). The annual assessments are to be made on lots with development in progress or completed. The County Dust Control Policy shall be utilized to determine and allocate the assessment.

6. Street, Regulatory and Address Signs: All street name signs and all traffic control signs on all streets within and all intersections within or abutting the subdivision shall be assigned and installed as outline in the following sections. Building number signs for locations within the proposed subdivision shall be assigned and installed according to current County Code requirements.

A. The traffic control signs on all streets within the subdivision shall be recommended and detailed on the preliminary plat. A stop sign shall be installed at the intersection of each subdivision street with a public road. The street regulatory signs shall be in accordance with the latest edition of the *Manual of Uniform Traffic Control Devices* and other applicable County standards and regulations. The cost, installation and maintenance of the traffic control signs shall be provided by the developer or homeowner's association through covenants or other agreements.

B. The approved names and numbers of all new streets in the subdivision shall be shown on the preliminary plat and conform to the prevailing street address system detailed in Chapter 31 of this Code of Ordinances, "Uniform Rural Address System." The new street name application provided at the pre-application conference shall be completed and submitted to the 911 Services Board and Board of Supervisors for action prior to the name inclusion on the preliminary plat. The street signs will be furnished, installed and maintained by the County with the cost billed to the developer and future lot owners and/or as outlined in Chapter 31.

C. The building numbers for residences, business and buildings on all public and private streets within all subdivisions shall be assigned and displayed in compliance with Chapter 31 of this Code of Ordinances. The cost, installation and maintenance are provided by the County and/or as outlined in Chapter 31.

7. (Reserved)

8. Sidewalks. Where provided, sidewalks shall be constructed of Portland cement concrete and shall be not less than four inches thick except at the driveways where the thickness shall not be less than six inches. The minimum width of the walk shall be four feet and the grade shall conform to that of the curb and pavement and set approximately two inches above top of curb. The sidewalks shall be located within the street right-of-way, parallel to and within two feet of the lot line. The sidewalk construction and installation shall comply with ADA requirements.

9. Perimeter Fences. The subdivider shall assume responsibility for all boundary fences with adjacent land with agricultural use by means of a valid and recorded fence agreement(s) between the subdivider and the adjacent landowner(s). The responsibility shall be passed on to subsequent lot owners or the homeowner's association with provisions in the covenants requiring the transfers with each lot sale or upon the establishment of the homeowner's association. Where the entire perimeter fence length lies on a single lot, the subdivider may defer responsibility to that lot owner.

A. Fence agreement content shall include the following:

(1) A statement binding on both parties (association), their heirs and assigns.

- (2) Documentation that the agreement shall run with the land.
- (3) A termination clause effective upon the subdivision of the adjoining property for non-agricultural purposes.
- (4) A statement negating any currently recorded fence agreement for any portion of the perimeter of the proposed subdivision.

B. The inability to obtain the signature of the owner(s) of any adjacent property for the new fence agreement(s) shall utilize the following method to satisfy the requirement. Provide proof that the said owner(s) of the adjoining property used for agricultural purposes has received the following information regarding the proposed fence agreement(s) by restricted certified mail:

- (1) Copies of this chapter's Sections 90.44(9) and 90.54(9).
- (2) A copy of the fence agreement prepared for the said property owner and signed by the subdivider.
- (3) Notice that the subject fence agreement can be withdrawn by the subdivider if not signed within thirty (30) days of receipt of the same by said property owner.

C. The type of fence constructed shall utilize the tight fence as defined in Iowa Code Chapter 359A Section 20 as a minimum standard to reach an agreement for the fence design, appearance and construction between the parties involved.

10. Open Space. All residential subdivisions shall be so designed as to meet the open space or neighborhood park needs of their residents. Common or individual open space shall be provided through planned public use areas in a variety of forms.

A. Large lot subdivisions shall not be required to set aside open space provided that at least ninety percent (90%) of all lots in the proposed subdivision average one and one half (1½) acres or more in area and all lots have suitable open area. Adequate deed restrictions with said lots shall limit any subsequent lot re-subdivisions.

B. Residential subdivisions containing ten or more lots shall dedicate a minimum of 20,000 square feet usable, common open space and in addition:

- (1) For each lot over ten lots total, an additional 2,000 square feet of open space shall be dedicated.
- (2) The common open space areas need not be contiguous to each other, but no lot shall be less than 10,000 square feet in size and at least one lot 20,000 square feet in size.
- (3) The length of the common open space shall not be more than five times the width, except for bikeways or hiking trails.
- (4) The common open space land shall be clearly designated on the plan as to the character of use and development. The areas shall provide direct access or utilize appropriate easements and shall be intended for the private use of all the subdivision residents.

(5) The common open area may include environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty percent (50%) of the land must be contiguous and suitable for active recreation.

(6) The common open area may include bikeways or hiking trails provided paths are of adequate width, are placed on a well drained subsoil base and are surfaced with a suitable material. As an incentive, the land area designated for a bikeway or hiking trail shall count as two times the actual area towards fulfilling the minimum open space requirement, provided that at least 20,000 square feet of other open space has been set aside for active and passive use.

(7) The following shall not be included in or considered in the open space:

(a) Areas reserved for the exclusive use or benefit of an individual tenant or property owner.

(b) Dedicated streets, common well sites, sewer treatment facilities, drainage storage areas, ponds, open drainage ditches, other public right-of-ways, and other areas deemed unsuitable open space.

(c) Vehicular drives, parking, loading and storage areas.

(d) Easements and other restricted areas for high power overhead transmission lines or large gas lines.

(8) Suitable provisions for maintenance and upkeep of the open space shall be provided through the protective covenants or other similar agreements as may be approved by the Board.

11. **Parks and School Sites Reserved.** When a tract of land to be included in a proposed subdivision, is documented in the Comprehensive Plan or other official plan as an intended park or school site, an option to purchase shall be honored for a limited time. The proposed park or school sites shall be reserved for three (3) years giving the County, other authorized public agency or school district the option to purchase the land at the appraised raw land value prior to the subdivision. The purchase price, established by a certified land appraiser, shall also include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park or school sites not be purchased within three (3) years, the subdivider may then revise the final plat.

12. **Power, Gas and Communication Lines.** Underground placement is the preferred method of installation for all utility lines or cables. Any utility installation shall be made in compliance with the applicable codes and regulations. The subdivider and all lot owners shall be responsible for compliance with the rules and regulations of the service providers for the respective installed utilities and that responsibility shall be detailed in the subdivision covenants. The subdivider and lot owners shall be responsible for making the necessary arrangements with the utility companies for the installation of such facilities.

**90.55 EASEMENTS REQUIRED.** Granted access to areas shall be provided for utility services and other common services and facilities. The widths and extent of these easements shall be detailed on the plat and attached documents. The property or lot owners shall not erect any permanent structures on the land but shall have the right to make any other use of the land, subject to such easement, which is not inconsistent with the rights of the grantee.

1. Utility Easements: Easements for sanitary sewer, storm sewer facilities, and water supply and distribution lines shall be at least 20 feet in width and other easements shall be ten feet in width. All easements shall be established for water, sewer, electrical, telephone, cable and other as yet unidentified technologies, as needed at the front, rear and side of each lot and provide continuity of alignment from block to block. Except where prohibited by topography or lot boundaries, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities.

2. Future Water and Sewer Services. Easements shall be provided for the installation of future public or non-public central water supply lines and central sewer collection lines to all lots in the proposed subdivision. This consideration shall be utilized in areas where the total lot numbers and future expansion warrant the extension of those services from a proposed adjacent subdivision or a nearby municipality.

3. Large Service Utility Easements: Whenever high voltage overhead electrical lines or underground gas transmission lines are located in or near the subdivided area, easements shall comply with the distance setbacks and clear areas required by the applicable utility owner. Any additional setback or safe zone distances required by the State of Iowa or Federal utility commissions or other regulatory agencies shall also be implemented.

4. Easements Along Streams and Watercourses: Whenever any stream, drainage way or major surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's expense, make adequate provisions for the protection of the channel to assure that it will properly carry the surface water from and the upstream water through the area. Upon evaluation and recommendation by the County Engineer and/or an Iowa Department of Natural Resources official, the subdivider shall provide the recommended easement of not less than fifty (50) feet up grade from each bank. The width of the easement shall be dependent on the area of land drained by the watercourse and designed through observed, computed or anticipated storm water drainage through and from the proposed subdivision.

5. Open Space Access: Parks, common land or open space situated in the interior blocks of a proposed subdivision shall have direct access to the surrounding streets by an easement at least 20 feet wide and the maintenance of the same shall be covered by the protective covenants or other agreement.

**90.56 BLOCK STANDARDS.** Block layout shall enable development to meet the Subdivision Ordinance requirements for convenient access, circulation, control and safety of street traffic.

1. Block Length. The length of blocks shall not be less than 500 feet and not more than 1,300 feet in length. Crosswalks may be required for any block or cul-de-

sac that exceeds 600 feet in length to provide access to a school, park, library or other public gathering site within one-fourth mile of the development.

2. Block Width. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth and in no case shall the width be less than 260 feet. A width of not less than 160 feet shall be utilized where a single tier of lots parallels a limited access highway, an arterial street, railroad or other barrier to allow for a buffer strip installation.

**90.57 LOT STANDARDS.** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to the topography and the character of the development and adjacent property.

1. The minimum dimensions for lots shall be in accordance with the bulk and density standards of the applicable building district within which the subdivision is located. The depth and width of lots intended for commercial or industrial purposes shall be adequate to provide for off-street parking, loading and other requirements for such development uses.

2. Every lot shall abut and have access to a private or public street. Lots considered with access to an existing County road, arterial or collector street shall plan the lot arrangement as to minimize the number of access points.

3. All side lot lines shall be substantially at right angles to straight or radial to curved street center lines unless the Commission shall agree that a variation to this requirement will provide a better street and lot arrangement.

4. All lots shall be orientated with the front as the common lot line facing the street right-of-way line. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

5. Double frontage lots shall be avoided except where necessary to provide the separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation. Those lots shall front on a parallel collector or local street. Commercial or industrial lots may allow double frontage access with consideration given to minimizing access locations on arterial streets.

6. Corner lots shall have sufficient extra width to provide the same buildable width as adjacent lots after deducting the required side street setbacks and easements.

7. All lot lines at street intersections shall have a radius of not less than 25 feet at the corner. A greater radius may be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

8. Cul-de-sac lots shall have a minimum lot width of 40 feet at the street property line or right-of-way as measured by the chord length.

9. Flag lots are permitted if the stem extending from the street to the lot is a minimum of 40 feet wide. The lot size and shape requirements for the bulk of the lot shall be the same as required for the other lots in the development.

10. Outlots should be discouraged. Assigned lots with inadequate area for building purposes should be designated for open or recreational areas and maintenance provided through agreements with the subdivider and covenants.

11. The minimum net lot area and minimum lot width for each single family residence lot shall be as follows:

Sewer System	Public or Any Central Water		Private Individual Well	
	Lot Area	Lot Width	Lot Area	Lot Width
Municipal or Central Sewer	15,000 square feet	100 feet	20,000 square feet	100 feet
On-Site Sewer	40,000 square feet	125 feet	54,000 square feet	175 feet

- Minimum net lot area
- excluding all easements of record.
  - excluding the area below the 100 year flood elevation.
  - excluding road right-of-way.

The Environmental Administrator may require larger lots after the preliminary evidence submitted with the plat indicates unsuitable soil conditions and the need for a larger area for the selected sewage method. Additional lot area may also be required to provide the needed separation distance from wells, water supplies, bodies of water, adjacent septic discharge lines or seepage flow areas to minimize the risk to resident’s and public health and safety. The Environmental Administrator may deny permits for lots that meet the minimum lot sizes but which do not comply with State Code or this Code of Ordinances.

**90.58 ALTERNATE TYPES OF SUBDIVISIONS.** The purpose of this section is to provide diversity in the concepts and methods utilized to design subdivisions.

1. Planned Unit Development. The purpose of this section is to allow a single or multiple ownership project involving a related group of residential, commercial and associated uses to be planned as a single land use unit rather than as an aggregation of individual activities located on separate lots. The Planned Unit Development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the subdivision or site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a Planned Unit Development does not eliminate the need of compliance with the provisions of this chapter. Protective covenants shall be submitted with the final plat for both residential and combined use subdivisions detailing the liability for and maintenance of the open space, common or recreational areas.

A. Cluster subdivision providing residential sites where the requirements may be varied provided that adequate open space be included to ensure that the average land area per single family dwelling shall be equal to or greater than that permitted for conventional lot layout in the area in which the subdivision is located. The following provisions shall apply:

- (1) Open space, common or recreational area shall be provided for the use and benefit of all the subdivision residents and the same stated in the covenants.
- (2) The majority of the grouped lots should abut the open space, common or recreational area with the remainder of the lots provided access through a walkway easement and with appropriate screening provided.

(3) The total land area of the subdivision divided by the total number of single residential units provides the average land area per residential unit. Total land area of the subdivision shall include all open space, common and recreational areas, but shall not include land set aside for ponds and lakes within the subdivision, or the traffic surface area of the subdivision streets.

(4) At no time shall approval be granted to subdivisions which include lots containing less than fifty percent (50%) of the lot area considered minimal, unless the use of common water and sewer systems provide modifications of the rule.

B. Combined use subdivision shall provide the same percentage of open space or common area recommended in the cluster residential subdivision. The open space should be utilized as a landscape buffer or barrier separating the residential units from the commercial or associated uses.

2. Nonresidential Subdivisions: When a proposed subdivision for commercial or industrial purposes is planned, the following provisions shall apply:

A. General. If a proposed subdivision includes land that is designated for industrial or commercial purposes, the layout of the subdivision with respect to such land may be subject to additional provisions as the Board and Commission require. A proposed non-residential subdivision shall be subject to all the requirements of this chapter and shall conform to the recommended land use and other regulations established in the Comprehensive Plan and other ordinances and standards in effect.

B. Standards. In addition to the principles and standards in this Ordinance for the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(1) Proposed industrial and commercial parcels shall comply with any zoning ordinance governing the area involved.

(2) Street right-of-way width and pavement thickness shall be adequate to accommodate the type and volume of traffic anticipated in the designated areas.

(3) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(4) Special requirements may be imposed by the Board and Commission for the installation of public utilities, including water, sewer, and storm water drainage.

(5) Every effort shall be made to protect adjacent residential areas from the potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development

and provisions for a permanently landscaped buffer strip when needed.

**90.59 SITE AND AREA PROTECTION.** The purpose of this section is to minimize the impact of the construction of the subdivision on the site and upon the adjacent property.

1. Construction Activities; Erosion and Storm Water Pollution Control. The subdivider shall prepare permits and affidavits certifying the control measures to be implemented during the construction activities and as detailed on a pollution prevention plan.

A. The subdivider shall prepare an affidavit concerning land disturbing activities for the Washington County Soil and Water Conservation District acknowledging the soil loss sediment limit which regulations prohibit from leaving the proposed subdivision site.

B. A general storm water permit No. 2 application shall be prepared for the Iowa Department of Natural Resources when applicable. A pollution prevention plan for the proposed subdivision outlining the erosion control methods shall be prepared and submitted with the Construction Plan as outlined in this chapter.

2. Protection of Drainage Tile. If an existing functioning drain tile is found and damaged during the construction or relocation is required, the repairs or modifications shall be implemented under the guidelines of Iowa Code, Section 468.600 all.

3. Protection of Sensitive and Native Areas. Environmentally sensitive and primitive areas should be avoided to the greatest extent possible for consideration in a proposed subdivision. Such areas include, but are not limited to, slopes in excess of 25%, native forest growth, native prairie grasses, and wetlands. If a subdivision is proposed for such an area, the subdivider shall present a protection plan or preservation and/or restoration plan to the County Conservation Board for review and their comments and the plan forwarded to the Land Use and Planning Commission.

**90.60 RESERVED.**

**90.70 RESERVED.**

**90.80 RESERVED.**

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## ENFORCEMENT AND OTHER PROVISIONS

**90.90 ENFORCEMENT, VIOLATIONS AND PENALTIES.** The provisions of this chapter apply to all land, property and development in the unincorporated area of Washington County, Iowa, except as otherwise provided in this chapter. In addition to other remedies and penalties prescribed by the law, the provisions of this chapter shall be enforced as follows:

1. It is unlawful for any person, who has equitable or legal title to, or any executor or administrator exercising possession or control or person with legal authority over real estate located in unincorporated Washington County to divide a tract of real estate into two or more parcels or lots, unless the appropriate plat is prepared and submitted in accordance with the provisions of this chapter. Violations of this chapter shall be punished as a civil infraction with penalties as provided in this Code of Ordinances.
2. A person who does not have an approved plat which complies with the requirements of this chapter, and who knowingly or with the intent to defraud, transfers or sells property that is subject to the provisions of this chapter is guilty of a County civil infraction, and shall be penalized as provided in this Code of Ordinances.
3. A person who does not have an approved plat which complies with the requirements of this chapter and who conceals or misrepresents that fact to obtain a permit, license or certificate issued by a county, municipal or state agency or government is guilty of a County civil infraction and shall be penalized as provided in this Code of Ordinances.
4. Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.
5. The Board of Supervisors shall not permit any public improvements to be made with County funds, nor shall any County funds be expended for road maintenance or improvements or any other services in any area, the plat of which, has not been officially recorded prior to the date of adoption of this Subdivision Ordinance or until the plat complies with the provisions of this chapter and said improvements are officially dedicated to the County.

**90.91 VARIANCES.** A request for modification of specific requirements of this chapter may be made to the Board of Adjustments where, owing to the unusual conditions of the site, the strict application of the standards or requirements will, in an individual case, result in extraordinary hardship to the subdivider. The granting of a variance shall secure the public interest, protect and preserve the affected natural resources, assure the continuance of the intent and purpose of this chapter and permit the reasonable development of the land. A property owner or designated representative shall initiate a variance request by submitting an application and fee with the Subdivision Coordinator in conjunction with a preliminary plat or minor subdivision application. The application shall be forwarded to the Board of Adjustment and proceed as follows:

1. The applicant seeking the variance shall submit the following information:

- A. The complete scope of the request in written form, including the extent of and the reason for the modification, and all of the facts used as basis for the request. Evidence that the property was acquired in good faith and that because of the exceptional narrowness, shallowness or shape of the parcel at the time of the effective date of the Subdivision Ordinance or by reason of exceptional topographic conditions or other extraordinary natural circumstances, the strict application of this chapter actually prohibits the practical use, as proposed, of the applicant's property in a manner which is similar to that afforded the adjacent property owners.
  - B. Evidence of the ability and intent of the applicant to proceed with the actual construction in accordance with the submitted preliminary plat and construction plan after issuance of the variance.
2. The Board of Adjustment shall consider the following criteria when making a decision on the request:
  - A. The variance requested arises from the physical condition or conditions which are unique to the property in question and are not ordinarily found in the same area; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to the enactment of this Subdivision Ordinance.
  - B. The granting of the variance will not adversely affect the health, safety, prosperity, general welfare or rights of the adjacent property owners or residents.
  - C. The strict application of the provisions of this chapter, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, would constitute unnecessary hardship or impose unreasonable restrictions upon the property owner, unique to this application.
  - D. The granting of the variance will be in harmony with and preserve the intent and purpose of this chapter.
  - E. The variance will be only a minimal easing of the standards or requirements as necessary to reduce the hardship and allow the reasonable development of the property. Street standard variances, if any, will not reduce the traffic capacity of any affected street.
  - F. The variance will not adversely affect the County's Comprehensive Plan or in any manner vary the provisions of other County ordinances or regulations.
3. The Board of Adjustment shall act to approve, approve with conditions or deny the application for a variance at the hearing called for the consideration. The Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied and modified. The action taken shall be by written record and include the findings of fact and refer to all the evidence submitted. The action shall be completed prior to the Land Use and Planning Commission meeting for the same subdivision consideration.
4. Any variance granted under the authority of this chapter shall be subject to revocation if the variance is conditionally approved, and any of the required conditions are not fulfilled.

**90.92 AMENDMENTS.** This chapter may be amended by the Board of Supervisors after due consideration. Such amendments as may be proposed shall first be submitted to the Subdivision Coordinator for review and recommendations by the Land Use and Planning Commission. Any County resident or organization may propose an amendment by providing the wording or language in written form and a statement of the need and justification. The Commission shall hold a public hearing after the required publication of notice and after review provide a recommendation to adopt, adopt with text modification or deny adoption of the proposed amendment. The Commission's written recommendation shall be forwarded to the Board, after which the Board shall give the required notice and hold a public hearing on the same. After the hearing, review of the Commission report and consideration, the Board shall act upon the request. The amendment shall be in full force and effect after the final passage and adoption by the Board and publication as required by law.

**90.93 FEES ESTABLISHED.** The Board of Supervisors shall establish by resolution fees for the review of plats and plans. The fees shall be paid with the application submission to the Subdivision Coordinator, made payable to the County Treasurer and are not refundable.

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## CHAPTER 95

# AIRPORT ZONING REGULATIONS

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**95.01 SHORT TITLE.** This chapter shall be known and may be cited as the Washington Municipal Airport Zoning Ordinance.

**95.02 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. “Airport” means Washington Municipal Airport, at Washington Iowa.
2. “Airport elevation” means 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” means any structure of 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” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 95.04 of this chapter. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. “Approach, transitional, horizontal, and conical zones” are zones as set forth in Section 95.03 of this chapter.
6. “Board of Adjustment” means the decision-making body established pursuant to the provisions of Iowa Code Section 329.12.
7. “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20-to-1 for a horizontal distance of 4,000 feet.
8. “Decision height” means 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.
9. “Expansion zone” means an area established for the expansion of airport facilities, including but not limited to the primary surface.

10. "Hazard to air navigation" means an obstruction determined to have an adverse effect to the safe and efficient utilization of the navigable airspace.
11. "Height" - For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
12. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
13. "Larger than utility runway" means a runway that is constructed for and intended to be used by aircraft of greater than 12,500 pounds maximum gross weight.
14. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
15. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
16. "Minimum obstruction clearance altitude" means 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) miles of a VOR.
17. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.
18. "Non-precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned.
19. "Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 95.04 of this chapter.
20. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; and includes a trustee, receiver, an assignee or a similar representative of any of them.
21. "Precision instrument runway" means 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
22. "Primary surface" means 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 95.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

23. “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

24. “Runway designations” - 18/36 is planned to be a larger than utility runway, precision instrument runway; 13/31 is a utility runway, non-precision instrument runway.

25. “Structure” means 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.

26. “Transitional surfaces” means these surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions off the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

27. “Tree” is used as commonly defined and also includes similar objects of natural growth.

28. “Utility runway” means a runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.

29. “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures.

**95.03 AIRPORT ZONES.** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and expansion surfaces as they apply to the Washington Municipal Airport. Such zones are shown on the Washington Municipal Airport zoning map which is attached to Ordinance No. 01-2 codified in this chapter, and is made a part hereof by reference. An area located in more than one 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. Non-Precision Instrument Runway Approach Zone (Approach 13/31). The inner edge of this approach zone coincides with the width of the primary surfaces and is 75 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. 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.

3. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
4. Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of 36/18 and connecting all the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.
6. Expansion Zone. This zone is established as an area for the general expansion of the airport.

**95.04 AIRPORT ZONE HEIGHT LIMITATIONS.** Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this chapter 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. Non-Precision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. 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 centerlines; 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
3. Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 753.5 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 903.5 feet above mean sea level.
5. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
6. Expansion Zone. Starts at 10 feet above the airport elevation extending up to the adjoining zone.

**95.05 PROHIBITIONS.**

1. No structure shall exceed 150 feet above the established airport elevation in the horizontal zones as established by this chapter and as depicted on the Washington Municipal Airport Height Airspace Zoning Map.
2. No structure shall exceed or penetrate the conical surfaces, the approach surfaces or the transitional surfaces as established by this Ordinance and as depicted on the Washington Municipal Airport Airspace Zoning Map.
3. No permanent structure shall be allowed in the expansion zone and no trees or other vegetation will be allowed that will exceed or penetrate the expansion zone surface as shown on the Municipal Airport Zoning Map.
4. 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 affecting the Washington Municipal Airport

**95.06 USE STATIONS.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter 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.

**95.07 NONCONFORMING USES.**

1. Regulations Not Retroactive. The regulations prescribed by this chapter 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 the ordinance codified in this chapter, or otherwise interfere with the continuance of nonconforming 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 such ordinance, and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming 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.

**95.08 PERMITS.**

1. Future Uses. Except as specifically provided in this subsection, 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 therefor 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 chapter shall be granted unless a variance has been approved in accordance with subsection 4 of this section.

A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) 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.

B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) 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 chapter.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter, 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.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Washington Airport Commission determines that a nonconforming 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 deviate from zoning regulations.

4. 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 chapter 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 chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Washington Airport Commission for advice as to the aeronautical effects of the variance. If the Washington Airport 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.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and 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.

**95.09 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.

**95.10 APPEALS.**

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

2. 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 Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Washington Airport Commission certifies to the Board of Adjustment, after the 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 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 Commission and on due cause shown.

4. 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, party may appear in person by agent or by attorney.

5. The Board of Adjustment may, in conformity with the provisions of this chapter, 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.

**95.11 JUDICIAL REVIEW.** Any person aggrieved, or any taxpayer affected, by and decision of the Board of Adjustment, may appeal as provided in Iowa Statutes, Section 414.15.

**95.12 PENALTIES.**

1. The Board of Supervisors shall consider any circumstances brought to its attention which appear to demonstrate a noncompliance with any provision of this chapter. A noncompliance with a provision of this chapter shall be deemed a violation of this Code of Ordinances. The Board of Supervisors may refer an alleged violation of this chapter to the Washington County Attorney's Office for prosecution only after the person or persons responsible for the noncompliance have been given twenty (20) days to correct the violation. Notice advising said person of the violation shall be by certified mail.

2. Each violation of this chapter 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.

**95.13 CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is 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.

## CHAPTER 96

# AGRICULTURAL AREAS

96.01 Purpose  
96.02 Petition

96.03 Fees and Reimbursement of Costs

**96.01 PURPOSE.** The purpose of this chapter is to establish administration procedures and recording fees for establishment of an agricultural area authorized by Chapter 352 of the Code of Iowa, as amended.

**96.02 PETITION.**

1. Petitions for establishment of an agricultural area shall be delivered to the office of the County Auditor and receipt by the Auditor will constitute receipt by the Board of Supervisors with regard to all periods requiring action by the Board.
2. Defects in a petition and supporting documentation required by Chapter 352 of the Code of Iowa discovered subsequent to receipt by the Board of Supervisors shall be cause to adjust the effective receipt date until correction of the petition and supporting information is received by the Board.

**96.03 FEES AND REIMBURSEMENT OF COSTS.**

1. Washington County shall be entitled to (and the County Recorder shall collect from petitioners) a recording fee for recording agricultural area resolutions adopted by the Board of Supervisors, in the same manner and amounts as may be from time to time prescribed by Iowa law for recording any deed or other instrument of unconditional conveyance of real estate. The maximum fee for platting of an agricultural area of any one petition shall be \$50.00.
2. Petitioners for creation of an agricultural area shall reimburse Washington County the amount of the cost of publication of the public notice of the proposal and hearing on the proposal.

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# CODE OF ORDINANCES

## WASHINGTON COUNTY, IOWA

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