

BUENA VISTA COUNTY CODE OF ORDINANCES

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BUENA VISTA COUNTY ORDINANCE NO. 1.1

Title: AN ORDINANCE COMPILING A CODE OF ORDINANCES BY REPEALING ORDINANCE NO. 1.1 THAT ADOPTED THE 1994 CODE OF ORDINANCES, REPEALING ORDINANCE NUMBERED 6.7 THAT PROVIDED FOR THE DIVISION OF TAXES ON TAXABLE PROPERTY IN THE HIGHWAYS 3 & 71 URBAN RENEWAL AREA, REPEALING THE ORDINANCES NUMBERED 1.6, 2.2, 4.1, 4.2, 4.3, 5.2, 5.7, 5.9, 6.1, 6.4, 6.5, AND 6.8, ADOPTING NEW ORDINANCES NUMBERED 1.6, 2.2, 4.1, 4.2, 4.3, 5.2, 5.7, 5.9, 6.1, 6.4, 6.5, AND 6.8 TO AMEND AND REPLACE THE REPEALED ORDINANCES OF THE SAME NUMBERS, ADOPTING A NEW ORDINANCE ESTABLISHING THE AREA SERVICE C ROAD CLASSIFICATION, ADOPTING A NEW ORDINANCE REGULATING WASTEWATER TREATMENT AND DISPOSAL SYSTEM INSTALLERS, ADOPTING A NEW ORDINANCE REGULATING THE SUBDIVISION OF LAND, AND RE-ADOPTING THE REMAINING EXISTING BUENA VISTA COUNTY ORDINANCES.

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

SECTION 1. Purpose. Iowa Code Section 331.302 (9) requires that once every five years a county compile a Code of Ordinances. This Ordinance repeals Ordinance No. 1.1 that adopted the 1994 Code of Ordinances; repeals Ordinance numbered 6.7 that provided for the division of taxes on taxable property in the Highways 3 & 71 Urban Renewal Area; repeals the Ordinances numbered 1.6, 2.2, 4.1, 4.2, 4.3, 5.2, 5.7, 5.9 (both the version adopted December 16, 1997, and the version adopted December 15, 1998), 6.1, 6.4, 6.5, and 6.8; adopts new Ordinances numbered 1.6, 2.2, 4.1, 4.2, 4.3, 5.2, 5.7, 5.9, 6.1, 6.4, 6.5, and 6.8 to amend and replace the repealed ordinances of the same numbers; re-adopts the Ordinances numbered 2.1, 2.1a, and 5.5, already in effect; adopts a new Ordinance establishing the Area Service C Road classification as Ordinance No. 4.4; adopts a new Ordinance regulating wastewater treatment and disposal system installers as Ordinance No. 5.3; adopts a new ordinance regulating the subdivision of land as Ordinance No. 6.2; and compiles all such ordinances adopted or re-adopted and not repealed in a Code of Ordinances.

SECTION 2. Ordinances Repealed. The following previously-adopted ordinances, identified by ordinance number and subject matter, are hereby repealed, provided that a) any ordinance or part of an ordinance that was repealed by an ordinance hereby repealed shall not be enforceable or considered re-adopted and b) the repeal shall not operate to release or relinquish any penalty, forfeiture or liability incurred under each such ordinance, and each such repealed ordinance shall be treated as remaining in force for the purpose of instituting or sustaining any proper action or prosecution for enforcement of such penalty, forfeiture, or liability:

<u>Ordinance Number</u>	<u>Subject Matter</u>
1.1	Compiling 1994 Code of Ordinances
1.6	Voting Precincts
2.2	Uniform Rural Address System
4.1	Public Road Right-of-Way
4.2	Snow and Ice Removal Policy and Level of Service

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4.3	Area Service B Road Classification
5.2	Groundwater Protection
5.7	Junkyards
5.9	Hazardous Wastes (adopted December 16, 1997)
5.9	Hazardous Wastes (adopted December 15, 1998)
6.1	Zoning
6.4	Airport Tall Structure Zoning
6.5	Wind Energy Assessment
6.7	Urban Renewal – Highways 3 and 71
6.8	Urban Renewal – Industrial Park

SECTION 3. Current Ordinances. The following ordinances, identified by ordinance number and subject matter, have been previously adopted and published:

<u>Ordinance Number</u>	<u>Subject Matter</u>
2.1	Local Option Sales Tax – Certain Cities
2.1a	Local Option Sales Tax – Unincorporated Areas and Certain Cities
5.5	Yard Waste Separation

SECTION 4. New Ordinances Amending and Replacing Repealed Ordinances. Each of the following ordinances, identified by the number to be assigned it in the 2003 Code of Ordinances and by subject matter, amends and replaces the repealed ordinance of the same number and is added to the 2003 Code of Ordinances:

<u>Ordinance Number</u>	<u>Subject Matter</u>
1.6	Voting Precincts
2.2	Uniform Rural Address System
4.1	Public Road Right-of-Way
4.2	Snow and Ice Removal Policy and Level of Service
4.3	Area Service B Road Classification
5.2	Groundwater Protection
5.7	Junkyards
5.9	Hazardous Wastes and Substance
6.1	Zoning
6.4	Airport Tall Structure Zoning
6.5	Wind Energy Assessment
6.8	Urban Renewal – Industrial Park

SECTION 5. New Ordinances. The following new ordinance establishing the Area Service C Road classification, designated as Ordinance No. 4.4, the following new ordinance regulating wastewater treatment and disposal system installers, designated as Ordinance No. 5.3, and the following new ordinance regulating subdivisions of land, designated as Ordinance No. 6.2, are added to the 2003 Code of Ordinances.

SECTION 6. Adoption of Code of Ordinances. The ordinances specified under Sections 3, 4,

and 5 of this Ordinance are readopted or adopted, as the case may be, and compiled as the Buena Vista County 2003 Code of Ordinances. Copies of the Code shall be on file and available for public inspection in the Office of the County Auditor.

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

Adopted by the Board of Supervisors on this 8th day of July, 2003.

BUENA VISTA COUNTY BOARD OF SUPERVISORS

By: /s/ Herb Crampton, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, County Auditor

AUTHENTICATION

Pursuant to Section 331.302 (8) of the Code of Iowa, the undersigned Auditor of Buena Vista County, Iowa hereby certifies that Ordinance No. 1.1 was published once each in The Storm Lake Times and the Storm Lake Pilot-Tribune newspapers on the 12th day of July, 2003.

/s/ Karen M. Strawn, County Auditor

BUENA VISTA COUNTY ORDINANCE NO. 1.6

Title: VOTING PRECINCT ORDINANCE FOR BUENA VISTA COUNTY, IOWA.

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

SECTION 1. Purpose. The purpose of this ordinance is to establish voting precincts for Buena Vista County, Iowa, pursuant to the provisions of Chapter 49 of the Code of Iowa.

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

- I. "Voting Precinct" or "Precinct" shall mean a county or municipal subdivision for casting and counting votes in elections.
- II. "Township" shall mean a civil and political subdivision of Buena Vista County, Iowa, six miles on each side.
- III. "Township Officials" or "Township Officers" shall mean a board of officers to whom the affairs of a township are entrusted.
- IV. "Census Blocks" and "Census Tracts", as used herein, refer to those Blocks and Tracts as fixed by United States Census Bureau.

SECTION 3. General Provisions.

- a) Based on 2000 Census data, there shall be no changes to the existing Precincts of Buena Vista County, Iowa. The existing precincts (except Storm Lake Precincts established by the Storm Lake City Council) are as follows:
 - (1) Alta-Nokomis Precinct (AN) shall include all of the city of Alta and all of the remainder of Nokomis Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection 10th Ave and 540th St, then east along 540th St and its extension to 70th Ave, then south along 70th Ave to the extension of 600th St, then west along 600th St and its extension to 10th Ave, then north along 10th Ave to 540th St, the point of beginning. The 2000 census population of this precinct is 2,244.
 - (2) Brooke Precinct (BR) shall include all of Brooke Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of the

extension of 10th Ave and S. River Rd, then east along S. River Rd to the point where it no longer follows the county line and continuing to the east along an extension of S. River Rd to an extension of 70th Ave, then south along 70th Ave. to C-25, then west along C-25 to 10th Ave, then north along 10th Ave and its extension to S. River Road, the point of beginning. The 2000 census population of this precinct is 174.

- (3) Elk Precinct (EL) shall include all of Elk Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection 10th Ave and 480th St, then east along 480th St to M-36, then south along M-36 and 70th Ave to 540th St, then west along 540th St and its extension to 10th Ave, then north along 10th Ave to 480th St, the point of beginning. The 2000 census population of this precinct is 223.
- (4) Fairfield-Coon Precinct (FC) shall include all of the city of Albert City, all of the remainder of Fairfield Township, and all of Coon Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of 190th Ave and C-25, then east along C-25 and 480th St to 250th Ave, then south along 250th Ave and its extension to 600th St, then west along 600th St to 190th Ave, then north along 190th Ave and its extension to C-25, the point of beginning. The 2000 census population of this precinct is 1,188.
- (5) Grant-Providence Precinct (GP) shall include all of Grant and Providence Townships. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of Hwy 71 and 540th St, then east along 540th St. to 190th Ave, then south along 190th Ave and its extension to 660th St., then west along 660th St and its extension to Hwy 71, then north along Hwy 71 to 540th St, the point of beginning. The 2000 census population of this precinct is 613.
- (6) Hayes-Maple Valley Precinct (HM) shall include all of the unincorporated part of Hayes Township and all of Maple Valley Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection 10th Ave and 600th St, then east along 600th St and its extension to the city limits of the city of Storm Lake, then south, west, southwesterly and east following the city limits to the lake, then following the lake to the city limits of the city of Lakeside, then

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east, northeasterly and west around the city limits of the city of Lakeside to the lake, then north, northwesterly, northeasterly and finally east along the city limits of the city of Storm Lake to Hwy 71, then south along Hwy 71 to 660th St, then west along 660th St and its extension to 10th Ave, then north along 10th Ave to 600th St, the point of beginning. The 2000 census population of this precinct is 919.

- (7) Lakeside Precinct (LK) shall include all of the city of Lakeside, and no part of the remainder of Hayes Township. The 2000 census population of this precinct is 484.
- (8) Lee Precinct (LE) shall include all of the city of Sioux Rapids in Barnes and Lee Townships, and all of the remainder of Lee Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of Hwy 71 and 420th St, then east along 420th St and its extension to 190th Ave, then south along 190th Ave and its extension to C-25, then west along C-25 to Hwy 71, then north along Hwy 71 to the city limits of the city of Sioux Rapids, then west, north, and east around the city limits of the west side of the City of Sioux Rapids to Hwy 71, then north along Hwy 71 to 420th St, the point of beginning. The 2000 census population of this precinct is 992.
- (9) Lincoln-Scott Precinct (LS) shall include all of Lincoln and Scott Townships. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of M-36 and C-25, then east along C-25 to 190th Ave, then south along 190th Ave to 540th St, then west along 540th St to 70th Ave, then north along 70th Ave and M-36 to C-25, the point of beginning. The 2000 census population of this precinct is 428.
- (10) Linn Grove Precinct (LG) shall include all of the city of Linn Grove, plus Sections 1 through 21, and 29 and 30 of Barnes Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of the extension of 70th Ave and 420 St, east along 420th St and its extension to Hwy 71, then south along Hwy 71 to the city limits on the north side of the City of Sioux Rapids, the west, south and east around the city limits of the city of Sioux Rapids to Hwy 71, then south along Hwy 71 to 450th St, then west along 450th St to M-44, then south along M-44 to C-16 and 460th St, then west along C-16 to 90th Ave, then south along 90th Ave to 470th St, then west along 470th

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St to 70th Ave, then north along 70th Ave and its extension to 420th St, the point of beginning. The 2000 census population of this precinct is 360.

- (11) Newell Precinct (NE) shall include all of the city of Newell and all of the remainder of Newell Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of 190th Ave and 600th St then east along 600th St to 250th Ave, then south along 250th Ave to the extension of 660th St, then west along 660th St and its extension to the extension of 190th Ave, then north along 190th Ave and its extension to 600th St, the point of beginning. The 2000 census population of this precinct is 1,183.
- (12) Poland Precinct (PO) shall include all of the city of Marathon and all of the remainder of Poland Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct at the intersection of 190th Ave and 420th St, then east along 420th St to 250th Ave, then south along 250th Ave to C-25 and 480th St, then west along C-25 and 480th St to the extension of 190th Ave, then north along 190th Ave and its extension to 420th St, the point of beginning. The 2000 census population of this precinct is 529.
- (13) Rembrandt Precinct (RE) shall include all of the city of Rembrandt, and Sections 22 through 28 and 31 through 36 of Barnes Township. The perimeter description of this precinct is as follows: Beginning in the northwest corner of the precinct, from the intersection of M-44 and 450th St, then east along 450th St to Hwy 71, then south along Hwy 71 to C-25, then west along C-25 to 70th Ave, then north along 70th Ave to 470th St, then east along 470th St to 90th Ave, then north along 90th Ave to 460th St, then east along 460th St to M-44, then north along M-44 to 450th St, the point of beginning. The 2000 census population of this precinct is 335.
- (14) Truesdale Precinct (TR) shall include all of the city of Truesdale and all of the remainder of Washington Township outside the city limits of Storm Lake. Beginning in the northwest corner of the precinct at the intersection of 70th Ave and 540th St, then east along 540th St to Hwy 71, the south along Hwy 71 to E Milwaukee Ave, then west along E Milwaukee Ave to the city limits of the city of Storm Lake, then north and west and south following the city limits of the city of Storm Lake to the extension of 600th St, then west along the

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extension of 600th St to 70th Ave, then north along 70th Ave to 540th St, the point of beginning. The 2000 census population of this precinct is 663.

- b) Residents within an established township shall continue to vote for independent elected officials of such township. There shall be no combination of township officers.
- c) Residents of areas within unincorporated Hayes Township that are islands either partly or completely surrounded by the city of Storm Lake, or by Storm Lake and Washington and/or Providence Townships, have been, by agreements with the City of Storm Lake, included in the city precincts to which they are adjacent. Pursuant to such agreements, and subject to their terms,
 - 1. Residents of Census Block 4042 in Census Tract 9606, Hayes Township, shall combine with the residents of Storm Lake 03 Precinct for voting purposes; and
 - 2. Residents of Census Blocks 1009, 1010 & 2000, in Census Tract 9604, Hayes Township, shall combine with the residents of Storm Lake 01 Precinct for voting purposes.

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

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

BUENA VISTA COUNTY ORDINANCE NO. 2.1

Title: LOCAL OPTION SALES TAX.

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

SECTION 1. Purpose. Establishment of a local option sales and services tax applicable to transactions within the incorporated areas of Albert City, Linn Grove, Marathon, Newell, Sioux Rapids, and Truesdale of Buena Vista County.

SECTION 2. Tax Imposed. There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Albert City, Linn Grove, Marathon, Newell, Sioux Rapids, and Truesdale of Buena Vista County.

The rate of the tax shall be one percent (1.0%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the following cities: Albert City, Linn Grove, Marathon, Newell, Sioux Rapids, and Truesdale.

The local sales and services tax is imposed on transactions occurring on or after July 1, 1991 within Albert City, Linn Grove, Marathon, Newell, Sioux Rapids, and Truesdale. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code, on the gross receipts for the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

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

BUENA VISTA COUNTY ORDINANCE NO. 2.1a

Title: LOCAL OPTION SALES TAX.

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

SECTION 1. Purpose. Establishment of a local option sales and services tax applicable to transactions within the unincorporated area of Buena Vista County, and in the incorporated areas of Alta, Lakeside, Rembrandt, and Storm Lake.

SECTION 2. Tax Imposed. There is imposed a local option sales and services tax applicable to transactions in the unincorporated area of Buena Vista County, and within the incorporated areas of Alta, Lakeside, Rembrandt, and Storm Lake.

The rate of the tax shall be one percent (1.0%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the unincorporated area of Buena Vista County, and in the following cities: Alta, Lakeside, Rembrandt, and Storm Lake.

The local sales and services tax is imposed on transactions occurring on or after October 1, 1995 within the unincorporated area of Buena Vista County, and within Alta, Lakeside, Rembrandt, and Storm Lake. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code, on the gross receipts for the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26 and 27 of the Iowa Code.

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

SECTION 3. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law. Said tax will be repealed October 1, 2005 without election.

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

SECTION 5. Severability Clause. If any section, provision, or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not

affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

BUENA VISTA COUNTY ORDINANCE 2.2

Title: UNIFORM RURAL ADDRESS SYSTEM ORDINANCE OF BUENA VISTA COUNTY, IOWA.

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

SECTION 1. Purpose. The purpose of this ordinance is to mandate the use of a uniform rural address system for residents of Buena Vista County in order to promote the convenience, safety and general welfare of those residents and provides for a penalty.

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

1. "Person" shall mean any individual, firm, corporation, unincorporated association or other entity.
2. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
3. "Building" shall mean a roofed and/or walled structure built for permanent use.
4. "Base Map" shall mean the map used by the agency coordinating the uniform rural address system in Buena Vista County. Such a map shall indicate all addresses in Buena Vista County subject to the provisions of this ordinance.
5. "E911 Coordinator" shall mean the Buena Vista County E911 Coordinator.
6. "Board" shall mean the Buena Vista County Board of Supervisors.
7. "E911 Board" shall mean the Buena Vista County E911 Service Board.

SECTION 3. Establishment by Resolution. The Board shall, by resolution, establish the type of uniform rural address system to be used in Buena Vista County.

SECTION 4. Extent of System. The uniform rural address system shall extend over the entire unincorporated areas of Buena Vista County except for those areas already using the system of a nearby incorporated area. Unincorporated areas using an address system not attached to an incorporated area shall be subject to the provisions of this ordinance. Any incorporated area, upon presentation of a written request from the governing body of such city to the Board, may also be included in the uniform rural

address system.

SECTION 5. Implementation of System. The E911 Board shall direct the E911 Coordinator to:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to the map.
3. Assign addresses in accordance with the system selected by the E911 Board.
4. Purchase sign assembly materials which meet Iowa Department of Transportation specifications.
5. Develop, print, and distribute rural reference maps for rural emergency providers, tele-communicators, all county offices, emergency vehicles, the U.S. Post Office, and the general public.
6. Notify post offices, rural emergency providers, tele-communicators, emergency vehicles, all county offices, and all providers and offices located in adjacent counties whereby such districts overlap in Buena Vista County of the effective date of the system and the address assignments.
7. Send notification to all residents affected by this system. Such notification shall state:
 - a) The date the system will take effect.
 - b) The date the post office and county departments will start using the system.

SECTION 6. Road Markers. The E911 Coordinator shall supervise the installation of road identification markers at each road intersection in Buena Vista County where the provisions of this ordinance apply. Such markers shall be in place on or before the date the system takes effect.

SECTION 7. New Structures. Every person erecting a building in an area to which this ordinance applies shall, within seven (7) days of commencement of construction, notify the E911 Coordinator who shall within fourteen (14) days assign a number to such structure. The provisions of Section 6 and Section 8 shall be applicable to any person subject to the provisions of this section.

SECTION 8. Maintenance of Uniform Rural Address System. The E911 Coordinator

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shall be responsible for the continued maintenance of the uniform rural address system in Buena Vista County. These duties shall include assignment of all new addresses, updating maps, issuing new maps on a periodic basis as directed by the E911 Board, to the agencies and persons provided for in Section 5, Subsection 5, making periodic checks of the rural areas of Buena Vista County to insure that the provisions of this ordinance are being complied with, and any other duties necessary to insure the continued maintenance of the uniform rural address system of Buena Vista County.

SECTION 9. Penalty. Refusal to use the Uniform Rural Address System, or the removal, damaging, defacing, alteration or destruction of the uniform Rural Address Marker which indicate a premises assigned number or the removal, damaging, alteration or destruction of a rural address system marker intentionally by one who has no right to so act may be punished by a criminal fine of not more than \$500.00, by imprisonment of not more than 30 days, or both such fine and imprisonment. In addition, any violation of this section shall be a county infraction that is punishable by a civil penalty of not more than \$500.00 for each violation or, if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense.

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

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

BUENA VISTA COUNTY ORDINANCE NO. 4.1

Title: PUBLIC ROAD RIGHT-OF-WAY.

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

SECTION 1. Purpose. This ordinance prohibits the removal of gravel from and the obstruction and tillage of public road rights-of-way in Buena Vista County in order to facilitate the care and maintenance of same and protect the public health and safety, and provides a penalty.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows: "Public Road Right-of-Way" shall mean the land area, the right to possession of which, is secured or reserved by the governmental authority for roadway purposes.

SECTION 3. Obstructions. No person shall erect any fence or other obstruction on any portion of a public road right-of-way in Buena Vista County except for those fences forming boundaries between public rights-of-way and abutting properties.

SECTION 4. Debris, Trash and Garbage. No person shall deposit any debris, trash and/or garbage on any portion of a public road right-of-way in Buena Vista County.

SECTION 5. Snow. No person shall deposit snow which has been removed from an adjoining property onto any portion of the public road right-of-way in Buena Vista County, provided, that no person shall be deemed to have violated this section unless such snow has been deposited on the traveled portion of the highway or piled in the road ditch to a level higher than two (2) feet above the level of the traveled portion or within thirty (30) feet of a signpost or mailbox support.

SECTION 6. Tillage. No person, except Buena Vista county road workers, contractors with Buena Vista County, or those granted permits, shall till or in any way disturb the soil on any portion of public road right-of-way in Buena Vista County.

SECTION 7. Removal of Gravel. No person shall remove gravel or any surfacing materials from any portion of any public road right-of-way in Buena Vista County unless authorized to do so by the Buena Vista county Board or its designees.

SECTION 8. Other Obstructions. Any obstructions on or disturbances to a public road right-of-way in Buena Vista County not provided for in Sections 3, 4, 5, 6, and 7 of this ordinance are hereby prohibited.

SECTION 9. Grazing and Harvesting. The provisions of this ordinance shall not apply to persons using public road rights- of-way for grazing and harvesting of grasses and legumes so long as such activities do not disturb the topsoil on said public road rights-of-way.

SECTION 10. Penalty. Any person found in violation of this ordinance is guilty of a county infraction and shall be assessed a civil penalty of five hundred dollars.

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SECTION 11. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

BUENA VISTA COUNTY ORDINANCE 4.2

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

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

SECTION 1. Purpose. The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, as provided in Section 668.10(2) of the Code of Iowa and pursuant to the provisions of Section 309.67 of the Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors.

SECTION 2. Level of Service. Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in a compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. All clearance of snow and ice, sanding, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder by others. (See Buena Vista County Ordinance No. 4.1, Section 5 - Snow.) Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed that warn of impaired sight

distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 3. Sequence of Service. In the implementation of snow and ice removal and other maintenance of the County's secondary road system during the winter months, the following sequence of service shall be the guidelines: the County Engineer shall select the actual sequence of roads to be cleared as provided for in this section of this ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of gravel roads. The County Engineer's professional judgment shall prevail unless it is clearly erroneous.

A. Paved routes

- (1) The initial effort will be to get all routes open to one-lane traffic as soon as possible.
- (2) After one lane travel is possible, subsequent snow removal and widening will be completed as soon as practical.
- (3) Application of sand, salt or other ice control products or abrasives may occur after roads have been plowed.
- (4) Exclusive of Saturdays, Sundays, and legal holidays observed by County employees, the snow plows and spreaders will operate during the hours set by the Board of Supervisors for snow and ice removal unless conditions warrant otherwise.
- (5) Truck plows will normally be used to open the paved roads. When required, due to heavy snow or large drifts, motorgraders may be used to open paved roads, and the opening of gravel roads may be delayed.
- (6) It is not the policy of the County to provide a "dry" pavement condition.

B. Unpaved Roads

- (1) The initial effort will be to open roads to occupied residences, livestock operations, and other roads needed for school or mail routes to avoid excessive out of the way travel. These routes shall be known as first priority gravel roads.

- (2) After the first priority gravel roads are open, snow removal on roads used as school or mail routes, direct routes to livestock operations not included with first priority gravel and gravel roads used as interconnects will be opened in conjunction with widening of first priority gravel routes. These routes shall be known as second priority gravel roads.
- (3) After the first priority gravel roads are opened and widened and the second priority gravel roads are open, snow removal operations during working hours established in the Buena Vista County Secondary Road Departmental Rules shall be followed to widen second priority gravel roads and open roads not included in first or second priority gravel roads. Snow may not be removed from roads designated service level "B" or dirt roads, except during emergency conditions.
- (4) Exclusive of Saturdays, Sundays, and legal holidays observed by County employees, the motor graders will operate during the hours set by the Board of Supervisors for snow and ice removal unless conditions warrant otherwise.
- (5) Ice or packed snow on gravel roads will not be treated with sand, salt or other ice control products or abrasives.

C. Paved and Unpaved Roads

- (1) There is no time limit after a snowstorm in which any of the above sequence of snow removal or application of ice control products, on paved or unpaved roads, shall take place.

D. Private Drives

- (1) The County will not clear snow from private drives except in emergency conditions. Snow from private drives shall not be placed on the roadway or shoulders (Buena Vista County Ordinance 4.1, Section 5 - Snow).

E. Mailboxes and Fences

- (1) The County will assume no liability for mailboxes or fences damaged because of snow removal unless such action can be determined to be malicious.

SECTION 4. Limitation of Service. Notwithstanding anything else in this ordinance,

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

- A. Sanding, salting, or placing of other abrasives upon the roadway that are slick, slippery, and dangerous due to the formation of frost.
- B. Sanding, salting, or placing other abrasives upon paved roadways due to freezing precipitation that occurs outside the County's working hours as stated in the Buena Vista County Secondary Road Departmental Rules.
- C. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 5. Emergency Conditions.

- A. The sequence of service may be suspended during "emergency" conditions. An "emergency" condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through a physician or the sheriff's office. The County will respond to all "emergency" conditions, either during or after a snowstorm.
- B. The provisions of the Ordinance 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.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

BUENA VISTA COUNTY ORDINANCE NO. 4.3

Title: AN ORDINANCE ESTABLISHING THE AREA SERVICE "B" ROAD CLASSIFICATION IN BUENA VISTA COUNTY, IOWA.

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

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

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

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

SECTION 3. Powers of the Board. All jurisdiction and control over area service "B" roads as provided by this ordinance shall rest with the Board of Supervisors of Buena Vista County.

SECTION 4. Authority to Establish. The Board of Supervisors of Buena Vista County is empowered under authority of Chapter 309, Iowa Code, to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an area service "B" road in Buena Vista County after consultation with the county engineer.

SECTION 5. Notice of Hearing. The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set out in the termini of the area service "B" road as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

Class "B" Roads – 4.3

SECTION 6. Hearing-Area Service System B Road Established by Resolution. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence and if the Board finds that the proposed area service "B" road is practicable, it may establish it by proper resolution.

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

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

SECTION 8. Exemption from Liability. As provided in Section 309.57 of the Code of Iowa, the county and officers, agents, 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", if the road has been maintained as provided in Section 7 of this ordinance.

SECTION 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Class "C" Roads - 4.4

BUENA VISTA COUNTY ORDINANCE NO. 4.4

TITLE: AN ORDINANCE ESTABLISHING THE AREA SERVICE "C" ROAD CLASSIFICATION.

SECTION 1. Purpose. The purpose of this ordinance is to classify certain 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, pursuant to Iowa Code Section 309.57 (2001).

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

1. "Board" shall mean the Board of Supervisors of Buena Vista County.
2. "County" shall mean Buena Vista County.
3. "County Engineer" shall mean the County Engineer of Buena Vista County.

SECTION 3. How Established.

Resolution. Roads may only be classified as Area Service "C" by resolution of the Board upon petition signed by all landowners adjoining the road. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. 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 person in lawful possession, to the agent or employee of any public utility, to any public employee whose duty it is to supervise the use or perform maintenance of the road, or to any peace officer, fire fighter or emergency response personnel.

Notice of Action. Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided in Iowa Code Section 331.305 (2001).

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 a date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

SECTION 4. Access. Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be

purchased and installed by the County, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

SECTION 5. Signs. Area Service "C" roads shall have signs conforming to the Iowa State Sign Manual installed and maintained by the County at all access points to Area Service "C" 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, and to warn the public that access is limited.

SECTION 6. Trespass. Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in Section 716.7 of the Code of Iowa (2001).

SECTION 7. Reclassification. A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

SECTION 8. Powers of the Board. All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.67 (2001).

SECTION 9. Exemption from Liability. As provided in Iowa Code Section 309.57 (2001), 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 "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

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

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

BUENA VISTA COUNTY ORDINANCE NO. 5.2

Title: GROUND WATER PROTECTION.

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

SECTION 1. Purpose. The purpose of this ordinance is to adopt Iowa Administrative Code Chapters 567-38, 567-39, 567-49 and 567-69 which provide regulations for well permitting, well construction, well closure, and on-site disposal systems in order to protect the ground water of Buena Vista County and to qualify for state grant funds for ground water protection.

SECTION 2. Well Permitting. The provisions of Chapter 567-38 shall apply and be met for issuance of well construction permits.

SECTION 3. Well Construction. The provisions of Chapter 567-49 shall apply and be met for all well construction in Buena Vista County. The permit fee shall be established by the Board of Health with notice to be provided to the Board of Supervisors and the County Auditor.

SECTION 4. Well Closure. The provisions of Chapter 567-39 shall apply and be met for all well closures in Buena Vista County.

SECTION 5. On-Site Disposal Systems. The provisions of Chapter 567-69 shall apply and be met for all on-site disposal systems in Buena Vista County. The permit fee shall be established by the Board of Health with notice to be provided to the Board of Supervisors and the County Auditor.

SECTION 6. County Infraction. A violation of this ordinance shall be a county infraction pursuant to Iowa Code Section 331.307.

SECTION 7. Penalty. Any person found in violation of this ordinance shall be assessed a civil penalty of \$500.00 for each violation and, for each repeat violation, a civil penalty of \$750.00.

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

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

BUENA VISTA COUNTY ORDINANCE NO. 5.3

Title: AN ORDINANCE TO PROVIDE ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM INSTALLER REGULATIONS.

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

SECTION 1. Purpose. The purpose of this ordinance is to impose on installers of on-site wastewater treatment systems regulations in addition to those imposed by Buena Vista County Ordinance 5.2 and Iowa Administrative Code 567-69, and provide penalties for violations thereof.

SECTION 2. Definitions. All terms defined in Chapter 69 of the Iowa Administrative Code 567, shall be defined the same for these regulations with the following changes and additions.

1. "Administrative Authority" means Buena Vista County Board of Health or employees of the board.
2. "Authorized Agent" means any person who has been designated by the local board to act in its name in implementing these regulations.
3. "Department" means the Environmental Health Department of the Buena Vista County Board of Health.
4. "Local Board" means Buena Vista County Board of Health as authorized by Chapter 137 of the Code of Iowa.
5. "On-site wastewater installer" means any person meeting the qualifications set by this ordinance to install a System.
6. "System" means an on-site wastewater treatment and disposal system or any part thereof.

SECTION 3. Bond Required. No person shall install, reconstruct, alter or repair any system within Buena Vista County unless the person has on file with the Department, a Bond in the penal sum of five thousand dollar (\$5,000) signed by the installer as principal and a surety or sureties approved by the Department, in favor of Buena Vista County, Iowa, the terms of which bond guarantee the full compliance by the principal with the provisions of this ordinance and the faithful performance of all the duties imposed by this ordinance. The bond shall be in effect at the time of such installation, reconstruction, alteration, or repair, which bond has an effective duration of one year. The Bond is required to insure that no installer works on an on-site wastewater treatment and disposal system within Buena Vista County without either obtaining for

the owner the proper and necessary permit or obtaining proof that the owner has secured the required permit to insure proper installation of systems.

SECTION 4. Forfeiture of Bond. Any on-site wastewater installer who performs work on any such system in Buena Vista County, and fails to comply with Iowa Administrative Code 567-69, shall forfeit the bond required by Section 3. The Local Board's Authorized Agent shall give written notice to the on-site wastewater installer who fails to comply with such provisions of the Local Board's intent to proceed with forfeiture of such bond. The written notice shall be hand-delivered or mailed by ordinary United States mail to the installer at least 14 days before the meeting of the Local Board at which the Local Board will take action to forfeit the bond. The written notice shall specify that such installer may avoid the forfeiture of such bond if, at such meeting, the Local Board is satisfied by compelling evidence that good cause exists for not forfeiting the bond.

SECTION 5. Inspection of On-site Wastewater Systems.

- A. The onsite wastewater installer shall notify the Administrative Authority, orally by telephone, e-mail, answering machine, or in writing not later than 24 hours before start of installation.
- B. During the inspection of the System an employee of agent of the Department shall be permitted access to the site of the installation to inspect the installation for compliance with the terms of the Ordinance, Ordinance 5.2, and IAC 567-69.
- C. No part of any System shall be covered before the mandatory inspection by the Department.
- D. When the System has been completed, a drawing must be made, by the On-site wastewater installer, showing the exact layout of the septic tank, all distribution boxes, the secondary treatment and location of the structure to be served by the system. This drawing shall include reference to two (2) fixed corners of the dwelling or other structure to each lid of the septic tank and distribution boxes. Such drawing shall be filed with the Department within 30 days of completion of the installation of the System.

SECTION 6. County Infraction. A violation of this ordinance shall be a county infraction pursuant to Iowa Code Section 331.307.

SECTION 7. Penalty. Any person found in violation of this ordinance shall be assessed a civil penalty of \$500.00 for each violation and for each repeat violation, a civil penalty of \$750.00.

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

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

BUENA VISTA COUNTY ORDINANCE NO. 5.5

Title: YARD WASTE SEPARATION.

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

SECTION 1. Purpose. To provide a safe, effective method of disposal of yard waste.

SECTION 2. Definition. "Yard Waste" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.), which is produced as part of yard and garden development and maintenance.

SECTION 3. Separation of Yard Wastes Required. All wastes shall be separated from all other garbage and refuse, and shall be composted on the premises or disposed of at the Recycle Center/Landfill according to the rules governing disposal of yard waste approved by the Buena Vista County Landfill Commission as follows:

"Buena Vista Recycle Center will accept [certain] yard waste (grass clippings, leaves & garden items). These are the only items to be hauled to the compost pad. These items will be de-bagged by the hauler and no other items are to be mixed with the yard waste. Any other yard waste items (tree trimmings, brush, Christmas trees, etc.) are to be separated from the above and taken to a different area."

Other yard wastes not covered in the above rule, (tree limbs, bark, branches) may be composted on the premises or taken to the Recycle Center/Landfill according to the rules of the Recycle Center/Landfill.

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

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

BUENA VISTA COUNTY ORDINANCE 5.7

Title: AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF JUNKYARDS AND JUNK DEALERS AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1. Purpose. The purpose of this Ordinance is to protect the health, safety and welfare of the citizens and safety of property of this County by providing for the licensing and inspections of junkyards and the elimination of open storage of junk except in authorized places.

SECTION 2. Definitions. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. “Person” means any person, firm, partnership, association, corporation, company or organization of any kind, except that “person” shall not include an entity established or designated to operate a sanitary landfill, a recycling center, or both, under an agreement authorized by Chapter 28E of the Code of Iowa to which Buena Vista County is a party.
2. “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked motor vehicles, or parts of motor vehicles, or iron, steel, or other old or scrap ferrous or nonferrous material, old bottles or other glass, bones, tin ware, plastic, or discarded household goods, or hardware; dismantled or inoperable machinery and appliances or parts of such machinery and appliances; and other waste or discarded material that might be prepared to be used again in some form; but “junk” shall not include materials or objects accumulated by a person as byproducts, waste, or scraps from the operation of the person's own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
3. “Junkyard” means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a commercial purpose, or any place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited for a commercial purpose; but “junkyard” shall not include any enclosed building were the

only junk that is bought, kept, processed or sold is paper, redeemable bottles, redeemable cans, or a combination thereof; and “junkyard” shall not include a sanitary landfill or recycling center operated by any entity established or designated to operate it under an agreement authorized by Chapter 28E of the Code of Iowa to which Buena Vista County is a party.

4. “Junk dealer” means 1) any person who, for a commercial purpose, buys, sells, transfers, delivers or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler; 2) any person who by advertisement, sign, or otherwise holds himself or herself out as a junk dealer or dealer in articles included within the definition of junk above, including a person engaged in the activity known as “Auto salvage”; and 3) any person who is an employee or agent of a junk dealer while such person is in or on the junkyard operated by the person’s employer or principal who is a junk dealer or while such person is acting within the scope of such person’s authority as such employee or agent or under color of such authority. However, “junk dealer” shall not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles are only incidental to the collection of repair and storage charges; and “junk dealer” shall not include persons whose junk that is bought, sold, transferred, delivered or stored (1) includes only paper, redeemable bottles, redeemable cans or a combination thereof, and (2) if stored, is stored in an enclosed building.
5. “For a commercial purpose” means for the purpose or with the intent of generating income from the depositing, storage, processing, selling, transferring, delivering, re-manufacturing, repairing, or use of junk.
6. “Contaminant” means any material or liquid which soils, stains, corrupts or infects anything organic or inorganic by contact or association or which may render anything unfit for use by introduction of one or more elements that taint, pollute, or defile it or make it impure or unclean.
7. “Business premises” or “premises” means the area of a junkyard as described in a junk dealer’s license or application for license, as provided in this Ordinance.

SECTION 3. License Required. It shall be unlawful for any person to act as a junk dealer in Buena Vista County, Iowa, whether personally, by agents or employees, singly or in connection with some other business or enterprise, without first having obtained and having in effect a license in accordance with the provisions of this Ordinance. However, a person who is acting as a junk dealer solely because such person 1) is an employee or agent of a junk dealer who holds such a valid license and 2) is either a) in

or on the junkyard operated by such junk dealer or b) acting within the scope of such person's authority as an employee or agent of such junk dealer, is not required to obtain and have a separate junk dealer's license.

SECTION 4. License Application. An applicant for a license under this Ordinance shall file with the Buena Vista County Director of Environmental Health a written application signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization, together with two copies of such application, and a fee as hereinafter prescribed. The application shall include the following:

1. Name, residence address and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five years by the applicant and each person signing the application, and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on, the name or number of the township and section in which the business is or is proposed to be located, the area of the business location in square feet or acres, and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings and uses.
5. A description of the nature and type of machinery to be used on the business premises.
6. A description of the type of business to be conducted on the business premises.
7. A statement as to whether or not retail sales will be made upon the business premises.

SECTION 5. Processing Of License Application.

1. Upon receipt of a completed application for license, the Buena Vista County Director of Environmental Health shall forward one copy to the Buena Vista County Zoning Administrator and one copy to the Buena Vista County Sheriff.
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Junkyards - 5.7

2. Upon receipt of a copy of said application, the Zoning Administrator shall cause an inspection to be made of the premises described in the application to determine whether or not the premises are in compliance with, and the activities of the junk dealer to be conducted on the premises are permitted by and are proposed to be conducted in compliance with, all zoning ordinances then in effect.
3. Upon receipt of a copy of said application, the Buena Vista County Sheriff shall cause an inspection to be made of the premises described in the application to determine whether or not the premises are in compliance with, and the activities of the junk dealer are permitted by and are proposed to be conducted in compliance with, all ordinances, regulations and laws then in effect and whether or not said premises meet all of the requirements of this Ordinance.
4. he Buena Vista County Director of Environmental Health shall also cause an inspection to be made of the premises described in the application to determine whether or not the premises are in compliance with, and the activities or proposed activities of the junk dealer thereon are permitted by and are proposed to be conducted in compliance with, the requirements of this Ordinance, and all other ordinances, regulations and laws then in effect, including without limitation, all state and other fire regulations, and determine whether or not any conditions exist on the premises that would constitute a fire or safety hazard or public nuisance.
5. The Zoning Administrator and the Sheriff shall each prepare and submit to the Director of Environmental Health and the Director of Environmental Health shall prepare, an inspection report indicating whether or not the premises inspected are approved. If the premises are disapproved, the inspector shall set forth in the report the reasons for disapproval. If the premises are disapproved and the unlawful conditions reported can be corrected, the inspector shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the inspector or inspectors who initially disapproved the premises after the specified date.

SECTION 6. License Fee.

1. The application for a junk dealer's license shall not be processed until an annual license fee of \$100.00 is paid to Buena Vista County through the Buena Vista County Auditor.
 2. The license fee set forth above shall be prorated on a quarterly basis
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from the date of issuance to the time of expiration, but no refunds of license fees, or any part thereof, shall be paid to a person who discontinues operations under such license for any reason before the expiration of the license or whose license is suspended or revoked.

3. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

SECTION 7. License Issuance and Terms.

1. After approval of said application by the Buena Vista County Zoning Administrator, the Buena Vista County Sheriff and the Buena Vista County Director of Environmental Health and receipt of the required license fee by the County Auditor, the Buena Vista County Director of Environmental Health shall notify the applicant in writing by ordinary mail addressed to the applicant at the address disclosed in his application that the application for a junk dealer's license has been approved subject to the execution and filing of the license bond required in this paragraph. The applicant shall, within twenty days of the mailing of such notice to the applicant, file with the Buena Vista County Auditor a license bond in the penal sum of \$10,000.00, signed by the applicant as principal and a surety or sureties approved by the Auditor, in favor of Buena Vista County, Iowa, the terms of which bond shall guarantee the full compliance by the principal with the provisions of this ordinance and the faithful performance of all the duties imposed by this Ordinance. Failure to timely file the bond shall be cause for which the Director of Environmental Health may refuse to issue the license to the applicant.
2. After the timely filing of such bond approved by the Buena Vista County Auditor, the Buena Vista County Director of Environmental Health shall issue to the applicant a Junk Dealer's License and the Director of Environmental Health shall also notify the Buena Vista County Sheriff and the Buena Vista County Zoning Administrator of the issuance of the license, the person to whom the license was issued, the effective dates of the license, and the address of the licensed premises.
3. All licenses issued hereunder shall be effective from the date of issuance to and including the 30th day of June next succeeding the date of issuance.
4. All licenses issued hereunder shall be numbered serially in the order issued, and they shall set forth the following information:
 - a. The name of the licensee;

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- b. The street address and an accurate description of the business premises or proposed business premises where the junk dealer's activities will be conducted;
 - b. The fee paid; and
 - c. The expiration date.
5. The licensee shall post the license in a conspicuous place on the licensed premises.
6. No license issued hereunder shall be transferable, and a separate license shall be required for each business premises.

SECTION 8. License Renewal.

1. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. An application for renewal of a junk dealer's license shall be submitted to the Buena Vista County Director of Environmental Health at least sixty days prior to the expiration of the license then in effect. An application for renewal of a junk dealer's license shall be processed in accordance with the provisions of Sections 5, 6 and 7 of this Ordinance.
2. When renewal of a license is denied or when an original license is denied to a junk dealer initially exempt from licensing under the provisions of this Ordinance, the junk dealer previously licensed or exempt from licensing under the provisions of this Ordinance shall have a period of six months immediately after such denial in which to conclude the business and dispose of the junk during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the County, except the licensing requirements of this ordinance. If litigation or an appeal is pending contesting the denial or revocation of a license, the Buena Vista County Director of Environmental Health may grant an extension of time during which the junk dealer may operate pending the final outcome of such litigation.

SECTION 9. License Revocation. The Buena Vista County Director of Environmental Health may revoke any license issued hereunder for any of the following reasons:

1. The licensee, an agent, or employee has been convicted of a violation of any of the provisions of this Ordinance.
 2. The Buena Vista County Zoning Administrator, the Buena Vista County
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Director of Environmental Health or the Buena Vista County Sheriff has found that the licensee has failed to comply with one or more of the provisions of this Ordinance or the licensed premises fail to comply with one or more of the provisions of this Ordinance or of some other regulation, ordinance or statute, and the licensee has failed to correct such condition within the reasonable time specified by the inspector in accordance with the report the inspector has submitted under section 5 of this Ordinance.

3. The termination of the license bond required by Section 7 of this Ordinance if another like bond is not filed before such termination.

SECTION 10. Appeals. Any applicant who has been denied a license or renewal under this Ordinance or any licensee under this Ordinance whose license has been revoked may appeal to the Buena Vista County Board of Supervisors by filing with the Buena Vista County Director of Environmental Health, within seven days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal setting forth the grounds upon which the appeal is based. The Buena Vista County Board of Supervisors shall, within fifteen days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty days of the filing of the appeal. If the Board of Supervisors finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been revoked without just cause, it may reverse or modify the administrative decision.

SECTION 11. Screening Requirements.

1. If a junkyard is within three hundred feet of the nearest edge of a public highway or public road, any part of such junkyard that has junk stored or deposited thereon and is visible from the traveled portion of such public highway or public road shall be effectively screened by natural objects, plantings, fences or other means approved by the Buena Vista County Director of Environmental Health. The screening shall substantially screen the area in which junk is stored or deposited from the view of persons on the traveled portion of the public highway or road. No junk shall be permitted to be stored or deposited outside of such screening, nor may junk be stacked higher than the screening within thirty feet of the screening.
2. The screening requirements of this Ordinance shall be waived by the Buena Vista County Director of Environmental Health for any part of a junkyard in existence and being operated in Buena Vista County on the date of the first publication of this ordinance where it is impractical to

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effectively screen the junkyard because the junkyard is lower in elevation than the surrounding terrain or because of other physical features of the junkyard.

SECTION 12. General Operating Requirements. The following general operating requirements shall apply to all junk dealers in Buena Vista County, Iowa:

1. The junkyard, and all things kept therein shall be maintained in a sanitary condition.
2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein, and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public highway, walkway or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for firefighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the business, nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. Transmission and motor oils, antifreeze and all other contaminants shall be recovered in an environmentally safe manner, and such fluids and contaminants shall be collected in closed receptacles and disposed of properly under all applicable laws, ordinances and regulations.
9. Reusable tires and tubes kept for resale shall be stored under cover. Not more than one hundred tires that are not under cover and are not mounted on wheels attached to motor vehicles shall be kept on the premises at any time.
10. Toxic chemicals and unsalvageable toxic waste shall not be kept on the business premises.

11. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business at any time between the hours of 10:00 p.m. and 7:00 a.m.
12. No motor vehicle or part thereof, including tires, shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same be burned in a manner that has been approved by the Buena Vista County Director of Environmental Health; and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking or burning such vehicles.
13. All junk shall be segregated by type.
14. All dogs, six months or older, shall be kept in kennels, separate enclosures or restrained and not allowed to run at large in the junkyard when the junkyard is open to the public and during inspections.
15. Each junk dealer shall complete accurate and legible records of all purchases in the English language. The records shall be kept in a permanent type register that shall be kept on the premises. The records shall be available for inspection by any sheriff, deputy sheriff, peace officer, the Buena Vista County Director of Environmental Health, or any authorized agent of Buena Vista County for a period of at least six months. The records shall include:
 - a) The name and residence address of the person from whom the junk was received or purchased.
 - b) Reasonably accurate inventory and description of each article.
 - c) The value or amount paid for each article.
16. No junk dealer shall purchase or receive any personal property from any minor without first receiving the consent, in writing, of the parent or guardian. Such written consent shall be included in the permanent records as defined in Section 12 (15).
17. Upon written order of the Sheriff of Buena Vista County or the Sheriff's designated representative, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Buena Vista County Sheriff's Department. The holding period shall not exceed 45 days.

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18. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by the dealer for the purpose of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt up, break up or otherwise dispose of any article the dealer has reason to believe has been stolen, or which is adversely claimed by any person, or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff or peace officer, without first obtaining a permit in writing from the Buena Vista County Sheriff.

SECTION 13. Monitoring Wells. When the Buena Vista County Director of Environmental Health has probable cause to believe that a junk dealer has violated or is violating the provisions of Section 12(8) or Section 12(10) of this Ordinance, the Director of Environmental Health may require the junk dealer, at the junk dealer's expense, to have installed a monitoring well on the junk dealer's licensed premises. If such a well is required, the well shall be installed by a well contractor certified by the State of Iowa under the supervision of a registered groundwater professional in a location approved by the Buena Vista County Director of Environmental Health. The monitoring well shall be constructed and installed in accordance with the provisions and specifications for such wells contained in 567 Iowa Administrative Code 110.11. A variance from such provisions and specifications may be issued, modified or denied by the Buena Vista County Director of Environmental Health.

SECTION 14. Inspections.

1. Any peace officer and the Buena Vista County Director of Environmental Health, during the period a junk dealer's license is in effect, may inspect all premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises are being operated and maintained in compliance with all applicable regulations, ordinances and laws.
 2. As a part of any inspection, the Buena Vista County Director of Environmental Health or a peace officer may collect water samples from any monitoring well installed on the junk dealer's licensed premises and collect other water and soil samples from the junk dealer's licensed premises. The Buena Vista County Director of Environmental Health or peace officer may remove all such samples from the junk dealer's licensed premises for examination, analysis, or both.
 3. No persons shall prevent, hinder or obstruct or attempt to prevent, hinder or obstruct any county inspector or peace officer in the performance of their duties set forth in this Ordinance.
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SECTION 15. Violation, Penalty.

1. Any person who violates any of the provisions of this Ordinance, upon conviction, commits a criminal offense and is subject to a penalty of imprisonment in jail not exceeding thirty days, a fine not exceeding five hundred dollars, or both such fine and imprisonment. Each day that a violation occurs or is permitted by the Defendant to exist shall constitute a separate offense.
2. Any violation of this Ordinance also constitutes a county infraction, unless Iowa law provides that such violation may not be a county infraction. Each day that a violation occurs or is permitted by the Defendant to exist constitutes a separate offense. Acting as a junk dealer without having a valid license as required by this Ordinance shall be punishable by a civil penalty of five hundred dollars for a first offense and seven hundred fifty dollars for each repeat offense. Any other violation of this Ordinance shall be punishable by a civil penalty of not more than five hundred dollars for a first offense and not more than seven hundred fifty dollars for each repeat offense, as determined by the Court. Buena Vista County may seek all relief prescribed by Iowa law for county infractions.
3. For purposes of this Ordinance, an employer or an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same criminal offense or county infraction committed by an employee acting under the employer's control, supervision, or direction in any of the following cases:
 - a. The person has directed the employee to commit the offense or infraction.
 - b. The person knowingly permits an employee to commit the offense or infraction under circumstances in which the employer expects to benefit from the unlawful activity of the employee.
 - c. The person assigns the employee some duty or duties, which the person knows, cannot be accomplished, or are not likely to be accomplished, unless the employee commits an offense or infraction under this ordinance, provided that the offense or infraction committed by the employee is one which the employer can reasonably anticipate will follow from this assignment.

As used in this Subsection 3 of Section 15, "employer" includes, without limitation, a person standing in the position of a principal to an agent, and "employee" includes, without limitation, an agent of a principal.

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4. The Buena Vista County Director of Environmental Health, his or her designees, the Buena Vista County Attorney, and his or her assistants are the officers authorized to enforce this Ordinance by issuance of civil citations for county infractions.

SECTION 16. Relationship to Other Laws. Nothing in this Ordinance shall be construed to abrogate or affect the provisions of any lawful statute, ordinance, regulation, or resolution, which are more restrictive than the provisions of this Ordinance; and nothing contained in this Ordinance shall relieve a person from compliance with other federal, state, county and municipal laws, regulations, ordinances or licensing requirements.

SECTION 17. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 18. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part of the Ordinance not adjudged invalid or unconstitutional.

BUENA VISTA COUNTY ORDINANCE NO. 5.9

Title: HAZARDOUS WASTE AND SUBSTANCE ORDINANCE. AN ORDINANCE REQUIRING THAT PERSONS HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE SHALL AT THEIR OWN COST CLEAN UP ANY HAZARDOUS CONDITIONS RESULTING FROM THEM AND PROVIDING REMEDIES FOR THE COUNTY TO CLEAN UP HAZARDOUS CONDITIONS IF THE PERSON HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE FAILS TO DO SO, AND TO RECOVER THE DAMAGES AND COSTS FOR THE COUNTY, AND ESTABLISHING CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS.

BE IT ENACTED by the Buena Vista County Board of Supervisors of Buena Vista County, Iowa.

SECTION 1. PURPOSE. In order to reduce the danger to public health, safety, and welfare from the leaks and spills and other hazardous conditions caused by hazardous substances or hazardous waste, these regulations are promulgated to establish responsibilities for the treatment, removal, and cleanup of leaks and spills and other hazardous conditions within the County limits and provide criminal penalties for certain violations.

SECTION 2. CONSTRUCTION. The ordinance shall be broadly construed to effectuate its purposes.

SECTION 3. DEFINITIONS. For purposes of this Chapter, these words have the following meanings:

1. **“Hazardous Waste”** means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:
 - (a) Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - (b) Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. “Hazardous waste” includes, but is not limited to, wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.
2. **“Hazard Waste”** does not include the following:

- (a) Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.
 - (b) Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
3. **“Hazardous substance”** means any substance or mixture of substances that presents a danger to the public health or safety, and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant, or generates pressure through decomposition, heat, or by other means. “Hazardous substance” includes without limitation any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.
4. **“Hazardous condition”** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous waste or hazardous substance into the land, into a water of the State, or into the air/atmosphere, which creates an immediate or potential danger to the public health or safety, or to the environment. For purposes of this division, a site which is a hazardous waste or hazardous substance disposal site as defined in Iowa Code, Section 455B.411, subsection 4, is a hazardous condition.
5. **“Person having control over a hazardous substance or hazardous waste”** means any person, corporation, partnership, firm, association, cooperative or government agency of any kind, who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance or hazardous waste, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or hazardous waste, or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or hazardous waste.
6. **“Cleanup”** means actions necessary to contain, collect, control, identify, analyze, cleanup, treat, disperse, remove, or dispose of a hazardous substance or hazardous waste.
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7. **“Treatment”** means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance or hazardous waste so as to neutralize it, reduce it in volume, or to render the substance non-hazardous, safer to transport, amenable for recovery, or amenable for storage. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substances or hazardous waste to render it non-hazardous.

SECTION 4. CLEAN UP REQUIRED. Whenever a hazardous condition is created in Buena Vista County by the deposit, injection, or dumping, spilling, leaking, or placing of a hazardous substance or hazardous waste, so that the hazardous substance or hazardous waste may enter the environment, or be emitted into the air, or discharged into any waters, including ground waters, the person having control over the hazardous substance or hazardous waste shall cause the condition to be remedied by a clean up, as rapidly as feasible to an acceptable, safe condition.

If that person does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, by the Board of Supervisors, give reasonable notice to the person based on the character of the hazardous condition, said notice setting a deadline for accomplishing the clean up, and stating that the County will proceed to procure clean up service, and bill the person having control over a hazardous substance or hazardous waste.

If the bill for those services is not paid within thirty (30) days, the Board of Supervisors may authorize the County’s legal counsel to proceed to obtain payment by all legal means. The authorized officer shall report the non-payment to the Board of Supervisors and may immediately seek any State or Federal funds available for said clean up. The Board of Supervisors may at any time authorize the County’s legal counsel to seek injunctive relief concerning the hazardous condition from a Court or agency.

SECTION 5. LIABILITY FOR CLEANUP COSTS. The person having control over a hazardous substance or hazardous waste shall be strictly liable to the County for all the following:

1. The reasonable cleanup costs incurred by the County as a result of the failure of the person having control over a hazardous substance or hazardous waste to clean up the hazardous substance or hazardous waste involved in the hazardous condition, pursuant to this Ordinance or any State or Federal law or regulation.
2. The reasonable costs incurred by the County to evacuate people from the area threatened by the hazardous substance or hazardous waste involved in the hazardous condition.

3. The reasonable damages to the County for the injury to, destruction of, or loss of, any and all County property, including but not limited to parks and roads, caused by the hazardous substance or hazardous waste involved in a hazardous condition. The reasonable damages may also include the costs of assessing the injury, destruction or loss.
4. All other reasonable costs or damages incurred by the County caused by the hazardous substance or hazardous waste involved in a hazardous condition or the cleanup of it.

All persons having control over a hazardous substance or hazardous waste shall be jointly and severally liable under this Ordinance.

SECTION 6. NOTIFICATION.

1. A person having control over a hazardous substance or hazardous waste shall notify the Buena Vista County Emergency Management Coordinator, the Buena Vista County Sheriff, or the Buena Vista County Environmental Health and Zoning Director of the occurrence of a hazardous condition as soon as possible, but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Buena Vista County Emergency Management Coordinator shall notify the proper State Office in the manner established by the State of Iowa.
2. Any County employee or any member of a law enforcement agency who discovers a hazardous condition shall notify the Buena Vista County Emergency Coordinator, the Buena Vista County Sheriff, or the Buena Vista County Environmental Health and Zoning Director. The Buena Vista County Emergency Management Coordinator shall notify the appropriate County Departments and the proper State Office in the manner established by the State.
3. Any of the three county officials or employees designated to receive notification of a hazardous condition by paragraphs 1 and 2 of this Section 6 who receives such a notification shall notify the other two county officials or employees as soon as possible.

SECTION 7. POLICE AUTHORITY. If the circumstances reasonably so require, the Buena Vista County Sheriff, the Buena Vista County Emergency Management Coordinator, a peace officer, a law enforcement officer, or a Fire Chief may:

1. Order the evacuation of persons from their homes to areas away from the site of the hazardous condition.

2. Order the establishment of perimeters or other boundaries at or near the site of a hazardous condition, and limit access to cleanup personnel.
3. Issue any other reasonable order to ensure the safety of persons or property or the containment of the hazardous condition.

No person shall disobey a lawful oral or written order issued under this section by the Buena Vista County Emergency Management Coordinator, Buena Vista County Sheriff, or any other peace officer or law enforcement officer.

SECTION 8. PENALTY. Any person, corporation, partnership, firm, association, cooperative, or government agency of any kind, who violates the provisions of Sections 6 or 7 of this Ordinance, shall be guilty of a simple misdemeanor. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of \$500, a sentence not to exceed thirty [30] days in the County jail, or both such fine and sentence. Each day of violation shall constitute a separate offense.

Any violation of this Ordinance also constitutes a county infraction, unless such violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under State law, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, or unless State law otherwise provides that such violation may not be a county infraction. Each day that a violation occurs or is permitted by the offender to exist constitutes a separate offense. Any county infraction under this Ordinance is punishable by a civil penalty of not more than \$500 for a first offense and not more than \$750 for each repeat offense. Buena Vista County may seek all relief prescribed by State law for county infractions. The Buena Vista County Emergency Management Coordinator and the Buena Vista County Attorney and his or her assistants are the officers authorized to enforce this Ordinance by issuance of civil citations for county infractions.

SECTION 9. LIABILITY. The County shall not be liable to any person for claims of damages, injuries or losses resulting from any hazardous condition, except if the County is the person having control over a hazardous substance of hazardous waste.

SECTION 10. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

BUENA VISTA COUNTY ORDINANCE NO. 6.1

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Chapter 1

Basic Provisions

SECTION:

- 1.101 Title
- 1.102 Repeal and Saving Clause
- 1.103 Validity and Severability Clause
- 1.104 Conflict with Other Laws
- 1.105 Zoning Districts Map
- 1.106 Application of Regulations

1.101. SHORT TITLE: This Ordinance shall be known and may be cited as: "The County of Buena Vista Zoning Ordinance".

1.102. REPEAL AND SAVINGS CLAUSE: Effective on the Effective Date of this Ordinance the Buena Vista County Zoning Ordinance, enacted June 13th, 1966 is repealed. The repeal of said Ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said Ordinance or any part thereof, and such Ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

1.103. VALIDITY AND SEVERABILITY CLAUSE: If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

1.104. CONFLICT WITH OTHER LAWS:

- (A) Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an Ordinance adopted under any other law, or by provision of any Statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.
- (B) This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of

this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

1.105. ZONING DISTRICTS MAP: The Board of Supervisors shall cause to be prepared and approved, an official Zoning Districts Map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the Board of Supervisors. The map shall be kept up to date by the Zoning Administrator and will be placed in the Board of Supervisors room at the County Building; also a similar map shall be prepared and placed in a convenient place in the office of the Buena Vista County Recorder of Deeds for reference at any time.

- (1) Official Map: The Official Zoning Districts Map shall be that Zoning Map on file in the Board of Supervisors Room of the County and all references hereafter to said official map shall mean the map just referred to, said map by this reference being made a part of this Zoning Title.
- (2) Districts: The Board of Supervisors shall divide the Official Zoning Districts Map of the County into districts or zones, as follows:

A	-	Agricultural Districts
MH	-	Mobile Home District
R-1	-	Residential District
R-2	-	Residential District
C-1	-	Commercial District
I-1	-	Industrial District
- (3) Boundaries: The zones shall show each zone in a certain place on the Zoning Districts Map and by different colors or shades, which also will show its boundaries in relation to the others and classify its uses under regulations as provided in this Title.

1.106. APPLICATION OF REGULATIONS: No structures or building or part thereof shall be erected, constructed, reconstructed, remodeled, converted, altered, enlarged, extended, raised, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein.

- (1) The principal building on a lot shall front on a street or a public place.
- (2) No yard, or other open space provided about any building for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building, nor shall the lot

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area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

- (3) The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
- (4) No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this Title for the District in which it is located.
- (5) No accessory building in the rear of any principal building on the same interior or corner lot shall be used for residence purposes.
- (6) Any portion of a building, which is covered by a roof, shall be considered as a part of the building.
- (7) The owner of a corner lot may elect to front the principal building on such lot on either of the two (2) streets upon which the corner lot abuts, provided that the principal entrance to such building shall open on the street so selected. Where any such election is manifestly contrary to the established character or the welfare of the neighborhood, the Zoning Administrator shall thereupon refer the case to the Board of Adjustment for determination.

Chapter 2

Definitions/Use Classifications

SECTION:

2.101: Definitions

2.102: Use Classifications

2.101. DEFINITIONS: For the purpose of interpreting this code, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the word "may" is discretionary and the word "shall" is always mandatory.

ADDITION: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ALLEY: The word "alley" shall mean a public thoroughfare not more than twenty-two feet (22') in width, for the use of vehicles, which has been dedicated or deeded to the public for its use.

ALTERATION: The term "alteration" shall mean any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.

ATTACHED: Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.

BASEMENT: The word "basement" shall mean a story partly underground but having at least one-half (1/2) of its height above the curb level, and also one-half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this Code.

BOARDING OR LODGING HOUSE: The terms "boarding or lodging house" shall mean a building, other than a hotel, where meals are regularly served or lodging furnished for compensation to more than five (5) persons not members of the family residing therein.

BUILDING: The word "building" shall mean a structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building. The word "building" includes the word "structure".

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BUILDING, ACCESSORY: The term "building, accessory" shall mean any building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are accessory buildings.

BUILDING, HEIGHT OF: The term "building, height of" shall mean the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE: The term "building line" shall mean the setback distance from the front property line, rear lot line, and width of side lot lines as provided in the Code.

BUILDING WALL: The term "building wall" shall mean the wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.

CELLAR: The word "cellar" shall mean a story having more than one-half (1/2) of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.

DETACHED: Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.

DRIVE-IN SERVICE: A feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services such as mechanical automobile washing.

DRIVEWAY: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

DWELLING: The word "dwelling" shall mean any building or portion thereof, which is designed, or used exclusively for residential purposes but not including a tent, cabin trailer or mobile home.

DWELLING, SINGLE FAMILY: The term "dwelling, single family" shall mean a detached building that is arranged, designed or intended to be occupied as the residence of a single family and having no party wall in common with an adjacent house or houses.

DWELLING, TWO FAMILY: The term "dwelling, two " shall mean a detached building that is arranged, designed or intended to be occupied as the residences of two (2) families or housekeeping units living independently of each other.

DWELLING, MULTI-FAMILY: The term "dwelling, multi-family" shall mean an apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families or housekeeping units living independently of each other.

FAMILY: The word "family" shall mean a group of individuals living and cooking together on the premises as one housekeeping unit, but a family shall not include a group of more than (5) individuals not related by blood or marriage.

FARM: The word "farm" shall mean an area of ten (10) acres or more, which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain, and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

GARAGE, PRIVATE: The term "garage, private" shall mean an accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.

GRADE: The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured.

HOME OCCUPATION: An accessory occupation use conducted entirely within a dwelling unit by the inhabitants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.

LANDSCAPED: An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.

LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LOT: The word "lot" shall mean a parcel of land under one ownership on which a principal building and its accessories are placed, together with the required open

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spaces, having its frontage upon one or more streets or on an officially approved place.

LOT AREA: The net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.

LOT (Lakeshore): The term "lot (lakeshore)" shall mean a parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having frontage on a natural or man made impoundment or flowage of water.

LOT, CORNER: The term "lot, corner" shall mean lots conforming to the requirements of the following specified conditions under the provisions of this Code:

1. A lot fronting on two (2) intersecting streets which form an interior angle one hundred thirty-five (135) degrees or less and which lot has a frontage of not less than twenty-five feet (25') on each of such streets.
2. A lot located at the angle in a street where the interior angle formed by the intersection of the street lines is one hundred thirty-five (135) degrees or less and which lot has a frontage of not less than twenty-five (25') on each leg of such angle.
3. Double Front set-backs on corner lots.

LOT COVERAGE OR BUILDING COVERAGE: The area of a lot covered by buildings or roofed areas, but excluding incidental projecting eaves, balconies, and similar features and excluding ground level paving, landscaping, and open recreational facilities.

LOT DEPTH: The term "lot depth" shall mean the distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

LOT WIDTH: The term "lot width" shall mean the distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

LOT INTERIOR: The term "lot interior" shall mean a lot other than a corner lot.

LOT THROUGH: The term "lot through" shall mean a lot running through the block from street to street.

LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such street. In the case of any other lot, it may be such

street line as is elected by the owner to the "front lot line" for the purpose of this Code, provided that the principal entrance to such building shall be on the street so selected. The exception to this definition is a lakeshore lot.

LOT LINE, REAR: The term "lot line, rear" shall mean that boundary line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: The term "lot line, side" shall mean any boundary line not a front line or a rear line.

MOBILE HOME: "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

MOBILE HOME PARK: "Mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

MOBILE HOME SPACE: An area within a mobile home park, which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.

MODULAR HOME: "Modular home" means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform to currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

NUISANCES: The word "nuisances" shall mean anything improper, offensive and injurious.

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OCCUPANCY: The word "occupancy" shall mean the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

PARKING SPACE: An area on a lot or within a building, used or intended for use for parking of a motor vehicle, having permanent means of access to and from a public street or alley independently of any other parking space, and located in a parking facility meeting the requirements established by this ordinance. The term "parking space" is equivalent to the term "parking staff" and does not include driveways, aisles, or other features comprising a parking facility.

PORCH, OPEN: The term "porch, open" shall mean a roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

PUBLIC NOTICE: The term "public notice" shall mean the publication of the time and place of any public hearing not less than four (4) and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the County.

RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RESIDENTIAL CONVENIENCE SERVICE: A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.

ROOM HABITABLE: The words "room habitable" shall mean a habitable room which provides a required area and window area to provide necessary light and ventilation of occupants and shall be clean and sanitary at all times.

SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.

STORY: The word "story" shall mean that part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.

STREET, FRONT: The term "street, front" shall mean the street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.

STREET, LINE: The term "street, line" shall mean the dividing line between a lot and a public street, alley or place.

STREET, PUBLIC: The term "street, public" shall mean a public thoroughfare twenty-two feet (22') or more in width.

STREET, WALL: The term "street, wall" shall mean the wall of the building nearest the street under consideration.

STRUCTURE: The word "structure" shall mean that which is built or constructed and composed of parts joined together in a definite manner.

STRUCTURE, ACCESSORY: This shall refer to any structure subordinate to the main building or other buildings or structures on the lot, not attached thereto and used for purposes incidental to those of the main building. Examples include radio and television antennas, solar collectors, and wind generators.

SUBSTANDARD LOT: A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record.

TOWNHOUSE: A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

TOWNHOUSE GROUP: Two or more contiguous townhouses having common or abutting walls.

TOWNHOUSE LOT: That portion of the total development site of a townhouse

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residential use intended for separate ownership as the location of a single townhouse and associated private yard area.

USE: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

1. Accessory Use: A use or activity, which is incidental to and customarily associated with a specific principal use on the same site.
2. Principal Use: A use, which fulfills a primary function of a household, establishment, institution, or other entity.
3. Permitted Use: A use listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accord with the regulations established by this ordinance.
4. Special Exception Use: A use listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Special Exception Use Permit, and to all other regulations established by this ordinance.

VALUATION: The word "valuation" shall mean the estimated cost to replace a building, based on current cost of replacement.

YARD: A required open space on a lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance.

1. Front Yard. A required yard extending the full width of a lot between the front lot line and the front setback line.
 2. Interior Yard. Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.
 3. Rear Yard. A required yard extending the full width of a lot between the rear lot line and the rear setback line, but excluding any area located within the street side yard of a corner lot.
 4. Side Yard. A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the side setback line. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
 5. Street Yard. Any required yard adjacent to a street and which is
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determined on the basis of a street lot line.

2.102 USE CLASSIFICATIONS: The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specially excepted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the appropriate classification, subject to the right of appeal pursuant to Chapter 10. In making such determinations, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

- (1) General Description of Residential Use Types: Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis but exclude institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.
 - a. Single Family Residential: The use of a site for only one dwelling unit.
 - b. Duplex Residential: The use of a site for two dwelling units within a single building.
 - c. Two Family Residential: The use of a site for two dwelling units, each in a separate building.
 - d. Townhouse Residential: The use of a site for four or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
 - e. Condominium Residential: The use of a site for three or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
 - f. Multiple Family Residential: The use of a site for three or more dwelling units, within one or more buildings.
 - g. Group Residential: The residential occupancy of living accommodations by groups of more than five (5) persons not

defined as a family on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

h. Mobile Home Residential: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.

(2) General Description of Commercial Use Types: Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as Industrial or Civic Uses.

a. Administrative and Business Offices: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

b. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

c. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

2. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

3. Commercial Off-Street Parking: Parking of motor vehicles

on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

4. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
5. Automotive Sales: Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motor cycle dealerships, and boat, trailer, and recreational vehicle dealership.
6. Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
7. Automotive Repair Services: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
8. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
9. Vehicle Storage: Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards, but exclude dismantling or salvage.

- d. Building Maintenance Services: Establishments primarily engaged

in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

- e. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.
 - f. Business or Trade School: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
 - g. Cocktail Lounge: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
 - h. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - 1. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, penny arcades.
 - 2. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
 - 3. Indoor Entertainment: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
 - 4. Outdoor Entertainment: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.
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- i. Communications Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.
 - j. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.
 - k. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.
 - l. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
 - m. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.
 - n. Food Sales: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - o. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
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- p. General Retail Sales: Sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this Section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, house hold electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
 - q. Kennels: Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.
 - r. Laundry Sales: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
 - s. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include state liquor stores, bottle shops, or any licensed sales for off-site consumption.
 - t. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Iowa.
 - u. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
 - v. Personal Services: Establishments or places of business primarily
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engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

- w. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- x. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
- y. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excluding products testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.
- z. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- aa. Restaurant (General): A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.
- bb. Scrap and Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials, which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.
- cc. Stables: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.
- dd. Veterinary Services: Veterinary services for animals. Typical uses

include pet clinics, dog and cat hospitals, and veterinary hospitals.

ee. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

14. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

15. Hotel-Motel: Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.

(3) General Description of Industrial Use Types: Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

a. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes, which potentially involve hazardous or commonly recognized offensive conditions.

b. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or custom jewelry.

c. Light Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

d. Resource Extraction: A use involving the on-site extraction of

- surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- e. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.
 - f. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage warehouses or moving and storage firms.
 - 1. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
 - 2. General Warehousing and Distribution: Open air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.
- (4) General Description of Civic Use Types: Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
- a. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
 - b. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
 - c. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such

cemetery.

- d. Club or Lodge: A use providing meeting, recreational, or social facilities for private or non-profit association, primarily for use by member and guests. Typical uses include private social clubs and fraternal organizations.
- e. College and University Facilities: An educational institution of higher learning, which offers a course of study designed to culminate in the issuance of a degree.
- f. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
- g. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.
- h. Cultural Services: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.
- i. Day Care Services (Limited): A facility, or use of a building or portions thereof, for daytime care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
- j. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for daytime care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers or children or adults, and similar uses.
- k. Detention Facilities: A publicly operated use providing housing and care for individuals confined by law.
- l. Guidance Services: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, either on a

residential or daytime care basis.

- m. Hospital Services: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- n. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.
- o. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation's yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- p. Major Utility Facilities: Communication Towers, antennas, Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
- q. Military Installations: Military facilities of the federal or state governments.
- r. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.
- s. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.
- t. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Iowa.
- u. Public Assembly: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums,

convention facilities, fairgrounds, and exhibition facilities.

- v. Railroads Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
 - w. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.
 - x. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or care for extended periods.
 - y. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
 - z. Secondary Educational Facilities: A public, private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.
 - aa. Transportation Terminal: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.
- (5) General Description of Agricultural Use Types: Agricultural use types include the on-site production of plant and animal products by agricultural methods.
- a. Horticulture: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.
 - b. Crop Production: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
 - c. Animal Production: The raising of animals or production of animal
-

products such as eggs or dairy products, on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, poultry farming, and the raising of fur bearing animals.

- d. Support Housing: The occupancy of any living accommodations by agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Chapter 3

A - Agricultural Districts

SECTION:

- 3.101 Use Regulations
- 3.102 Special Exception
- 3.103 Site Development Regulations A-1 District
- 3.104 Site Development Regulations A-2 District

3.101. USE REGULATIONS: Within the A-1 (Prime Agricultural) and A-2 (Limited Agricultural) Districts unless otherwise provided, no building or land shall be used for other than one or more of the following procedures:

- 1) Residential Uses
Single Family Residential
- 2) Commercial Uses
Stables (A-1) Only
- 3) Industrial Uses
Stockyards (A-1) only
- 4) Civic Uses
Cemeteries, Churches, &
Other Religious
Affiliations
Local Utility Services
Railroad Facilities
Religious Assembly
- 5) Agricultural Uses
Horticulture
Crop Production
Animal Production
Support Housing
Private Stables

3.102. SPECIAL EXCEPTION: The following uses and structures may be permitted in the A-1 and A-2 Agricultural Districts subject to approval of the Board of Adjustment:

- 1) Residential Uses
- 2) Commercial Uses

Agricultural Sales and Services
 Commercial Recreation -
 Outdoor Sports and Recreation
 Veterinary Services
 Visitor Habitation-Campgrounds

3) Industrial Uses
 Resource Extraction

4) Civic Uses
 Aviation Facilities
 Major Utility Facilities
 Park and Recreation Services

5) Agricultural Uses

3.103. SITE DEVELOPMENT REGULATIONS. Each site in the A-1 Prime Agricultural District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 25 acres Lot
Width	Minimum lot width, 330 feet
Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 40 feet for dwellings and non-farming buildings and structures
Front Yard	Minimum required setback, 50 feet
Street Side Yard	Minimum required setback, 50 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 50 feet

3.104. SPECIAL EXCEPTION. A developed building site including a habitable dwelling unit in the A-1 Prime Agricultural District may be parceled into a lot of 1 or more acres and sold separately from the surrounding or adjacent tract. All other regulations listed in Section 3.103, with the exception of the establishment of a minimum lot area, shall apply.

3.105. SITE DEVELOPMENT REGULATIONS. Each site in A-2 Limited Agriculture District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot area	Minimum lot area, 1 acre, with private stables - 5 acres
Lot width	Minimum lot width, 200 feet

Zoning – 6.1.3

Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 35 feet for dwellings and non-farm buildings and structures
Front Yard	Minimum required setback, 50 feet
Street Side Yard	Minimum required setback, 50 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 4

"MH" Mobile Home District

SECTION:

- 4.101 Use Regulation
- 4.102 Special Exceptions
- 4.103 Site Development Regulations

4.101 USE REGULATIONS: Within the "MH" Mobile Home District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
- 4) Civic Uses
 Mobile Home Residential Park and Recreation Services
 Local Utility Services

4.102 SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "MH" Mobile Home District subject to approval of the Board of Adjustment.

- 1) Residential Uses
 Single Family Residential
- 2) Civic Uses
 Religious Assembly
 Primary Education
 Facilities Secondary
 Education Facilities

4.103 SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot area	Minimum lot area, 8,500 square feet <u>with</u> public water and sewer Minimum lot area, 12,000 <u>without</u> public water or sewer Minimum lot area, 20,000 <u>without</u> public water and sewer
Lot width	Minimum lot width, 70 feet
Residential Density	Not more than one dwelling unit per lot
Height	Maximum height, 35 feet

Zoning – 6.1.4

Front Yard	Minimum required setback, 25 feet
Street Side Yard	Minimum required setback, 25 feet
Interior Side Yard	Minimum required setback, 15 feet
Rear Yard	Minimum required setback, 10 feet
Mobile Home Park	In conformance with section 1.0910
Mobile Home Subdivision	Mobile Homes must be converted to real property in conformance with section 135D.26 of the Code of Iowa

Chapter 5

"R-1" Residential District

Section:

- 5.101 Use Regulations
- 5.102 Special Exceptions
- 5.103 Site Development Regulations

5.101. USE REGULATIONS: Within the "R-1" Residential District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
Single Family Residential
Two-Family Residential
- 4) Civic Uses
Park and Recreation Services
- 5) Agricultural Uses
Horticultural
Crop Production

5.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "R-1" Residential District subject to the approval of the Board of Adjustment:

- 4) Civic Uses
Religious Assembly
Primary Educational Facilities
Secondary Educational Facilities

5.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations.

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 12,000 square feet with public water or sewer Minimum lot area, 20,000 square feet without public water and sewer
Lot Width	Minimum lot width, 80 feet with public water or sewer Minimum lot width, 100 feet without public water or sewer

Zoning – 6.1.5

Height	Maximum height, 35 feet
Front Yard	Minimum required setback, 30 feet
Street Side Yard	Minimum required setback, 30 feet
Interior Side Yard	Minimum required setback, 7 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 6

"R-2" Residential District

SECTION:

- 6.101 Use Regulations
- 6.102 Special Exception
- 6.103 Site Development Regulations

6.101. USE REGULATIONS: Within the "R-2" Residential District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 1) Residential Uses
 - Single Family Residential
 - Duplex Residential
 - Multi-Family Residential
 - Group Residential
 - Townhouse Residential
 - Condominium Residential

- 4) Civic Uses
 - Parks and Recreation Services
 - Local Utility Services

6.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "R-2" Residential District subject to the approval of the Board of Adjustment:

- 2) Commercial Uses
 - Personal Services
 - Professional Office -
 - Convenience Storage

- 4) Civic Uses
 - Administrative Services
 - Primary Educational Facilities
 - Secondary Educational Facilities

6.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 8,500 square feet with water and sewer

Zoning – 6.1.6

	Minimum lot area, 12,000 square feet without sewer
	Minimum lot area, 20,000 square feet without water and sewer
Lot Width	Minimum lot width, 70 feet with 8,500 square feet Lot Area
	Minimum lot width, 80 feet with 12,000 square feet Lot Area
	Minimum lot width, 100 feet, with 20,000 square feet Lot Area
Residential Density	Not more than eight (8) dwelling units per lot with a minimum lot area of 2,500 square feet per dwelling unit in addition to the lot area requirement. Calculation shall start up with the second dwelling unit.
Height	Maximum height, 45 feet
Front Yard	Minimum required setback, 30 feet
Street Side Yard	Minimum required setback, 30 feet
Interior Side Yard	Minimum required setback, 10 feet
Rear Yard	Minimum required setback, 35 feet

Chapter 7

"C-1" Commercial District

SECTION:

- 7.101 Use Regulations
- 7.102 Special Exceptions
- 7.103 Site Development Regulations

7.101. USE REGULATIONS: Within the "C-1" General Commercial District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 2) Commercial Uses
 - Administrative and Business Offices
 - Agricultural Sales and Services
 - Automotive Rentals
 - Automotive Repair Services
 - Automotive Sales
 - Automotive Washing
 - Building Maintenance Services
 - Business Support Services
 - Business or Trade School
 - Campground
 - Cocktail Lounge
 - Communication Services
 - Construction Sales and Services
 - Consumer Repair Services
 - Convenience Storage
 - Equipment Sales
 - Equipment Repair Services
 - Financial Services
 - Food Sales
 - Funeral Services
 - General Retail Sales
 - Hotel-Motel
 - Indoor Sports and Recreation
 - Indoor Entertainment
 - Kennels
 - Laundry Services
 - Liquor Sales
 - Medical Offices
 - Personal Improvement Services
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Zoning – 6.1.7

- Pet Services
- Professional Offices
- Research Services
- Restaurant (Convenience or General)
- Service Station
- Vehicle Storage
- Veterinary Services

3) Industrial Uses
Warehousing and Distribution

4) Civic Uses
Administrative Services
Club or Lodge
Day Care Services (limited)
Local Utility Services
Maintenance and Service Facilities
Park and Recreation Services
Postal Facilities
Safety Services

7.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "C-1" Commercial District subject to the approval of the Board of Adjustment:

2) Commercial Uses
Outdoor Sports and Recreation
Outdoor Entertainment

3) Industrial Uses
Light Manufacturing
General Warehousing and Distribution

4) Civic Uses
Cultural Services
Day Care Services (General)
Detention Facilities
Guidance Services
Hospital Services
Primary Educational Facilities
Public Assembly
Religious Assembly
Residential Care Services

Secondary Educational Facilities
Transportation Terminals

7.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 20,000 square feet
Lot Width	Minimum lot width, 100 feet
Height	none
Front Yard	Minimum required setback, 25 feet
Street Side Yard	Minimum required setback, 25 feet
Interior Side Yard	Minimum required setback, 10 feet. Only if abutting a Residential District.
Rear Yard	Minimum required setback, 25 feet

Chapter 8

I-1 Industrial District

SECTION:

- 8.101 Use Regulation
- 8.102 Special Exception
- 8.103 Site Development Regulations

8.101. USE REGULATIONS: Within the "I-1" Industrial District, unless otherwise provided in this Title, no building or land shall be used for other than one or more of the following purposes:

- 2) Commercial Uses
 - Administrative and Business Offices
 - Agricultural Sales and Services
 - Automotive Rentals
 - Automotive Repair Services
 - Automotive Sales
 - Automotive Washing
 - Building Maintenance Services
 - Business Support Services
 - Business or Trade School
 - Communications Services
 - Construction Sales and Service
 - Convenience Storage
 - Equipment Sales
 - Equipment Repair Services
 - Kennels
 - Laundry Services
 - Research Services
 - Vehicle Storage
 - Veterinary Services
 - 3) Industrial Uses
 - Basic Industry
 - Custom Manufacturing
 - General Warehousing and Distribution
 - Limited Warehousing and Distribution
 - Resource Extraction
 - 4) Civic Uses
 - Administrative Services
 - Aviation Facilities
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Local Utility Services
 Major Utility Services
 Maintenance and Service Facilities
 Park and Recreation Services
 Postal Facilities

8.102. SPECIAL EXCEPTIONS: The following uses and structures may be permitted in the "I-1" Industrial District subject to the approval of the Board of Adjustment:

- 2) Commercial Uses
 Outdoor Sports and Recreation
 Outdoor Entertainment
 Scrap and Salvage Services
- 3) Industrial Uses
 Stockyards
- 4) Civic Uses
 Public Assembly
 Safety Services
 Transportation Terminals

8.103. SITE DEVELOPMENT REGULATIONS: Each site in the District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Area	Minimum lot area, 20,000 feet
Lot Width	Minimum lot width, 100 feet
Height	Maximum height, none
Front Yard	Minimum required setback, 45 feet
Street Side Yard	Minimum required setback, 45 feet
Interior Side Yard	Minimum required setback, 50 feet, only if abutting a Residential District.
Rear Yard	Minimum required setback, 50 feet

Chapter 9

General Regulations

SECTION:

- 9.101 Accessory Uses
- 9.102 Temporary Uses
- 9.103 Off-Street Parking; Loading Space
- 9.104 Signs
- 9.105 Non Conforming Uses
- 9.106 Governmental Bodies
- 9.107 Recreational Vehicles
- 9.108 Supplemental Use Regulations
- 9.109 Mobile Home Park

9.101. ACCESSORY USES:

- (1) Purpose: The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.
 - (2) Principal Use Includes Accessory Use: Principal uses specified as permitted uses or special exception uses for a district by the District Regulations shall be deemed to include accessory uses and activities identified by these regulations and such other accessory uses that are necessarily and customarily associated with and are appropriate, incidental, and subordinate to such principal uses. Accessory uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.
 - (3) Accessory Uses - Residential Use Types: Residential use types shall include the following accessory uses, activities, and structures.
 - a. Private garages for not more than three vehicles.
 - b. Recreational activities and facilities for use by residents.
 - c. Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings.
 - d. Radio and television receiving antennas.
 - e. Solar collectors and wind generators.
 - f. Home occupations
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- g. Keeping of dogs and cats and similar small animals as household pets.
 - h. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal use.
- (4) Accessory Uses - Commercial Use Types: Commercial use types shall include the following accessory uses, activities, and structures.
- a. Any other commercial use type that is not listed as a permitted use in the same district, and complies with the following criteria.
 - 1. Is operated primarily for the convenience of employees, clients, or customers of the principal use.
 - 2. Occupies less than 10 percent of the total floor area of the principal use.
 - 3. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
- (5) Accessory Uses-Industrial Use Types: Industrial use types shall include the following accessory uses, activities, and structures.
- a. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with the following criteria:
 - 1. Is operated primarily for the convenience of employees, clients, or customers of the principal uses.
 - 2. Occupies less than 25 percent of the total floor area of the principal use.
 - 3. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
- (6) Accessory Uses - Civic Use Types: Civic use types shall include accessory uses and activities necessarily and customarily associated with the purpose and function of the civic use as a principal use, including but not limited to the following:
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Zoning – 6.1.9

- a. Refreshment stands and food and beverage sales of a convenience nature located in uses involving public assembly.
- b. Cafeterias, dining halls, and similar eating and beverage services operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.
- c. Gift shops, newsstands, and similar commercial activities operated incidental to principal uses and primarily for the convenience of employees, residents, clients, patients, or visitors thereof.

9.102. TEMPORARY USES:

- (1) Purpose: Provisions authorizing temporary uses are intended to permit occasional, temporary uses and activities when consistent with the purposes of the Zoning Ordinance.
 - (2) Temporary Use Types: The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.
 - a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
 - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - c. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
 - d. Outdoor art and craft shows and exhibits.
 - e. Christmas tree sales lots.
 - f. Mobile home residence for occupancy by supervisory or security personnel on the site of an active construction project.
 - g. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
 - h. Temporary use of mobile trailer units or similar portable structures for nonresidential uses, located in districts where the use is a
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permitted use, and limited to a maximum period of 6 months per calendar year.

- i. Seasonal retail sale of agricultural or horticultural products raised or produced off the premises, when located not closer than 200 feet to an existing dwelling.
- j. Additional temporary uses determined to be similar to the foregoing by the Zoning Administrator.
- k. Temporary signs relating to temporary uses.

(3) Required Conditions of Temporary Use:

- a. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use.
- b. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for permanent use.
- c. The Zoning Administrator may establish such additional conditions as he deems necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

(4) Determinations: The Zoning Administrator may authorize a temporary use only when, in his judgment, the following determination can be made:

- a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- b. The temporary use will be compatible with nearby uses in the general vicinity.
- c. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

(5) Application and Authorization:

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- a. Application to conduct a temporary use shall be made to the Zoning Administrator, and shall include a site plan and description of the use, and such additional information as the Zoning Administrator may require to evaluate the use and to make the determination whether to approve, approve conditionally, or to deny the temporary use within 10 days after the date of application.
 - b. Application shall be made at least 20 days prior to the requested date for commencement of the temporary use, and the Zoning Administrator shall make a determination whether to approve, approve conditionally, or to deny the temporary use within 10 days after the date of application.
 - c. Authorization of a temporary use shall be by issuance of a zoning permit or a certificate of occupancy.
 - d. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.
- (6) Extension: Authorization for a temporary use may be renewed by the Zoning Administrator, upon request of the applicant, provided temporary use shall not be authorized or continued for a period of more than six months except upon a new application and authorization.

9.103. OFF STREET PARKING; LOADING SPACE:

- (1) General Parking Area and Surface Requirements: All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.
 - a. A "parking space" shall be not less than eight feet (8') in width and not less than nineteen feet (19') in length.
 - b. Parking spaces shall be surfaced with Portland cement concrete, asphalt concrete, or equivalent hard surface; or two inch (2") thickness pit run one inch (1") screened gravel with fifteen percent (15%) binder.
 - c. Enclosed parking areas or garages, if surfaced as required in subparagraph "b" above shall qualify to meet the minimum parking space requirements under this section.
 - d. Requirements as to number and size of parking space in this

Section are minimum requirements only and shall not be construed as limitations.

- e. Penalties. Willful failure to permanently maintain and provide parking spaces as required under this Section shall be a simple misdemeanor and each day such violation continues shall be considered a separate offense.
- (2) Residential Dwellings and Other Lodgings: Parking Space on the lot occupied by the main building shall be provided as follows for each type of dwelling: Motels and Hotels, 1 space per unit; Apartment houses, 1.5 spaces per unit; Townhouses, 2 spaces per unit; and Trailer homes, 1 space per unit.
- (3) Churches, Schools, Auditoriums, Stadiums and Other Places of Public Assemblage: All churches, schools, auditoriums, stadiums, or other places of public assemblage shall provide one off-street parking space for every six (6) seating capacity provided. Such parking spaces shall be provided on the same lot as the place of public assemblage or on a permanently reserved space within five hundred feet (500') of said lot.
- (4) All Other Uses: All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one off-street parking space for each one thousand (1,000) square feet of floor space or fraction thereof either on the same lot as the principal building or permanently reserved space within five hundred feet (500") of said lot.
- (5) Loading Spaces: Every hospital, hotel, institution, commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space not less than ten feet (10') in width and thirty feet (30') in length and fourteen feet (14') in height, for each five thousand (5,000) square feet of lot area upon which such building is located.

9.104. SIGNS. The purpose of this section is to provide that signs shall be safely constructed and kept in a safe condition, and that signs shall not be located so as to cause a safety hazard.

- (1) Definitions: For use in this section, the following terms are defined.
 - a. The term "sign" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to

advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

- b. The term "ground sign" as regulated by this Section shall mean any sign supported by uprights or braces placed upon the ground and not attached to any building.
- c. The term "wall sign" as regulated by this Section shall mean all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached.
- d. The term "illuminated sign" shall mean any sign, which has character, letters, figures, designs or outline, illuminated by electric lights or luminous tubes as a part of the sign proper.
- e. The term "facing" or "surface" shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
- f. The term "incombustible material" shall mean any material, which will not ignite at or below a temperature of 120 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- g. The term "person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
- h. The term "structural trim" shall mean the molding, battens, capping, nailing strips, latticing and platforms, which are attached to the sign structure.
- i. The term "erect" shall mean to build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- j. The term "street line" shall mean the place where the street right of way line begins and the private property line ends.

- (2) Permits Required: It shall be unlawful for any person to erect, alter, or relocate within the County any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the fee required by this Section.

- a. Application for Sign Permit: Application for sign permits shall be made upon blanks provided by the Zoning Administrator and shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 4. One sketch of the plan and method of construction and attachment to the building or in the ground.
 5. Name of person, firm, corporation or association erecting structure.
 6. Written consent of the owner of the building, structure or land on which the structure is to be erected, unless owned by the applicant.
 7. Such other information as the Zoning Administrator shall require to show full compliance with this ordinance and all other ordinances of the County.
 8. Inscription - what sign will say.
 9. For signs located along a State primary highway a State sign permit will also need to be included with the application.
- a. Permit Issued: It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit to examine such plans and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of Buena Vista County Iowa, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- b. Permit Fees: Every applicant, before being granted a sign permit,
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shall pay to the Zoning Administrator the permit fee, established by resolution of the Board of Supervisors.

- (3) Unsafe and Unlawful Signs: If the Zoning Administrator shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice thereof to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within ten days after such notice, said sign or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Board of Adjustment and, if such an appeal is on file, the ten day compliance period shall be extended until ten days following the Board of Adjustment's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he may order the removal of such sign summarily and without notice to the permit holder.
- (4) Permit Revocation: Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding section shall have his permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.
- (5) Removal of Certain Signs: Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Administrator, and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

- (6) Exemptions: The provisions and regulations of this ordinance shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of 1.0904-3:
- a. Real estate signs not exceeding eight (8) square feet in area, which advertise the sale, rental or lease of the premises upon which said signs are located only.
 - b. Professional name plates not exceeding one (1) square foot in area and attached to the principal building.
 - c. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.
 - d. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other non-combustible materials.
 - e. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the Board of Adjustment.
 - f. Temporary and/or seasonal signs up to a maximum of six (6) square feet on owned property or with owners consent.
 - g. Political signs as allowed by Section 306C.22, Code of Iowa.
- (7) Safety:
- a. Obstructions to doors, windows or fire escapes: No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
 - b. Signs not to constitute traffic hazard: No sign or other advertising structure as regulated by this ordinance shall be erected at the inter-section of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view or, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or

other advertising structure as regulated by this ordinance shall have posts, guides or supports located within any street or alley right of way.

- c. Face of sign shall be smooth: All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.
- d. Goose neck reflectors: Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street and adjacent property.

(8) Ground Signs:

- a. Letters, etc., to be secured: All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- b. Set-back line. No ground sign shall be nearer the street than five (5) feet from the property line.
- c. Premises to be kept free of weeds, etc.: All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(9) Wall Signs:

- a. Limitation on placement and area: No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of (five hundred) square feet.
- b. Shall not be attached to a wall at a height of less than (ten) feet above the sidewalk or ground.

(10) Bulletin Boards and Announcement Signs:

- a. These shall be permitted on the premises of charitable, religious and public institutions but may not exceed thirty-two square feet (32 sq. ft.) in size, and must be a minimum of fifteen feet (15 ft.) from all street lines. The height of such signs shall not exceed six feet (6 ft.).
- (11) Area of Ground Signs: The area of any on-premise sign in the A, C-1 and I-1 districts shall not exceed sixty (60) square feet if the sign projects more than twelve (12) inches beyond the surface of that portion of the building, structure or pole to which it is attached and shall not exceed one hundred and twenty (120) square feet if the sign projects less than twelve (12) inches beyond the surface of that portion of the building, structure or pole to which it is attached. The area of any off-premise sign in the I-1 and C-1 districts shall not exceed three hundred and fifty (350) square feet.
- (12) On-Site Signs, Residential Districts: Excluding home occupation signs, on-site signs shall be permitted in the R-1, R-2 and MH districts not exceeding sixteen (16) square feet and not closer than fifteen (15) feet from the street property line. Home occupation signs shall be permitted not exceeding two (2) square feet in area and shall be attached to the principal building.

9.105. Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises:

- (1) Intent: It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other Structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- (2) Nonconforming Lots: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements involving area or width, or both, of the lot; shall conform to the regulations for the district in which such lot is located.
- (3) Nonconforming Uses of Land: Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - c. If such nonconforming use of land ceases for any reason for a period of more than one hundred twenty (120) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (4) Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not

be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way, which increases its nonconformity. Such structures may be enlarged or altered in a way, which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive with the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(5) Nonconforming Uses of Structures and Land: Where a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board

of Adjustment may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to less conforming use.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for 120 consecutive days, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 - f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of land.
- (6) Repairs and Maintenance: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with the protecting the public safety, upon orders of such official.

- (7) Uses under Exception Provisions Not Nonconforming Uses: Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
 - (8) Change of Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.
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9.106. GOVERNMENTAL BODIES. All Municipal, County, and State agencies, subdivisions or governmental units must comply with all of the zoning regulations of the County of Buena Vista, Iowa, as set forth in the County Code. All such agencies, governmental units and subdivisions thereof, must follow the same procedure in applying for any building permit, variance or any other request where the zoning laws of the County of Buena Vista, Iowa, are applicable.

9.107. RECREATIONAL VEHICLES.

- (1) Recreational vehicles shall not be parked or stored within the front yard of a lot in any residential district. Recreational vehicles may be parked or stored within the side yard or rear yard of a residential lot or within an enclosed garage.
- (2) Recreational vehicles shall not be used for human occupancy in any residential district.

9.108. SUPPLEMENTAL USE REGULATIONS.

- (1) Purpose: These provisions apply to specific use classifications in addition to regulations established by the District Regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.
- (2) Townhouse Regulations: Townhouse residential use shall be subject to the following additional site development regulations:
 - a. Each townhouse shall be located on an individual townhouse lot having a minimum width of twenty (20) feet.
 - b. There shall be at least four (4) connected units in each development.
 - c. No driveway, which serves an individual townhouse only, and is located in the front yard of a townhouse lot, shall exceed 50 percent of the lot width. A common driveway serving more than one unit may occupy more than 50 percent of the width of a lot, provided that said driveway shall not have more than two points of vehicular access to a public street, and shall not occupy more than 50 percent of the total required street yard area of all units served.
- (3) Home Occupations: Home occupations accessory to residential use shall be subject to the following limitations:
 - a. The home occupation shall be conducted entirely within a dwelling

- unit, which is the bona fide residence of the practitioner(s), or entirely within an attached accessory garage (not to include a carport, driveway, yard or outside area or detached accessory garage).
- b. No person not a family member who resides in the dwelling unit participates in the home occupation on the premises.
 - c. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the home occupation. No additional buildings shall be added on the property to accommodate the home occupation.
 - d. The home occupation shall not generate customer related vehicular traffic in excess of three vehicles per twenty-four hour day in the residential neighborhood.
 - e. No direct selling of merchandise shall occur on the premises.
 - f. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
 - g. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
 - h. No vehicle used in connection with the home occupation, which requires a driver's license to operate, shall be parked on the premises or on any street adjacent to the residentially zoned property.
 - i. The home occupation shall not be advertised by signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio or newspapers.
 - j. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractors' yards, dancing schools, junk yards, restaurants, rental outlets, vehicle repair shops or

massage parlors.

- (4) Accessory Building Regulations: Accessory building use shall be subject to the following limitations.
- a. Private garages, either attached or detached, providing space for not more than three (3) motor vehicles, shall be permitted on one lot, except in the "R-2" District that for private garages, a space for one motor vehicle for each tenant may be provided.
 - b. Accessory buildings which are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building except if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it shall be considered a detached accessory building for purposes of determining required rear yard dimensions.
 - c. Site development regulations for detached accessory buildings are as follows:
 1. No detached accessory building or accessory structure is permitted within the front yard setback.
 2. No detached accessory building shall cover more than one-half of the rear yard area.
 3. A detached accessory building may be erected across abutted rear and side lot lines by mutual agreement of the adjoining lot owners and concurrence of the Board of Adjustment.
 4. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
 5. A detached accessory building located entirely within the rear yard of a principal building shall be located no less than two (2) feet from the side lot line and/or the rear lot line. If a garage door directly faces an alley, there must be a fifteen (15) foot minimum setback from the alley.
 6. If any portion of a detached accessory building is within a side yard of the principal building it shall not be located

nearer to a side lot line than the permitted distance for the principal building on the same lot.

- (5) Administrative Services: When located in any residential district, administrative services shall be subject to the following limitations.
- a. The use shall be limited to activities and services of direct benefit to residents of the neighborhood, and shall be conducted in a manner compatible with permitted residential uses in the same residential district.
 - b. The use shall not involve vehicle dispatching or maintenance activities except as consistent with services provided to residents of the neighborhood.

9.109. MOBILE HOME PARK.

- (1) Development Plan: The following information shall be shown on the development plan or submitted in writing with it:
- a. The name of the proposed mobile home park;
 - b. Names, addresses and telephone numbers of the developer or his representative;
 - c. Location of the mobile home park, giving the subdivision and lot numbers;
 - d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
 - e. Allocation map showing the relationship of the proposed development and the adjacent tracts;
 - f. The present land use and existing zoning of the proposed development and the adjacent tracts.
 - g. Interior streets, streets, street names, right-of-way and roadway widths;
 - h. All lot lines and open spaces with dimensions shown;
 - i. Topographic contours shall be shown on the plan at five (5) foot intervals where slope is greater than 10% and two (2) foot intervals
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where slope is 10% or less;

j. Delineation of all improvements required in this section.

(2) Permitted accessory uses and requirements thereof:

- a. Accessory buildings or structures under park management supervision, shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park resident's use only. No accessory building or structure shall exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of other applicable codes and ordinances;
- b. A mobile home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park;
- c. One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts nor stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than thirty (30) feet;
- d. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign;
- e. Not more than one (1) local street sign at a local intersection of such park which identifies the local street by name, the sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than one (1) square foot in surface area per local street name, nor stand higher than seven (7) feet from the ground to the top of the sign.

(3) Required development standards:

- a. The land area of a mobile home park shall not be less than five (5) acres;

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- b. Mobile Home sites shall be at least six thousand (6,000) square feet in area;
- c. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached;
- d. Each mobile home site shall have side yards with each yard having a width of not less than ten (10) feet.
- e. Each mobile home site shall have front and rear yards with the rear yard not less than ten (10) feet in width and the front yard of not less than fifteen (15) feet. A double front yard set-back will be required on corner lots.
- f. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. Open patios, carports and individual storage facilities shall be disregarded in determining yard widths. Enclosed all weather patios shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends;
- g. From all lots, the following minimum distances shall be maintained: Thirty-five (35) feet to the boundary of such park which is not a public street; seventy-five (75) feet to the right-of-way of any public street or highway;
- h. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions;
- i. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons;
- j. Each mobile home shall be supported on uniform jacks or blocks.

In addition, each mobile home shall have tie downs or anchors securing both ends and sides at a maximum of eight (8) foot spacing;

- k. Alternative pad and support mechanisms (in lieu of items i and j) may be approved upon request if accompanied by sketches or other documentation;
- l. An all weather hard surfaced outdoor patio area of not less than one hundred and eighty (180) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home site and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home;
- m. Storage of goods and articles underneath any mobile home shall be prohibited;
- n. Uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty (20) gauge non-corrosive sheet metal or aluminum or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects;
- o. On-site outdoor laundry space of adequate area and suitable location shall be provided if park is not furnished with indoor dryers. Where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at site;
- p. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile home site.

All sanitary sewer facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per mobile

home site shall be piped to each mobile home. All sanitary sewer and water facilities shall conform to minimum State and County Health regulations. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park;

- q. Disposal of garbage and trash: All garbage and trash containers shall be placed in a conveniently located similarly designed enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited;
 - r. Every mobile home shall be equipped at all times with fire extinguishing equipment in good working order of such type and size so as to satisfy regulations of the State Fire Marshall and the local Fire District;
 - s. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home site shall be underground;
 - t. Any common fuel oil storage shall be centrally located in underground tanks, at a distance away from any mobile home sites as it is found to be safe. All fuel lines leading to park and to mobile home sites shall be underground and so designed as to conform with any County or State Code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner. The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited;
 - u. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area;
 - v. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads shall have curbs and gutters;
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- w. Two automobile parking spaces shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces in number not less than the number of mobile home sites within such park for central storage of all recreational type vehicles including trucks rated not more than one (1) ton. Said parking area shall be properly screened as not to be a nuisance, and such park central storage shall not be closer than fifty (50) feet to any mobile home when such storage is allowed in the mobile home park. Each parking space shall have a minimum width of ten (10) feet and twenty (20) feet in length.
- x. One (1) visitor parking space shall be provided for every two (2) mobile home sites and said parking shall be located within three hundred (300) feet of the mobile home sites it is intended to serve;
- y. Required standards for roadways, parking and

<u>MOTOR VEHICLE PARKING</u>	<u>TRAFFIC USE</u>	<u>MINIMUM PAVEMENT WIDTH (curb face to curb face)</u>
Parking Prohibited	2-way road	22 feet
Parallel Parking (1 side only)	1-way road	22 feet
Parking Prohibited Parallel Parking	1-way road	22 feet
(2 sides)	1-way road	29 feet
Parallel Parking (2 sides)	2-way road	40 feet

- z. When a cul-de-sac drive is provided, the radius of such roadway loop shall be a minimum of seventy-five (75) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.
- aa. Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three mobile home sites shall be not less than three (3) feet in width. Walkways shall be constructed with materials approved by the Board of Adjustment;

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- bb. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas;
- cc. Park owners and management are required to maintain the physical and natural facilities and features of the park in neat, orderly, safe manner.

Chapter 10

Administration and Procedures

Section:

- 10.101 Special Exception Procedure
- 10.102 Variance Procedure
- 10.103 Administrative Appeals
- 10.104 Amendment Procedure
- 10.105 Public Notice Procedures
- 10.106 Fee Schedule
- 10.107 Enforcement

10.101. SPECIAL EXCEPTION PROCEDURE: The formulation and enactment of this Zoning Regulation is based upon the division of the County into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but because of the actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the County. Such uses, on account of their peculiar location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

- (1) Jurisdiction: The Zoning Administrator shall be responsible for administration of the Special Exception Procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a Special Exception Use Permit.
 - (2) Application and Fee: Application for a Special Exception Use Permit shall be filed with the Zoning Administrator. The application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
 - d. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
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- e. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
 - f. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned as required to illustrate the following:
 - 1. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - 2. The location and dimensions of boundary lines, easements, and required yards and setbacks.
 - 3. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
 - 4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - 5. The location of watercourses and drainage features.
 - 6. The number of existing and proposed off- street parking and loading spaces, and a calculation of applicable minimum requirements.
 - 7. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
 - 8. Any applicable fee established by the Board of Supervisors.
- (3) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on each application for a Special Exception Use Permit. Notice shall be given as prescribed in Section 1.1005. At the public hearing, the Board of Adjustment shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

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- (4) Report of the Zoning Administrator: The Zoning Administrator shall review the application or proposal and shall prepare a report which shall be filed with the Board of Adjustment and available to the applicant at least 10 days prior to the public hearing.
- (5) Action by the Board of Adjustment: The Board of Adjustment shall act on the application not more than 20 days following the closing of the public hearing on a Special Exception Use Permit. The Board may grant a Special Exception Use Permit as the permit was applied for or in a modified form or subject to conditions, or may deny the application. The Board shall notify the applicant of its decision by mail.
- (6) Review and Evaluation Criteria: The Zoning Administrator and the Board of Adjustment shall review and evaluate Special Exception Use Permit applications using the following criteria:
- a. Conformance with applicable regulations and standards established by the Zoning Regulations.
 - b. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setback and open spaces, landscaping and site development, and access and circulation features.
 - c. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
 - d. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
 - e. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use.
 - f. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
 - g. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
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which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.

(10) Revocation:

- a. The issuance of a Special Exception Use Permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Special Exception Use Permit, if such a Special Exception Permit is granted, does expressly grant to the County, for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Special Exception Use Permit.
- b. In the event the owner or occupant of the property for which a Special Exception Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguards contained in the Special Exception Permit, the Special Exception Permit shall become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the County may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Special Exception Permit as provided in this Ordinance. In addition to all other remedies provided herein, in the event that such Special Exception Permit shall become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

- (11) Approval to run with the Land: A Special Exception Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Special Exception Use Permit application.

10.102. VARIANCE PROCEDURE: This procedure is intended to provide relief from the terms of the Zoning Ordinance when, because of special circumstances applicable to the property, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute

a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

(1) Application:

- a. Application for the Variance shall be filed with the Zoning Administrator. The application shall include the following:
 1. Name and address of the owner or applicant.
 2. Address and legal description of the property.
 3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 4. A statement describing the Variance requested and the reasons why it complies with the criteria for Variances provided in this Section.
 5. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
 6. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:
 - (aa) Existing and proposed location and arrangement of uses on the site, and on abutting sites within 50 feet.
 - (bb) Existing and proposed site improvements, buildings, and other structures on the site, and any offsite improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale and architectural character.
 - (cc) Existing and proposed topography, grading landscaping and screening, irrigation facilities, and erosion control measures.
 - (dd) Existing and proposed parking, loading, and traffic

and pedestrian circulation features, both on the site and any offsite facilities or improvements related to or necessitated by the proposed use.

- b. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a Variance exist.
 - c. The application shall be accompanied by a fee established by the Board of Supervisors.
- (2) Report of the Zoning Administrator: The Zoning Administrator shall review and prepare a report on the application. The report shall be filed with the Board of Adjustment and available to the applicant at least 10 days prior to the public hearing.
- (3) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on each application for a Variance. Notice shall be given as prescribed in Section 10.105.
- (4) Action by the Board of Adjustment:
- a. The Board of Adjustment shall act upon the application not more than 20 days following the close of the public hearing on a Variance. The Board may grant a Variance as the Variance was applied for or in modified form, or subject to conditions, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. The Board shall notify the applicant of its decision by mail.
 - b. The concurring vote of three members of the Board of Adjustment shall be necessary to grant a Variance.
- (5) Findings:
- a. Basic Criteria: The Board of Adjustment may grant a Variance if it makes affirmative findings of fact on each of the following criteria.
 - 1. The Zoning Regulations applicable to the property do not allow for a reasonable use.
 - 2. The hardship for which the Variance is requested is unique
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to the property and not general to the area in which the property is located.

3. The Variance will not alter the character of the area adjacent to the property, and will not impair the purposes or regulations of the Zoning District in which the property is located.
4. The hardship for which the Variance is requested did not result from actions of the applicant.

10.103. ADMINISTRATIVE APPEALS: This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Ordinance where such actions may be in error.

- (1) Appeals: Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the County affected by any administrative decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - (2) Fee: The appeal shall be accompanied by a fee prescribed by the Board of Supervisors.
 - (3) Stay of proceedings: An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Officer certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by the Board of Adjustment, or by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator, and after notice to him and up on due cause shown.
 - (4) Public Hearing and Notice: The Board of Adjustment shall hold a public hearing on the appeal. Notice shall be given as prescribed in Section 1.1005. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.
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- (5) Action:
- a. The Board of Adjustment shall act on the appeal within 20 days following the closing of the public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The Board shall notify the appellant of its decision by mail.
 - b. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under these provisions.
- (6) Lapse of Variance: Unless a longer time period shall be specifically established as a condition of approval, a Variance shall lapse and shall become void one year following the date on which the Variance became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the Variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the Variance application, or the site is occupied if no building permit or certificate of occupancy is required.
- (7) Revocation: Upon violation of any applicable provision of this Ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a Variance shall be revoked upon notification to the owner of the use or property subject to the Variance.
- (8) Variance to Run With Land or Structure: Unless otherwise specified at the time a Variance is granted, a Variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

10.104. AMENDMENT PROCEDURE: The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the County by means of the Zoning Map (Rezoning). This procedure is intended to conform to minimum requirements of state law and to afford opportunity for review of proposed

changes by the public.

- (1) Jurisdiction: The Board of Supervisors shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning and Zoning Commission shall review and submit a recommendation to the Board of Supervisors on all Text Amendments and Rezoning.

 - (2) Initiation:
 - a. A Text Amendment may be initiated by the Planning and Zoning commission or the Board of Supervisors.

 - c. A Rezoning may be initiated by the County Planning and Zoning Commission or the Board of Supervisors.

 - d. A Rezoning may be initiated by the owner or the authorized agent of the owner of property by filing an application for a change in district boundaries (rezoning) as prescribed in this Title. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

 - (3) Application and Fee:
 - a. Application for Rezoning initiated by a property owner shall be filed with the Zoning Administrator on a form and shall include the following data and maps:
 1. Name and address of the owner and applicant.
 2. Address and legal description of the property.
 3. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
 4. An accurate map of the area proposed for rezoning and the surrounding area, showing existing streets and property lines, and existing and proposed district boundaries. The map shall include an area determined by the Zoning Administrator to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 300 feet or more than 600 feet from the property proposed for rezoning.
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5. A property address list of each lot and the name and mailing address of the owner of each lot within 500 feet of the property proposed for rezoning and a map keyed to the ownership and address data. Such list shall be certified as accurate by an appropriate representative of an abstracting or title company doing business in the County.
 - b. The Zoning Administrator may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this ordinance.
 - c. An application for rezoning initiated by a property owner shall be accompanied by a fee established by the Board of Supervisors.
 - d. A rezoning initiated by the Planning and Zoning Commission or by the Board of Supervisors shall be pursuant to a motion of the Commission or Board of Supervisors. The Zoning Administrator shall prepare the information prescribed in paragraph (a) above, pursuant to the intent of the motion. No fee shall be applicable.
 - e. A Text Amendment initiated by the Planning and Zoning Commission or by the Board of Supervisors shall be pursuant to a motion of the Commission or Board of Supervisors. The County Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.
- (4) Public Hearing: Not more than 25 days after filing of the application, the Planning and Zoning Commission shall hold a public hearing on each application for a Text Amendment or Rezoning. Notice shall be given as prescribed in Section 10.105. At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and shall receive pertinent evidence relating to consistency with the objectives or this ordinance, and the development policies of the County.
- (5) Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall act on the application not more than 20 days following the closing of the public hearing. The Planning and Zoning Commission shall determine whether, in its opinion, the change is consistent with the objectives of this Ordinance, and shall recommend to the Board of Supervisors that the Text Amendment or Rezoning be enacted, be enacted in modified form, or rejected.

- (6) Action by the Board of Supervisors:
- a. Not more than 25 days following receipt of the recommendation of the Planning and Zoning Commission, the Board of Supervisors shall hold at least one public hearing on the Text Amendment or Rezoning. Within 20 days following the closing of a public hearing, the Board of Supervisors shall make a specific finding as to whether the change is consistent with the objectives of this Ordinance.
 - b. If the Board of Supervisors finds that the change is consistent, it shall introduce an ordinance amending the text of the Zoning Regulations or amending the Zoning Map, whichever is appropriate.
 - c. If the Board of Supervisors finds that the change is not consistent, it shall deny the application. The Board of Supervisors shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within 30 days after receipt of the Board of Supervisors request shall be deemed concurrence.
- (7) Protest Provision: Any ordinance enacted by the Board of Supervisors of Supervisors to reclassify property from one district to another district shall require a favorable vote of three-fourths of all members of the Board of Supervisors, when a written protest against the Rezoning is received from either of the following:
- a. From persons owning 20 percent or more of the land included within the proposed Rezoning.
 - b. From persons owning 20 percent or more of the land area adjoining and within 200 feet of the area proposed for Rezoning, but excluding land outside the County.
- (8) New Application: Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this Title has been denied by the Board of Supervisors such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the Board of Supervisors from acting on its own initiative in any case or at any time provided in this Section.
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10.105. PUBLIC NOTICE PROCEDURE: The purpose of this procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

- (1) Public Hearing, Publication: Notice of a public hearing for consideration of a special exception, text amendment, rezoning, administrative appeal, revocation and suspension, or variance by the Board of Supervisors, Planning and Zoning Commission and Board of Adjustment shall be given as follows:
 - a. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least four (4) days prior and no more than twenty (20) days prior to the date of the hearing.
- (2) Public Hearing, Mailed Notice: Notice of a public hearing for consideration of a special exception, rezoning, or variance by the Board of Supervisors of Supervisors, Planning and Zoning Commission and Board of Adjustment shall be given as follows:
 - a. Notice shall be given by mail to the applicant at least ten (10) days prior to the date of the hearing.
 - b. Notice shall be given by mail to the owner of each site within 500 feet of the subject property at least ten (10) days prior to the date of the hearing.
- (3) Notice Requirements Defined: Requirements for notice, and publication contained in this section shall have the following meaning:
 - a. Notice by certified or regular mail shall refer to the date of deposit of such mail with the U.S. Post Office.
 - b. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the County. One publication day shall be sufficient.
 - c. Each such notice, whether by mail, or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

10.106. FEE SCHEDULE: The Board of Supervisors shall establish, by resolution, a

procedure for setting and revising from time to time, fees to be applicable to applications, permits and appeals pursuant to the Zoning Regulations and not subject to the text amendment procedure.

10.107. ENFORCEMENT: The Board of Supervisors shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Title.

- (1) Application for a Zoning Compliance Permit: Application for a zoning compliance permit shall be made in writing upon a blank form furnished by the Zoning Administrator. The application shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for a permit one copy of a site layout or plot plan showing:
 - a. The address, shape, area and legal description.
 - b. The location of the proposed construction, upon the lot, lots or acreage affected.
 - c. The dimensions and height of structures.
 - d. The nature of the proposed construction, alteration, or repair and the intended use.
 - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
 - f. The present use of any structure affected by the construction or alteration.
 - g. The yard open area and parking space dimensions, if applicable.
 - h. The proposed design and construction standards of parking spaces, if applicable.
 - i. The number of loading and unloading spaces provided, if applicable.
 - j. Any information deemed necessary by the Zoning Administrator to determine compliance with and provide for the enforcement of this Ordinance.
 - k. A special exception use permit issued by the Board of Adjustment, if required by this Ordinance.
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1. All other licenses and permits required by law for the construction and enlargement, alteration, conversion or moving of the building or structure for which a permit is being applied under this Ordinance.

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Title, the Zoning Administrator shall issue a zoning compliance permit upon payment of the required permit fee. Any permit granted under this section shall be null and void unless the development proposed shall be ready for its first inspection within one hundred eighty (180) days from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the County.

- (2) Occupancy Permit: No lot, building or structure for which a zoning, special exception or other permit was or should have been obtained under this Title or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Zoning Administrator. The Zoning Administrator shall inspect the lot and building and structure which is the subject of an application for a Zoning Compliance Permit at the time of the staking out of the building foundation, at the completion of the work authorized by the permit and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Zoning Compliance Permit, the Special Exception Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration, conversion or moving of the building or structure.

It shall be the duty of the holder of every Zoning Compliance Permit and every Special Exception Permit to notify the Zoning Administrator of when the lot, building or structure is ready for inspection. Following each inspection, the Zoning Administrator shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this Zoning Ordinance at the time of inspection. Should the Zoning Administrator determine that the use, building or structure is not in compliance with the application of this Ordinance, further construction or use of the lot, building or structure or any part

thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Zoning Administrator following notice of and request for re-inspection and re-inspection duly made by the Zoning Officer.

Should a permit holder fail to comply with the requirements of the Zoning Officer or this Ordinance at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this Title. Failure of permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed. Following the final inspection of the lot, building, or structure and the finding of the Zoning Administrator that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this Title, the Zoning Administrator shall issue an Occupancy Permit thereof.

- (3) Violations - Nuisance Per Se: Any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provisions of this Title is prohibited and hereby declared to be a nuisance per se.
- (4) Penalties: Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred (\$500) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the county jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which an illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed as separate offenses. The Board of Supervisors, the County Planning and Zoning Commission, the County Zoning Administrator, The Board of Adjustment, the Attorney of the County or any owners or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or

remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein, are cumulative and in addition to all other remedies provided by law.

- (5) Enforcement of Zoning By Board of Supervisors: In addition to other remedies provided, the Board of Supervisors may correct a violation of this ordinance and assess the land or premises for the cost of the correction if the violation is not corrected within thirty (30) days after the Board of Supervisors gives notice to the owner of record of the land or premises that the Board of Supervisors intends to correct the violation pursuant to this provision. If the Board of Supervisors assesses the cost of the correction to the land or premises, the assessment shall become a lien upon the land or premises so assessed and shall be collected in the same manner as county taxes are collected under the provisions of state law. The notice specified in this subsection 5 shall be deemed given when mailed by ordinary mail to the owner of record at the owner's last address shown on the records of Buena Vista County.

BUENA VISTA COUNTY ORDINANCE NO. 6.2

Title: AN ORDINANCE REGULATING THE SUBDIVISION OF LAND PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFOR, AND PRESCRIBING PENALTIES FOR VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.

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

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ARTICLE I: GENERAL PROVISIONS

Section:

- 1.1 Short Title
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1.1. SHORT TITLE: This ordinance shall be known as the “Subdivision Ordinance” Buena Vista County, Iowa.

1.2. PURPOSE: The purpose of this ordinance is to provide minimum standards for the design, development, and improvement of all new divisions and subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety, and general welfare of the citizens of Buena Vista County, Iowa.

1.3. APPLICATION: Every owner of any tract of land which has divided or subdivided or shall hereafter divide or subdivide or plat said tract into two (2) or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage, or suburban lots within Buena Vista County, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth, before selling any lots therein contained or placing the plat on record.

However, the division of land for agricultural purposes into parcels of forty (40) acres or more not involving any new road, street, easement, or other dedication, shall not be considered a division of land described above and shall be exempt from the requirements of this ordinance.

1.4. RECORDING OF A PLAT OF SURVEY: No plat of survey of land within unincorporated Buena Vista County, Iowa, shall be filed for the record with the County Recorder until the Zoning Administrator has found that the Plat of Survey complies with Buena Vista County's subdivision and zoning ordinances.

1.5. RECORDING OF A MAJOR OR MINOR PLAT: No subdivision plat, re-subdivision plat, or street dedication within the unincorporated county of Buena Vista County, Iowa, shall be filed for the record with the County Recorder, until the final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provision of this ordinance.

Upon the approval of the final plat by the County Board of Supervisors, it shall be the duty of the owner to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Board of Supervisors within the same thirty (30) days.

There shall be five (5) copies stamped as approved by the Board of Supervisors.

- a. One copy shall be retained on file by the Zoning Administrator.
- b. One copy shall be filed with the County Recorder.
- c. One copy shall be filed with the County Assessor.

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- d. One copy shall be retained by the County Engineer.
- e. One copy with accompanying resolution by the Board of Supervisors approving and accepting the Plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the subdivision is with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.

1.6. FEES ESTABLISHED: The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or re-subdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee, as established by resolution of the Board of Supervisors, as required by this ordinance.

1.7. PENALTIES: A violation of any of the provisions of this Ordinance shall constitute a county infraction and is punishable by a penalty not to exceed \$500.00. Buena Vista County may seek all relief prescribed by Iowa law for county infractions.

1.8. ZONING COMPLIANCE PERMIT TO BE DENIED: No zoning compliance permit shall be issued for construction on any lot or tract, where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed and accepted by the County.

ARTICLE II: DEFINITIONS

Section:

2.1 Terms Defined

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

Acquisition Plat: The geographical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

Alley: Public property dedicated to public use primarily for vehicular access to back or side of properties otherwise abutting a street.

Auditor’s Plat: A subdivision plat required by either the Auditor or Assessor, prepared by a Licensed Land Surveyor at the request of the Auditor.

Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

Board: The Board of Supervisors of Buena Vista County, Iowa.

Building Line: A line on a plat between which line and a street, alley, or private place no building or structure may be erected.

Commission: The Planning and Zoning Commission of Buena Vista County, Iowa.

County Engineer: The professional engineer registered in the State of Iowa designated as County Engineer by the Board of Supervisors.

Comprehensive Plan: The general plan for development of the community, that may be titled the “Master Plan”, “Comprehensive Plan”, or some other title, which plan 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.

Conveyance: An instrument filed with the Recorder as evidence of the transfer of title

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to land, including any form of deed or contract.

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

Division: Dividing a tract of land into two tracts of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this ordinance.

Easement: An authorization by a property owner for another to use a designated part of his property for a specified purpose.

Flood Hazard Area: Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources Flood Permit Program or the Federal Flood Insurance Program.

Forty-Acre Aliquot Part: One-quarter of one-quarter of a section.

Governing Body: The Board of Supervisors of Buena Vista County, Iowa.

Government Lot: A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

Improvements: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.

Line Adjustment Plat: A plat of survey of a parcel or tract of land created when an owner of land transfers or agrees to transfer a part of such land to an owner of land which adjoins the part transferred or to be transferred, such part being the parcel or tract so created.

Lot: A tract of land occupied or intended for occupancy for uses permitted by law and having its principal frontage upon a street or upon such other place as may be approved by the Board of Supervisors pursuant to Section 9.1 of this Ordinance.

Lot, Corner: A “corner lot” is a lot situated at the intersection of two streets.

Lot, Double Frontage: A “double frontage lot” is any lot that is not a corner lot that abuts two streets.

Metes and Bounds Description: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the tract by reference to

physical features of the land.

Major Subdivision: Any subdivision that does not for any reason meet the definition of a minor subdivision or line adjustment plat, shall be classified as a major subdivision.

Minor Subdivision: Any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements or that is not a line adjustment plat shall be classified as a minor subdivision.

Official Plat: Either an Auditor's plat or a subdivision plat that meets the requirements of this ordinance and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act in its behalf.

Performance Bond: A surety bond, cash deposit, or other approved surety made out to Buena Vista County, Iowa, in an amount equal to the full cost of improvements which are required by the Ordinance. Costs of said improvements shall be estimated by the County Engineer and said bond, cash deposit, or other approved surety shall be sufficient to secure to the county that said improvements will be constructed in accordance with the provisions of this ordinance.

Permanent Real Estate Index Number: A unique number or combination of numbers assigned to a tract of land pursuant to Section 441.29 of the Code of Iowa.

Planning Commission: The appointed commission designated by the Board of Supervisors for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

Plat: A map, drawing, or chart on which an owner's plan for the subdivision of land is represented, that he or she submits for approval and intends, in final form, to record.

Plat of Survey: The graphical representation of a survey of one or more tracts of land, including a complete and accurate description of each tract within the plat, prepared by a Licensed Land Surveyor.

Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

Resubdivision: Any further division of land that previously has been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a

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plat of previously subdivided land.

Road: All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easement therefore.

Street: Public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to right-of-way bounded by the property lines of such public property, or may refer to paving installed within such right-of-way.

Street, Arterial: An “arterial street” is a street primarily intended to carry traffic from one part of the County to another, and not intended to provide public access to abutted property.

Street, Collector: A “collector street” is a street primarily designed to connect smaller areas of the community, and carry traffic from local streets to arterial streets.

Subdivision: The division of land into three or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term when appropriate to the context may refer to the process of subdividing or to land subdivided.

Supplier: The entity that has agreed in writing to supply the area with a sanitary sewer system.

Surveyor: A Licensed Land Surveyor who engages in land surveying pursuant to Chapter 355 of the Code of Iowa.

Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

ARTICLE III: IMPROVEMENTS**Section:**

- 3.1 Improvements Required
- 3.2 Inspection
- 3.3 Minimum Improvements
- 3.4 Easements Required
- 3.5 Maintenance Bond required
- 3.7 Alternative Systems for Sewer and Water

3.1. IMPROVEMENTS REQUIRED: The owner shall, at his or her expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved preliminary plat.

3.2. INSPECTION: It is the responsibility of the owner to oversee the construction operations of the required improvements to assure the work performed is in accordance with the requirements of this ordinance. Therefore the developer shall provide:

- a. Quality control testing with results submitted to the County Engineer.
- b. A certification by the owner's licensed engineer the work was completed in accordance with plans and specifications and meets all applicable County standards.

3.3. MINIMUM IMPROVEMENTS: The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety, and welfare.

- a. Streets: The owner of land being subdivided shall provide the grading of the entire street right of way, alley, or public place and provide appropriate paving. All shall be so constructed as to meet the standards set by the County.

Under some circumstances the County may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the County street system as it relates to both the area being platted and other areas. In such event, the County will pay the owner the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the County, become the property of the County.

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- b. Sanitary Sewer System: The owner of the land being platted shall make adequate provision for the disposal of sanitary sewage for the platted area with due regard being given to present or reasonably foreseeable needs. Where a public sewer system is accessible there shall be constructed, at the owner's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer manholes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or tracts of land within the platted area to a connection with a public sanitary sewer. The sanitary sewer system shall be constructed in accordance with the plans and specifications of that public system and at sewer grades as established by that public system.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete a public sanitary sewer system as it relates to both the area being platted and other areas. In such event, the Supplier will pay the owner the difference in cost of pipe and installation between the larger sewer and diameter of sewer reasonable to meet the foreseeable needs of the area.

The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the public sewer system, become the property of the public sewer system.

- c. Storm Sewer System: Adequate provisions shall be made for the disposal of storm water subject to approval of the County Engineer. Storm sewers shall have a minimum diameter of eighteen (18) inches or larger as the increase of drainage area demands. Storm sewers are to be located on the low side of the street, well outside of the curb or traveled roadway line. The owner of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer shall be constructed in accordance with plans and specifications of the County and at sewer grades established by the County.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the County storm sewer system as it relates to both the area being platted and other areas. In such event, the County will pay the owner the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

- d. Water Main System: The owner of land being platted shall install and construct a water main system to adequately serve all lots or tracts of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area.
- e. Other Improvements: The owner of the land being platted shall be responsible for grading and seeding or sodding of all lots, the planting of any required trees or shrubbery, and the installation of proper street signage and adequate street lighting.

3.4. **EASEMENTS REQUIRED:**

- a. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and, where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, 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. No buildings or structures except as necessary for utilities shall be permitted on such easements.
- b. Easements Along Streams or Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the owner shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the County an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the County.

3.5. **MAINTENANCE BOND REQUIRED:** The owner of the land being platted shall be required to provide to the County, proper maintenance bonds satisfactory to the County, so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner shall be responsible to maintain such improvement in good repair.

3.6. **ALTERNATIVE SYSTEMS FOR SEWER AND WATER:** Where the connection to a public sewer or water system cannot be reasonably made, the County may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety, and welfare, and shall meet all requirements of state, county, or other applicable health regulations. Prior to granting approval of such alternate systems, the County shall require that the owner provide to the County a waiver of assessment protest or other legally binding documents necessary to protect the County from the expense of subsequent installation of sewer or water facilities.

**ARTICLE IV: MINIMUM DESIGN STANDARDS
FOR SUBDIVISIONS**

Section:

- 4.1 Standards Prescribed
- 4.2 Land Suitability
- 4.3 Lands Subject to Flooding
- 4.4 Plat to Conform to Comprehensive Plan
- 4.5 Construction Standards for Improvements
- 4.6 Street Standards
- 4.7 Block and Lot Standards
- 4.8 Park and Open space
- 4.9 Parks and School Sites Reserved
- 4.10 Improvements to Public, Non-paved Subdivision Streets
- 4.11 Plans
- 4.12 Railroads

4.1. STANDARDS PRESCRIBED: The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

4.2. LAND SUITABILITY: No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formation, unsatisfactory topography or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the County.

If the land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Board of Supervisors shall state its reasons in writing and afford the owner an opportunity to present data regarding such unsuitability. Thereafter, the Board of Supervisors may reaffirm, modify, or withdraw its determination regarding such unsuitability.

4.3. LANDS SUBJECT TO FLOODING: No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the Iowa Department of Natural Resources Flood Permit Branch. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such a size and shape that it will contain a buildable area that is not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance under the appropriate zoning classification in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as

follows, subject to approval of the County:

- a. included within individual lots in the subdivision, subject to the limitations section.
- b. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the County, providing for its care and maintenance by such owners.
- c. If acceptable to the County, dedicated to the County as public open space for recreation or flood control purposes.

4.4. PLAT TO CONFORM TO COMPREHENSIVE AND OTHER PLANS: The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County and any other such plans adopted by the County, including but not limited to Public Works Plans, Utilities Plans, Urban Revitalization Plans, Urban Renewal Plans, Neighborhood Plans, Recreation Plans, Solid Waste Plans, Economic Development Plans, Industrial Park Development Plans, and Housing Rehabilitation Plans.

4.5. CONSTRUCTION STANDARDS FOR IMPROVEMENTS: In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Board of Supervisors by resolution, such technical standards for public improvements shall have the full force and effect as if they were fully set forth herein.

4.6. STREET STANDARDS: The following standards shall apply to all streets to be located within the subdivision:

- a. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or Street Plan, the plat shall provide for such street.
- b. Street grades shall align to existing streets, and all grades for streets shall

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- be approved by the County.
- c. Arterial streets shall be located so as not to require direct access from the arterial street to abutting lots.
 - d. Street right-of-way widths and pavement widths shall be as specified in Appendix A.
 - e. Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street is required.
 - f. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topography, or other physical conditions make such jobs unavoidable.
 - g. Streets shall intersect as near to right angles as possible; and no street shall intersect any other street at less than sixty degrees (60°).
 - h. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with an intersecting radius of twenty-five (25) feet to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
 - i. Dead end streets except Cul-de-sac's are prohibited.
 - j. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but private cul-de-sacs may be permitted. Cul-de-sacs should have a minimum diameter of one hundred (100) feet and not to exceed six hundred (600) feet in length unless a greater length is unavoidable.
 - k. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. The minimum width of alleys shall be twenty (20) feet. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines where necessary for poles, wires, conduit, storm and sanitary sewers, gas, water and heat mains. Dead end alleys are prohibited, unless provided with a turn-around with minimum right-of-way diameter of one hundred (100) feet.
 - l. When a tract is subdivided in larger than normal lots or tracts, such lots or tracts shall be so arranged as to permit the logical location and opening of
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future streets and appropriate re-subdivision with provision for adequate utility connections for such re-subdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Board of Supervisors, be made a requirement of the plat.

- m. Streets that are or will become extensions of existing streets shall be given the name as the existing streets. New street names shall not be the same or be phonetically similar to existing street names within Buena Vista County, Iowa. All street names shall be at the approval of the Board of Supervisors.
- n. Upon the request of the developer and the recommendation of the Zoning Commission, the Board of Supervisors may designate a private road within a (R-1) Residential District when the topographical conditions such as rivers, streams, ravines, or bluffs or other similar conditions exist that would make the road's future use as a collector or local service street impractical to develop. The developer's request shall include proof of such topographical condition satisfactory to the commission. The following requirements apply to private roads only:
 - 1. Private streets shall end with a Cul-de-Sac.
 - 2. Lots having access on Private Street shall be limited to five (5).
 - 3. Where private streets are to be approved, a Road Association agreement shall be established to:
 - a. guarantee access to all lots,
 - b. insure repair and maintenance of said facilities including but not limited to the seal coat material specified in Appendix A.
 - c. such other requirements as stipulated by the County.
 - 4. No private street hereafter created shall become part of any County road systems defined in Chapter 306, Code of Iowa, as amended; and no improvements shall be made by the County, nor shall the County incur any expense for maintenance or repair of private streets or other facilities unless and until such streets and facilities shall have been improved in accordance with the standards and requirements of these regulations for a public street or improvement applicable at the time of dedication and accepted by the county.

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5. An agreement between the Road Association and the County Board of Supervisors shall be required and shall provide, if the right-of-way is to be dedicated at any time in the future, that prior to such dedication, the Association shall bring the street up to the standards and requirements for public streets applicable at the time of dedication.
6. An agreement between the Road Association and the County Board of Supervisors shall be required and shall provide that in the event the Association requests the County to accept the private street as public streets, and the clear title of the street right-of way cannot be readily established, the County may exercise its right of eminent domain and condemn for title the street right-of –way. All expenses incurred by the County for such action, including preparation, hearings, documentation, and damage awards shall be paid by the Road Association.
6. Where private streets exist as of the effective date of these regulations and a new plat is proposed to gain access from these private streets, such plat will not be considered until the new plat owner has secured in writing the approval of the owners of all lots having legal access to the existing private streets. This approval shall include the irrevocable commitment of all lot owners to enter into an association of lot owners in the form of a legal and valid document binding said owners to the repair and maintenance of existing private streets.
 - o. Right-of- ways shall be properly seeded after grading and as needed after paving and shoulder construction. Seed mix shall be approved by the Board of Supervisors.
 - p. Resubdivision of any lot on a private road serving four (4) other lots shall be denied except for a line adjustment plat.
 - q. Additional street requirements: see Appendix A.

4.7. BLOCK AND LOT STANDARDS: The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all re-subdivisions.

- a. No residential block shall be longer than thirteen hundred (1,300) feet or shorter than three hundred (300) feet measured from street centerline to street centerline. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

- b. In blocks over seven hundred (700) feet in length, the Board of Supervisors may require a public way or an easement at least ten (10) feet in width, at or near the center of the block for use by pedestrians.
- c. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
- d. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- e. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zoning classification in which the lot is located.
- f. All lots shall abut a public street, or upon an approved private street, with a minimum frontage to meet the zoning classification setback requirements measured as a straight line between the two front lot line corners.
- g. Unless unavoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- h. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
- i. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.
- j. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots will be determined to have frontage on the minor street. The Board of Supervisors may require the owner to create a buffer strip along the major street frontage if deemed necessary. This buffer strip may include various plantings or landscaping.
- k. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drainfield. No subdivision to be served by septic systems shall be approved by the Board of Supervisors until percolation tests have been performed and the results of said tests have

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been provided to, and reported on, by the County Engineer and the Environmental Health Administrator.

4.8. PARKS AND OPEN SPACE: All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or be reservation by covenant of private open space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

4.9. PARKS AND SCHOOL SITES RESERVED: When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the County, the owner shall indicate such areas on the plat.

- a. Proposed park sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) 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 owner between the date of reservation and the date of purchase by the public agency. Should the park site not be purchased within three (3) years, the owner may then amend the final plat.
- b. Proposed school sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) 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 owner between the date of reservation and the date of purchase by the public agency. Should the school sites not be purchased in three (3) years, the owner may then amend the final plat.

4.10. IMPROVEMENTS TO PUBLIC, NON-PAVED SUBDIVISION STREETS:

- a. All secondary road improvements in existing subdivisions will be done in accordance with Section 311.6 and 311.7 of the Code of Iowa, and will be requested by petition as outlined in said sections.

- b. The full cost of all improvements will be the responsibility of the owners of the land included in the petition.
- d. The County will be responsible for the costs of design, engineering, inspection and the approval of all improvements, including the requirements of Section 311.8 of the Code of Iowa. This approval will also be contingent upon existing site preparation, material specifications, and design requirements of the County.
- e. Petitioner shall provide a recommendation for the equitable apportionment of the estimated cost of the improvement among the tracts of real estate included in the proposed district.

4.11. PLANS: All plans, specifications, installation, and construction required by these regulations shall be subject to review, approval, and inspection by the County Engineer or authorized representative. The owner shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the County Engineer, not less than twenty-four (24) hours in advance of readiness of required inspections.

4.12. RAILROADS: If a railroad is involved, the subdivision plans should provide for one of the following:

- a. Be so arranged as to permit, where necessary, future grade separation at highway crossing of the railroad.
- b. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.
- c. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

**ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS
FOR MAJOR SUBDIVISION PLATS****Section:**

- 5.1 Pre-Application Conference
- 5.2 Sketch Plan Required
- 5.3 Presentation to Planning Commission or Board of Supervisors
- 5.4 Plats Required
- 5.5 Requirement of the Preliminary Plat
- 5.6 Procedures for Review of Preliminary Plats
- 5.7 Duration of Approval of Preliminary Plat
- 5.8 Authorization to Install Improvements
- 5.9 Completion and Acceptance of Improvements
- 5.10 Performance Bond Permitted
- 5.11 Requirement of Final Plat
- 5.12 Attachments to the Final Plat
- 5.13 Procedures for the Review of Final Plats

5.1. Pre-Application Conference: Whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner shall schedule a pre-application conference with the County Zoning Administrator. The conference should be attended by the Zoning Administrator and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable.

The purpose, of such conference shall be to acquaint the County with the proposed subdivision, and to acquaint the owner with the requirements, procedures, and any special problems relating to the proposed subdivision.

5.2. Sketch Plan Required: For the pre-application conference, the owner shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

5.3. Presentation to the County Planning and Zoning Commission: The owner may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

5.4. Plats Required: In order to secure approval of a proposed subdivision, the owner shall submit to the County, plats and other information as required by this ordinance. The owner of any major subdivision shall comply with the requirements for a major subdivision plat.

5.5. Requirements of the Major Subdivision Preliminary Plat: The owner shall

prepare and file with the Zoning Administrator, five (5) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed eight and one half inches by fourteen inches (8.5" X 14"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

- a. Title, scale, north compass point, and date.
- b. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.
- c. The name and address of the owner and the name, address and the profession of the person preparing the plat.
- d. A key map showing general location of the proposed subdivision in relation to surrounding development.
- e. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- f. The location of property lines, streets, alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
- g. Existing and proposed zoning of the proposed subdivision and adjoining property.
- h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- i. The legal description of the area being platted.
- j. The boundary of the area being platted.
- k. he layout, numbers, and approximate dimensions of proposed lots.
- l. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.

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- m. The proposed names for all streets in the area being platted.
- n. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric lines, and other facilities.
- o. Proposed easements, showing locations, widths, purposes, and limitations.
- p. Tracts of land proposed to be dedicated or reserved for schools, parks, playgrounds, other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
- q. A general summary description of any protective covenants or private restrictions to be incorporated into the final plat.
- r. Any other pertinent information, as necessary.
- s. The fee, as required by this ordinance.

5.6. Procedures for Review of Major Subdivision Preliminary Plats:

- a. The Zoning Administrator, upon receipt of five (5) copies of the preliminary plat, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, and forward one copy to the County Engineer, and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
 - c. The County Engineer and Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
 - d. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer, the Zoning Administrator, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the Comprehensive Plan and other duly adopted plans of the County and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
 - e. The Board of Supervisors shall examine the plat, the report of the County Engineer, the Zoning Administrator, the report of the Planning
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Commission, and such other information, as it deems necessary or desirable. Upon such examination, the Board of Supervisors shall ascertain whether the plat conforms to the ordinances of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, and will be conducive to the orderly growth and development of the County; in order to protect the public health, safety, and welfare.

- f. Following such examination, the Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. If the decision of the Board of Supervisors is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official record of the Board of Supervisors, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Board of Supervisors shall be taken within sixty (60) days of the filing of the plat with the Board of Supervisors.

5.7. Duration of Approval of the Major Subdivision Preliminary Plat: The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the owner shall take no action requiring the precedent approval of a preliminary plat except upon application for approval of an extension of such period of validity, by the Board of Supervisors.

5.8. Authorization to Install Improvements: The approval of the preliminary plat shall constitute authorization by the Board of Supervisors for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for construction of such improvement have been submitted to, and approved in writing by the County Engineer.

5.9. Completion and Acceptance of Improvements: Before the Board of Supervisors will approve the final plat; all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of said resolution of acceptance, the County Engineer shall report said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the owner and the County.

5.10. Performance Bond Permitted: In lieu of the requirement that improvements be completed prior to approval of the final plat, the owner may post a performance bond with the County, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been

completed.

5.11. Requirement of Major Subdivision Final Plat: The owner shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Board of Supervisors, through the Zoning Administrator, ten (10) copies of the final plat and required attachments, as set forth in this ordinance. No major subdivision final plat shall be considered by the Board of Supervisors until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½"x14") nor be smaller than eight and one-half inches by eleven inches (8½"x11"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

- a. Scale, and a graphic bar scale, north compass point, and date on each sheet.
 - b. Name of the subdivision.
 - c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.
 - d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
 - e. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
 - f. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.
 - g. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle
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following the name of the subdivision wherever it appears on the plat.

- h. Street names and clear designation of public alleys.
- i. Block and lot numbers.
- j. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- k. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.
- l. All interior excepted tracts clearly indicated and labeled, “not a part of this plat.”
- m. A strip of land shall not be reserved by the owner unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- n. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- o. The plat shall be certified by a Licensed Land Surveyor.

5.12. Attachments to the Final Plat: The following shall be attached to and accompany any final plat:

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
- b. An attorney’s opinion showing that the fee title to the subdivision land is in the owner’s name, holders of mortgages, and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- c. The encumbrance bond, if any.

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- d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- e. A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, “as built” plans for all improvements shall have been provided to the County Engineer. In lieu thereof, the Board of Supervisors may certify that a performance bond guaranteeing completion has been approved by the County Attorney and filed with the Clerk, or that the Board of Supervisors has agreed that the County will provide the necessary improvements and installations and assess the costs against the owner of future property owners in the subdivision.
- f. Where improvements have been installed, a resolution accepting and approving such improvements along with the maintenance’s bond required by this ordinance.
- g. If private streets or other private improvements have been approved, an agreement in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of dedication and acceptance, shall be required.
- h. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and Auditor.
- i. A resolution and certificate of approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval of said subdivision.
- j. The applicable fee, if any.

5.13. Procedures for Review of Final Plats:

- a. The Zoning Administrator, upon receipt of ten (10) copies of the final plat, shall file one copy in the records of the County, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, and forward three copies of the plat to the County Engineer, and shall schedule the plat for consideration by the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
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- c. The County Engineer and Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
- d. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review, prior to viewing by the Board of Supervisors. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the Zoning Administrator. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the owner.
- e. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- f. Action on the final plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the Zoning Administrator. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

**ARTICLE VI: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR MINOR PLATS**

Section:

- 6.1 Pre-Application Conference
- 6.2 Sketch Plan Required
- 6.3 Presentation to Planning Commission
- 6.4 Plats Required
- 6.5 Requirement of the Plat
- 6.6 Attachments to the Plat
- 6.7 Procedures for the Review of Plats

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6.1. Pre-Application Conference: Whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner shall schedule a pre-application conference with the County Zoning Administrator. The conference should be attended by the Zoning Administrator and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable, and approved by the County Board of Supervisors.

The purpose, of such conference shall be to acquaint the County with the proposed subdivision, and to acquaint the owner with the requirements, procedures, and any special problems relating to the proposed subdivision.

6.2. Sketch Plan Required: For the pre-application conference, the owner shall provide a map or sketch showing the location of the subdivision, improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6.3. Presentation to the County Planning and Zoning Commission: The owner may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the plat.

6.4. Plats Required: In order to secure approval of a proposed subdivision, the owner shall submit to the County, plats and other information as required by this ordinance. The owner of a minor subdivision shall comply with the requirements for a minor subdivision plat.

6.5. Requirement of Plat: The owner shall prepare and file with the Board of Supervisors, through the Zoning Administrator, ten (10) copies of the plat and required attachments, as set forth in this ordinance.

The plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½"x14") nor be smaller than eight and one-half inches by eleven inches (8½"x11). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

- a. Title, a graphic bar scale, north compass point, and date on each sheet.
- b. Name of the subdivision that shall not duplicate or resemble existing subdivision names.

- c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.
- d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
- e. Sufficient survey data to positively describe the bounds of every lot, block, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
- f. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- g. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.
- h. Block and lot numbers, as needed.
- i. Accurate dimensions for any property to be dedicated or reserve for public use, and the purpose for which such property is dedicated or reserved for public use.
- j. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.
- k. All interior excepted tracts clearly indicated and labeled, “not a part of this plat.”
- l. A strip of land shall not be reserved by the owner unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- m. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- n. The plat shall be certified to by a Licensed Land Surveyor.

6.6. Attachments to the Plat: The following shall be attached to and accompany the plat:

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- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.
- b. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- c. The encumbrance bond, if any.
- d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- e. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and Auditor.
- f. A resolution and certificate of approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval a said subdivision.
- g. The applicable fee, if any.

6.7. Procedures for Review of Plats:

- a. The Zoning Administrator, upon receipt of ten (10) copies of the plat, shall file one copy in the records of the County, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, forward three copies of the plat to the County Engineer, and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
 - c. The County Engineer and Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
 - d. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors
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within forty-five (45) days of the filing of the plat with the Zoning Administrator. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the owner.

- e. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County, the Comprehensive Plan and the other duly adopted plans of the County, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- f. Action on the plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the Zoning Administrator. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

**ARTICLE VII: PROCEDURES AND SUBMISSION REQUIREMENTS
FOR LINE ADJUSTMENT PLATS**

Section:

- 7.1 Plats Required
- 7.2 Requirements of a Line Adjustment Plat
- 7.3 Attachments to the Line Adjustment Plat
- 7.4 Procedures for the Review of Line Adjustment Plats

7.1. Plats Required: In order to secure approval of the proposed subdivision, the owner shall submit to the County, a plat of survey.

7.2. Requirements of the Line Adjustment Plat: The owner shall prepare and file with the Zoning Administrator of Buena Vista County one (1) copy of the plat of survey.

Information on the Plat of Survey shall include:

- a. The name of the proprietor.
- b. An accurate description of each parcel.
- c. The total acreage of each parcel.
- d. The total acreage of any portion lying within a public or private road right-of-way.
- e. A parcel letter designation by the County Auditor.
- f. All survey data, as required by Chapter 355 of the Code of Iowa.
- g. An area of 2 inches by 4 inches left blank for use by the Zoning Administrator.

The remaining portion of the lot shall not require a new survey, unless required by the Buena Vista County Auditor.

7.3. Attachments to the Line Adjustment Plat:

- a. A certificate by the owner that the subdivision is with his free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.

- b. A certificate from the transferee the new lot created is permanently attached to the transferee's existing lot for development purposes and no new building right is created. This certificate must be signed and acknowledged by the transferee and spouse before an officer authorized to take the acknowledgments of deeds.
- c. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- d. The applicable fee, if any.

7.4. Procedures for Review of Line Adjustment Plats:

- a. The Zoning Administrator, upon receipt of the copy of the line adjustment plat, shall review for compliance to this ordinance, and shall set forth the finding in writing and forward the plat and findings to the County Engineer.
- b. The County Engineer shall examine the line adjustment plat as to its compliance with the ordinances and standards of the County, and shall set forth his findings in writing. A copy of the findings shall be provided to the owner.
- c. Action on the line adjustment plat by the Zoning Administrator and County Engineer shall be taken within fifteen (15) days of the date of filing the plat with the Zoning Administrator. If the Zoning Administrator and County Engineer both find the line adjustment plat substantially conforms to the ordinances and standards of the County, the line adjustment plat shall be stamped by the Zoning Administrator:

and returned to the owner or the owner's designee to be filed with the County Recorder. The Board of Supervisors may adopt, certify and file with the County Recorder a standing resolution that waives the right of such Board to review any line adjustment plat bearing the stamp of the Zoning Administrator shown above in this paragraph c. The County Recorder may rely on such a certified and recorded standing resolution, so long as the resolution remains in effect, and shall file the line adjustment plat for record if the Zoning Administrator has affixed such stamp to the line adjustment plat and the legal prerequisites for recording the line adjustment plat, other than the requirement of an accompanying certified resolution approving the plat, have been satisfied. Any resolution

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repealing or modifying such a standing resolution shall also be certified and filed of record with the County Recorder.

- d. If the County Engineer and Zoning Administrator do not find that the line adjustment plat conforms to the ordinances and standards of the County, the Zoning Administrator shall forward such plat to the Board of Supervisors. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

**ARTICLE VIII: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR PLATS OF SURVEY**

Section:

- 8.1 Plats of Survey Required
- 8.2 Requirements of Plats of Survey
- 8.3 Attachments to the Plats of Survey
- 8.4 Procedures for the Review of Plats of Survey
- 8.5 Exception

8.1. Plats Required: A landowner who divides a lot, tract, or parcel of land for the purpose, whether immediate or future, of transfer of ownership or building development, shall prepare a plat of survey for the Zoning Administrator.

8.2. Requirements of Plat of Survey: Information on the plat shall include everything required in Chapters 354 and 355, Code of Iowa, including the following:

- a. The name of the proprietor.
- b. An accurate description of each parcel.
- c. The total acreage of each parcel.
- d. The total acreage of any portion lying within a public or private road right-of-way
- e. A parcel letter designation by the County Auditor.
- f. An area of 2 inches by 4 inches left blank for use by the Zoning Administrator.

The remaining portion of the lot shall not require a new survey, unless required by the Buena Vista County Auditor.

8.3. Attachments to the Plat:

- a. The applicable fee, if any.

8.4. Procedures for Review of Plats:

- a. The Zoning Administrator, upon receipt of the copy of the plat of survey, shall review for compliance to this and the zoning ordinance. Action on the plat by the Zoning Administrator shall be taken within three (3) days of receipt the plat. If the plat is found to substantially conform to the

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ordinances and standards of the County, the Zoning Administrator shall stamp the plat:and return it to the owner or the owner's designee to be filed with the County Recorder.

- b. If the plat is found not to conform to the ordinances and standards of the County, it shall be referred to the Board of Supervisors for review. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the owner.

ARTICLE IX: OTHER PROVISIONS

Section

- 9.1 Variances
- 9.2 Repeal and Saving Clause
- 9.3 Severability Clause
- 9.4 Changes and Amendments
- 9.5 Ordinance Not to Limit Other Ordinances
- 9.6 Approval

9.1. Variances: Where in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the owner, because of unusual topography or other conditions, the Board of Supervisors may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

9.2. Repeal and Saving Clause: Effective on the Effective Date of this Ordinance the Buena Vista County Subdivision Ordinance, enacted June 13th, 1966, is repealed. The repeal of said Ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said Ordinance or any part thereof, and such Ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for enforcement of such penalty, forfeiture or liability.

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

9.4. Changes and Amendments: This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) nor more than twenty (20) days before the date of hearing.

9.5. Ordinance Not to Limit Other Ordinances: Nothing contained herein shall serve

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to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

BUENA VISTA COUNTY ORDINANCE 6.4

Title: AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE STORM LAKE MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE STORM LAKE MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING AN AIRPORT ZONING BOARD; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This ordinance is adopted pursuant to the authority conferred on the City of Storm Lake, Buena Vista County, and Sac County, Section 329.3 Code of Iowa. It is hereby found that an airport hazard endangers the lives and property of users of Storm Lake Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

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

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

SECTION 1. Short title. This Ordinance shall be known and may be cited as "The Storm Lake Municipal Airport Height Zoning Ordinance."

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

- 1) Airport. The Storm Lake Municipal Airport.

- 2) Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,487.5 feet.
 - 3) Airport Hazard. Any structure or tree or use of land which would exceed the Federal Obstruction standards as contained in fourteen Code of Federal Regulations Sections seventy point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) latest revisions and which obstruct the airspace required for flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
 - 4) Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the runway obstacle free zone extends 200 feet beyond each end of that runway. The width of the runway obstacle free zone of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point of the runway obstacle free zone is the same as the elevation of the nearest point on the runway centerline.
 - 5) Airspace Height. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
 - 6) Control Zone. Airspace extending upward from the surface of a circular is of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
 - 7) Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
 - 8) Minimum Descent Altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
 - 9) Minimum Enroute Altitude. The altitude in effect between fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
 - 10) Minimum Obstruction Clearance Altitude. The specified altitude in effect
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between radio fixes on VOR airways, off airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

- 11) Runway. A defined area on an airport prepared for landing and takeoff or aircraft along its length.
- 12) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

SECTION 3. Airport Zones and Airspace Limitations. In order to carry out the provisions of this Section, there are hereby created and established certain zones, which are depicted on the Storm Lake Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- 1) Airport Height Zones.
 - A. Horizontal Zone--The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:
 1. Swinging arcs of 5,000 feet rad from the center of each end of each end of the primary surface of runways 13, 31, 6 and 25 connecting the adjacent arcs by lines tangent to those arcs.
 2. Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 17 and 35, and connecting the adjacent arcs to lines tangent to those arcs.No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.
 - B. Conical Zone--The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical Lake Municipal Airport Height Zoning Map.

- C. Approach Zone--The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for the runway end.)
1. The inner edge of the Approach Surface is:
 - (a) 250 feet wide for Runways 6 and 24.
 - (b) 500 feet wide for Runways 13 and 31, Runways 17 and 35.
 2. The outer edge of the approach zone is:
 - (a) 1,250 feet for Runways 6 and 24.
 - (b) 1,500 feet for Runway 13.
 - (c) 2,000 feet for Runway 31.
 - (d) 3,500 feet for Runways 17 and 35.
 3. The Approach zone extends for a horizontal distance of:
 - (a) 5,000 feet at a slope of 20 to 1 for Runways 13, 31, 6 and 24.
 - (b) 10,000 feet as a slope of 34 to 1 for Runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

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

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

- E. No structures shall be erected in Buena Vista County that raises the published Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Buena Vista County.

SECTION 4. Use Restrictions. Notwithstanding any other provisions of Section 4, no use may be made of land or water within the City of Storm Lake, Buena Vista County, or Sac County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

- A. All lights or illumination used in conjunction with street, parking signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Storm Lake Municipal Airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Storm Lake Municipal Airport.
- C. No operations from any use in the City of Storm Lake, Buena Vista County or Sac County, shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

SECTION 5. Lighting.

- A. NOTWITHSTANDING the provisions of Section 5, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.
- B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Storm Lake, Buena Vista County, or Sac County, at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

SECTION 6. Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the

application has been submitted to the Storm Lake Municipal Airport Commission for its opinion as to the aero-nautical effects of such a variance. If the Storm Lake Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

SECTION 7. Board of Adjustment.

- A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Board in the enforcement of this Ordinance; (2) to hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustments under such regulations may be required to pass; (3) and to hear and decide specific variances.
- B. The Board of Adjustment shall consist of seven (7) members appointed pursuant to the provisions of Section 329.12, Code of Iowa, and each shall serve for a term of five years and until his successor is duly appointed and qualified.
- C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of Board shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other officials actions, all of which shall immediately be filed in the Office of the Storm Lake City Zoning Administrator, and undue cause shown.
- D. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 114.12.
- E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

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

SECTION 9. Administrative Agency. It shall be the duty of the Storm Lake Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Storm Lake City Zoning Officer upon a form furnished by him. Applications required by this Ordinance to be submitted to the administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Storm Lake Zoning Officer.

SECTION 10. Penalties. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than thirty days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION 11. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, whether the conflict be with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 12. Severability. If any provisions, of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect, without the invalid provision or application, and to this and the provisions of the Ordinance are declared to be severable.

BUENA VISTA COUNTY ORDINANCE 6.5

Title: ASSESSMENT OF WIND ENERGY CONVERSION PROPERTY

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

SECTION 1. Purpose. The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Section 427B.26.

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

- a) "NET ACQUISITION COST" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.
- b) "WIND ENERGY CONVERSION PROPERTY" means the entire windplant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation.

SECTION 3. Authority to Establish. The Board of Supervisors is authorized, pursuant to Iowa Code Section 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

SECTION 4. Establishment. Pursuant to Iowa Code Section 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Section 442.21(9)(b) and (c), and Iowa Code Sections 428.24 to 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of this ordinance.

SECTION 5. Amount of Valuation. Wind energy conversion property first assessed on or after the effective date of the ordinance shall be valued by the county assessor for property tax purposes as follows:

- a) For the first assessment year, at zero percent (0%) of the net acquisition cost.
 - b) For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
 - c) For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.
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SECTION 6. Declaration of Special Valuation. The taxpayer shall file with the county assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 5 in lieu of the valuation assessment provisions in Iowa Code Section 441.21(9)(b) and (c), and Iowa Code Sections 428.24 to 428.29.

SECTION 7. Reporting Requirements. The following reports shall be filed annually with the County Assessor by the taxpayer; in the first year, with the declaration of intent as prescribed in Section 6; and by Feb. 1 of each year thereafter:

- a) Copy of Asset ledger sheet to IRS;
- b) Engineering breakdown of component parts;
- c) Tower numbering system;
- d) Name of contact person, phone number, FAX number, and mailing address;
- e) Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

SECTION 8. Repeal of Special Valuation. If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under section 4 prior to repeal of the ordinance shall continue to be valued under Section 4 until the end of the nineteenth (19th) assessment year following the assessment year in which the property was first assessed.

SECTION 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Severability Clause. If any section, provision, or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

BUENA VISTA COUNTY ORDINANCE NO. 6.8

Title: AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE INDUSTRIAL PARK URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

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

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

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

"County" shall mean Buena Vista County, Iowa.

"Urban Renewal Area" shall mean the Industrial Park Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on May 20, 1997:

A Tract of Land Located in the Northwest Quarter of the Northwest Fractional Quarter (NW¹/₄ NW Frac ¹/₄) of Section 7, Township 90 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Northwest Fractional Quarter (NW Frac¹/₄) of said Section 7; Thence on a recorded bearing of South 00°15'24" East, along the West line of said Northwest Fractional Quarter (NW Frac¹/₄), 368.52 feet to the South Right-of-Way line of the Chicago, Central and Pacific Railroad; Thence South 77°02'30" East, along said South line, 174.47 feet to the Point of Beginning. Thence continuing along said South line, South 77°02'30" East, 1,361.93 feet to the East line of the Northwest Quarter of said Northwest Fractional Quarter (NW¹/₄ NW Frac¹/₄); Thence South 00°03'06" West, along said East line, 606.00 feet to the Southeast (SE) Corner of said Northwest Quarter of the Northwest Fractional Quarter (NW¹/₄ NW Frac ¹/₄); Thence South 89°54'57" West, along the South line of said Northwest Quarter of the Northwest Fractional Quarter (NW¹/₄ NW Frac¹/₄) 1,402.52 feet to the East Right-of-way line of U.S. Highway No. 71; Thence along said East line the following described courses: North 00°15'24" West, 471.55 feet; Thence North 07°20'17" East, 151.33 feet;

Thence North 00°15'24" West, 239.79 feet; Thence North 89°44'36" East, 60.00 feet; Thence North 00°15'24" West, 51.88 feet to the Point of Beginning. Tract contains 24.54 Acres to the Point of Beginning.

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

- a) That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.
- b) That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of

this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

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

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

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

