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## Mahaska County Ordinance 10

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An ordinance of the Board of Supervisors of Mahaska County, Iowa, providing for the partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate.

Whereas, the Board of Supervisors of Mahaska County, Iowa, is empowered by Chapter four hundred twenty seven B (427b) of the Code of Iowa to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section four hundred twenty-seven a point one (427A.1), subsection one (I), paragraph "e", of the Code of Iowa.

Now, therefore, be it ordained by the Board of Supervisors of Mahaska County, Iowa, as follows:

\_\_\_\_ 01. Purpose: The Board of Supervisors of Mahaska County, Iowa, does by this ordinance provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section four hundred twenty-seven a point one (427A.1), subsection one (1), paragraph "e", of the code of Iowa, in the following areas of Mahaska County, Iowa:

A. Outside the incorporated limits of a city to which a city has extended its zoning ordinance pursuant to section four hundred fourteen point twenty-three (414.23) of the Code of Iowa which complies with the city's zoning ordinance.

B. Outside the incorporated limits of a city which has adopted a zoning ordinance but which has not extended the ordinance to the area permitted under section four hundred fourteen point twenty- three (414.23) of the Code of Iowa if the property would be within the area to which a city may extend a zoning ordinance pursuant to said section four hundred fourteen point twenty- three (414.23) of the code.

C. Outside the incorporated limits of a city which has not adopted a zoning ordinance but which would be within the area in which a city may extend a zoning ordinance pursuant to section four hundred fourteen point twenty-three (414.23) of the Code of Iowa.

D. Any other area where such partial exemption could not otherwise be granted under this ordinance where the actual value added is to industrial real estate existing on July 1, 1979.

      02. Definitions: "New Construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure or refitting of an existing building or structure, unless reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the Board of Supervisors of Mahaska County upon the recommendation of the Iowa Development Commission. The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section four hundred twenty seven a point one (427.1) subsection one (l), paragraph "e", of the Code of Iowa, 1981, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

Warehouse means a building or structure used as a public warehouse for the storage of goods pursuant to chapter five hundred fifty four (554), article seven (7), except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

Distribution Center means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

"Actual Value Added" as used in this ordinance means the actual value added as of the first year for which the exemption is received, except that actual value added by

improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.

\_\_\_\_03. Partial Exemptions: Under this ordinance the actual value added to industrial real estate for the reasons specified herein shall be eligible to receive a partial exemption for a period of five (5) years.

\_\_\_\_04. Limitations: The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- a. for the first year, seventy-five (75) percent.
- b. for the second year, sixty (60) percent.
- c. for the third year, forty-five (45) percent.
- d. for the fourth year, thirty (30) percent.
- e. for the fifth year, fifteen (15) percent.

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

\_\_\_\_05. Applications: An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the Mahaska County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

A person may submit a proposal to the Board of Supervisors of Mahaska County to receive prior approval for eligibility for a tax exemption for new construction. The Board of Supervisors, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the city or county. The prior approval shall also be subject to the hearing requirements of section four hundred twenty-seven B point one (427B.1) of the Code of Iowa. Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

\_\_\_\_06. Exemptions: When in the opinion of the Board of Supervisors continuation of the exemption granted by this chapter ceases to be of benefit to the county, the County Board of Supervisors may repeal the ordinance authorized by

section four hundred twenty-seven B point one (427B.1).of the Code of Iowa, but all existing exemptions shall continue until their expiration.

\_\_\_\_07. Exclusions: A property tax exemption under this ordinance shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

\_\_\_\_08. Effective Date: This ordinance may be enacted not less than thirty (30) days after a public hearing held in accordance with section three hundred fifty-eight A point six (358A.6) of the Code of Iowa.

This ordinance was passed and approved on this 15<sup>th</sup> day of July, 1985.

Arie Ringelestein, Chairman  
Mahaska Board of Supervisors

Attest

Jane L. Coffey, County Auditor  
Mahaska County, Iowa

Mahaska County Ordinance 11

PURCHASE OF TAX SALE CERTIFICATES ON PARCELS WITH DELINQUENT TAXES  
AND ABANDONED NUISANCE PROPERTIES

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| _____.01 Purpose                     | _____.05 Verified Statement     |
| _____.02 Definitions                 | _____.06 Intent to Rehabilitate |
| _____.03 Purchasing Delinquent Taxes | _____.07 Repealer               |
| _____.04 Procedure                   | _____.08 Severability           |

\_\_\_\_\_.01 PURPOSE. The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code Sections 446.19A and 446.19B as presently enacted. Iowa Code Section 446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property or vacant lots. Iowa Code Section 446.19B authorizes the county to separately offer and sell at the annual tax sale parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance.

\_\_\_\_\_.02 DEFINITIONS. For the purpose of this ordinance, definitions for terms are as defined in the Iowa Code Sections 446.19A and 446.19B.

\_\_\_\_\_.03 PURCHASING DELINQUENT TAXES. Pursuant to Iowa Code Sections 446.19A and 446.19B, the county is authorized to sell at the annual tax sale delinquent taxes on parcels that are abandoned property or vacant lots and on parcels that are abandoned property which is assessed as residential property or as commercial multifamily housing property and is, or is likely to become, a public nuisance. The county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates on abandoned property acquired pursuant to the provisions of Iowa Code section 446.19A or 446.19B.

\_\_\_\_\_.04 PROCEDURE.

- a. Pursuant to Iowa Code Section 446.19A. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county treasurer on behalf of the county or a city, may bid for and purchase tax sale certificates of properties contemplated by Section 446.19A at a sum equal to the total amount due. The

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

b. Pursuant to Iowa Code Section 446.19B. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county treasurer shall separately offer and sell those parcels listed in a verified statement timely received and properly published and which remain liable to sale for delinquent taxes. This sale shall be known as the "public nuisance tax sale" .

\_\_\_\_.05 VERIFIED STATEMENT.

a. Prior to a purchase pursuant to Section 446.19A of the Code, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned property and that the parcel is suitable for use as housing following rehabilitation or that it is a vacant lot that is zoned to allow for residential structures.

b. Prior to a purchase pursuant to Section 446.19B of the Code, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned and is, or is likely to become, a public nuisance, and that the parcel is suitable for use as housing following rehabilitation .

\_\_\_\_.06 INTENT TO REHABILITATE THE PROPERTY. All persons who purchase certificates from the county or city under this ordinance shall demonstrate the intent to rehabilitate the property for habitation if the property is not redeemed. In the alternative, the county or city may, if title to the property has vested in the county or city, dispose of the property in accordance with the provisions of Section 331.361 or Section 364.7 of the Code, as may be applicable.

\_\_\_\_.07 REPEALER. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

\_\_\_\_.08 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 thereof not adjudged invalid or unconstitutional.

Mahaska County Ordinance 12

ESTABLISHING COURT APPOINTED ATTORNEY AND GUARDIAN AD LITEM FEES

- |                                                    |                      |
|----------------------------------------------------|----------------------|
| ____.01 Purpose                                    | ____.05 Fees         |
| ____.02 Appointing Attorneys and Guardian ad Litem | ____.06 Procedures   |
| ____.03 State Rules                                | ____.07 Notice       |
| ____.04 Justification                              | ____.08 Repealer     |
|                                                    | ____.09 Severability |

\_\_\_\_.01 PURPOSE. The purpose of this Ordinance is to establish an hourly rate to be paid to court appointed attorneys and guardian ad litem in Mahaska County.

\_\_\_\_.02 APPOINTING ATTORNEYS AND GUARDIAN AD LITEMS. Pursuant to Sections 125.78(1) and (2); 229.2(3); 229.8(1); 598.12; 633.575(3); and other provisions of the Iowa Code, State District Court Judges are authorized to appoint attorneys and guardian ad litem in civil matters and to require counties to pay the fees without limitation.

\_\_\_\_.03 STATE RULES. Pursuant to Section 815.7 of the Code of Iowa, the State has established the hourly rate to be paid to Court appointed attorneys and guardian ad litem in matters where the State is liable for the payment.

\_\_\_\_.04 JUSTIFICATION. The County recognizes the right of its citizens to seek out and enter into contracts with attorneys and to reach an agreement on fees; however, when the Court appoints an attorney at random and guarantees payment to that attorney at a rate to be determined by that attorney, the County, which is not even a party to that legal proceeding, is directed, without any recourse, to pay those fees.

\_\_\_\_.05 FEES. By this Ordinance Mahaska County does hereby set all Court appointed attorney and /or guardian ad litem fees which the County is ordered to pay at

a sum equal to the State ordered fees for guardian ad litem as provided in Section 815.7 of the Code of Iowa. That fee is currently \$60.00 per hour. In the event that provision of the Code is amended in the future to provide for a different fee, the County will pay the amended fee as set by the State.

\_\_\_\_\_.06 PROCEDURE. Attorneys who are willing to accept such appointments at the rate noted above are required to sign an agreement at the Office of the Mahaska County Auditor. The Mahaska County Auditor shall maintain that record in that office and provide a copy of that record to the Clerk of Court of Mahaska County and the names shall be placed on a list of attorneys eligible for appointment.

\_\_\_\_\_.07 NOTICE. In the event that an attorney is appointed in a matter and is not on the list of eligible attorneys on file with the County Auditor or Clerk of Court, said attorney is on Notice with the publication and enactment of this Ordinance that said attorney shall be paid at the rate provided heretofore as though such attorney was on the list.

\_\_\_\_\_.08 REPEALER. Any Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

\_\_\_\_\_.09 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 thereof not adjudged invalid or unconstitutional.

Mahaska County Ordinance 13

ASSESSMENT OF WIND ENERGY CONVERSION PROPERTY

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| ____.01 Purpose                      | ____.02 Definitions                 |
| ____.03 Authority to Establish       | ____.04 Establishment               |
| ____.05 Amount of Evaluation         | ____.06 Declaration of Intent       |
| ____.07 Repeal of Special Evaluation | ____.08 Repealer                    |
| ____.09 Severability Clause          | ____.10 Adoption and Public Hearing |
| ____.11 Effective Date               |                                     |

ASSESSMENT OF WIND ENERGY CONVERSION  
PROPERTY

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

- \_\_\_\_.01 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.
- \_\_\_\_.02 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 wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines and substation.
- \_\_\_\_.03 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.

\_\_\_\_\_.04 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 441.21 (8)(b), (c) and (d), 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.

\_\_\_\_\_.05 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 assessment year at five percent (5%) of the net acquisition cost.
- c) For the third through sixth assessment years at a percent of the net acquisition cost which rate increases by five percent (5%) to a total of ten percent (10%) during the third assessment year and an increase of five percent (5%) in each succeeding assessment year which will result in a total of twenty-five percent (25%) in the sixth assessment year.
- d) For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

\_\_\_\_\_.06 DECLARATION OF INTENT. 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(8)(b), (c) and (d), and Iowa Code Sections 428.24 to 428.29.

\_\_\_\_\_.07 REPEAL OF SPECIAL VALUATION. If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 5 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under Section 5 prior to repeal of the ordinance shall continue to be valued under Section 5 until the end of the nineteenth ( 19 ) assessment year following the assessment year in which the property was first assessed.

- \_\_\_\_.08 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- \_\_\_\_.09 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.
- \_\_\_\_.10 ADOPTION AND PUBLIC HEARING. Adoption shall be no less than thirty days after a public hearing on the ordinance is held as required by Iowa Code Section 427B.26(1)(a). Notice of the hearing shall be published in accordance with Iowa Code Section 331.305.
- \_\_\_\_.11 EFFECTIVE DATE. After adoption by the Board of Supervisors, this ordinance shall become effective as of the date of publication of the ordinance or publication of a summary thereof as stated in Iowa Code Section 331.302(8).

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chairman, Mahaska County Board of Supervisors

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

ATTEST:

\_\_\_\_\_  
Mahaska County Auditor

## Mahaska County Ordinance 14

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE NORTHWEST URBAN RENEWAL AREA, IN MAHASKA COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, MAHASKA COUNTY, LYNNVILLE-SULLY COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE NORTHWEST URBAN RENEWAL AREA (THE NORTHWEST URBAN RENEWAL PLAN)

WHEREAS, the Board of Supervisors of Mahaska County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 2016-06-19 passed and approved on the 15th day of June, 2015, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Northwest Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

A tract of land in Fractional Section 4 - Township 77 North - Range 17 West of the 5TH P.M., Mahaska County, Iowa including the Northwest  $\frac{1}{4}$ , - Northwest  $\frac{1}{4}$ , East  $\frac{1}{2}$  - Northwest  $\frac{1}{4}$ , West  $\frac{1}{2}$  - Northeast  $\frac{1}{4}$ , and Northeast  $\frac{1}{4}$  - Southwest  $\frac{1}{4}$  thereof. Said tract is more particularly described as follows: Beginning at the NW corner of said Fractional Section 4; thence east along the north line thereof to the NE corner of the West  $\frac{1}{2}$  - Northeast  $\frac{1}{4}$ ; thence south along the east line thereof to the SE corner; thence west along the south line thereof to the SW corner, said point also being the NE corner of the Northeast  $\frac{1}{4}$  - Southwest  $\frac{1}{4}$ ; thence south along the east line thereof to the SE corner; thence west along the south line thereof to the SW corner; thence north along the west line thereof to the NW corner, said point also being the SW corner of the Southeast  $\frac{1}{4}$  - Northwest  $\frac{1}{4}$ ; thence north along the west line thereof to the NW corner, said point also being the SE corner of the Northwest  $\frac{1}{4}$  - Northwest  $\frac{1}{4}$ ; thence west along the south line thereof to the SW corner which is on the west line of said Section; thence north along the west line thereof to the Point of Beginning; and

WHEREAS, expenditures and indebtedness are anticipated to be incurred by Mahaska County, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the Board of Supervisors of Mahaska County, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MAHASKA COUNTY, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, Mahaska County, Lynnville-Sully Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. 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 Mahaska County, State of Iowa, certifies to the Auditor of Mahaska County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of Mahaska County, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by Mahaska County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the

Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, 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 the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of Mahaska County, State of Iowa, referred to in Section 3 hereof have been paid, all monies 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.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 20th day of July, 2015.

ATTEST:

\_\_\_\_\_  
County Auditor

Read First Time: June 15, 2015

Read Second Time: July 6, 2015

Read Third Time: July 20, 2015

PASSED AND APPROVED: July 20, 2015

Mahaska County Ordinance 20

- |                                                                         |                                  |
|-------------------------------------------------------------------------|----------------------------------|
| ____.01 Purpose                                                         | ____.07 Maintenance Policy       |
| ____.02 Definitions                                                     | ____.08 Exemption from Liability |
| ____.03 Powers of the Board                                             | ____.09 Repealer                 |
| ____.04 Authority to Establish                                          | ____.10 Severability Clause      |
| ____.05 Notice of Hearing                                               | ____.11 When Effective           |
| ____.06 Hearing—Area Service System B Road<br>Established by Resolution |                                  |

TITLE. An Ordinance Establishing the Area Service System B Road Classification in Mahaska County, Iowa

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

\_\_\_\_.01: Purpose.

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

\_\_\_\_.02: Definitions.

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

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.

a. "Area Service System A" roads shall be maintained in conformance with applicable state statues.

b. "Area Service System B" roads shall not require standards of maintenance equal to trunk, trunk collector, or *area* service system A roads. Area Service System B roads shall not mean what is construed in the normal sense as a driveway or a private lane to a farm building or dwelling.

2. "Board" shall mean the Board of Supervisors of Mahaska County.

3. "Engineer" shall mean the County Engineer of Mahaska County.

\_\_\_\_.03: Powers of the Board.

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

\_\_\_\_.04 Authority to Establish.

The Board of Supervisors of Mahaska County is empowered under authority of Chapter 309 of the 1989 Code of Iowa to classify secondary roads on the area system to provide for a reduced level of maintenance on roads so designated. The Board shall, by resolution, declare its intention to establish an area service system B road in Mahaska County after consultation with the county engineer.

\_\_\_\_.05: Notice of Hearing.

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

\_\_\_\_.06: Hearing-Area Service System B Road Established by Resolution.

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

\_\_\_\_.07: Maintenance Policy.

Only the minimum effort, expense, and attention will be provided to keep area service system B roads open to traffic. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load 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. 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. Road Surfacing - There will be no surfacing materials applied to area surface system B roads.
7. Shoulders - Shoulders will not be maintained.
8. Crown - A crown will not be maintained.
9. Repairs - There will be no road repair on a regular basis.
10. Uniform Width - Uniform width for the traveled portion of the road will not be maintained.
11. Inspections - Regular inspections will not be conducted.

\_\_\_\_.08: Exemption from Liability.

As provided in Chapter 309, 1989 edition of the Code of Iowa and specifically Section 309.57 entitled Area Service Classification, the County and Officers, Agents, and Employees of the County are not liable for injury to any person or for damage to any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintained as provided in Section 7 of this ordinance.

\_\_\_\_.09: Repealer.

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

\_\_\_\_.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.

\_\_\_\_.11: When Effective.

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

## RESOLUTION

WHEREAS, The Board of Supervisors is empowered under authority of Chapter 309 and specifically Section 309.57 of the 1989 Code of Iowa to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads, and

WHEREAS, The Board of Supervisors, after consulting with the County Engineer, has classified the *area*, service system into two (2) classifications, termed Area Service A and Area Service B, and

WHEREAS, Roads included in the classification Area Service A shall be maintained in conformance with applicable statutes, and

WHEREAS, The Board of Supervisors, after consulting with the County Engineer, has specified a lower level of maintenance for roads classified as Area Service B,

NOW THEREFORE BE IT RESOLVED by the Mahaska County Board of Supervisors, in order to best utilize the limited maintenance funds available and in accordance with Section 309.57, 1989 Code of Iowa, it is intended to maintain roads designated as Area Service level B for only the minimum volume of traffic. Only the minimum effort, expense and attention will be provided to keep those 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:

- Blading - Blading or dragging will not be performed on a regular basis
- Snow Removal - Snow will not be removed.

Signing - Except for load limit posting for bridges signing will not be continued or provided.

Note: All Area Service Level B roads will be identified with a sign at all points of access to warn the public of the lower level of maintenance.

Weeds & Brush- Mowing or spraying weeds and cutting brush will not be performed.

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.

Roads classified as Area Service Level B are described as follows:

#### RICHLAND TOWNSHIP

1. Beginning near the E1/4 Corner Section 15-77-17 thence north to near the E1/4 Corner Section 10-77-17. (1 mile)
2. Beginning near the N1/4 Corner of the NW1/4 Section 15-77-17 thence easterly to near the NE Corner Section 15-77-17. (3/4 mile)
3. Beginning near the center of the NW1/4 Section 24-77-17 thence south and east to near the center of the NE1/4 Section 24-77-17. (5/8 mile)

#### PRAIRIE TOWNSHIP

1. Beginning near the SW corner Section 10-77-16 thence northerly to near the NW Corner Section 10-77-16. (1 mile)
2. Beginning near the SW Corner Section 19-77-16 thence northerly to near the W1/4 Corner Section 19-77-16. (1/2 mile)
3. Beginning near the N1/4 Corner Section 26-77-16 thence easterly to near the N1/4 Corner Section 25-77-16. (1 mile)
4. Beginning near the NE Corner Section 33-77-16 thence northerly to near the E1/4 Corner Section 28-77-16. (1/2 mile)
5. Beginning near the W1/4 Corner Section 32-77-16 thence easterly to near the E1/4 Corner Section 32-77-16. (1 mile)
6. Beginning near the SW Corner of Section 27-77-16 thence northerly to near the W1/4 Corner Section 27-77-16. (1/2 mile)

## UNION TOWNSHIP

1. Beginning near the SE Corner of Section 19-77-15 thence northerly to near the E1/4 Corner (Jet. U.S. #63) of the SE1/4 Section 18-77-15. (1 1/4 miles)
2. Beginning near the SE Corner of Section 35-77-15 thence northerly to near the E1/4 Corner of NE1/4 Section 23-77-15. (2 3/4 mile)

## PLEASANT GROVE TOWNSHIP

1. Beginning near the SW Corner Section 35-77-14 thence easterly to near the S1/4 Corner of the SE1/4 Section 35-77-14. (3/4 mile)

## BLACK OAK TOWNSHIP

1. Beginning near the NW Corner of Section 31-76-17 thence easterly to near the N1/4 Corner Section 31-76-17. (1/2 Mile)
2. Beginning near the center of Section 28-76-17 thence in a easterly and south easterly direction to near the E1/4 Corner of the SE1/4 of Section 28-76-17. (1 1/4 mile)
3. Beginning near the center of Section 26-76-17 thence easterly to its junction with IA Hwy #163 in Section 25-76-17. (5/8 mile)

## MADISON - ADAMS TOWNSHIPS

1. Beginning near the center of NWj Section 24-76-16 thence easterly to near the E1/4 Corner of the NE1/4 Section 19-76-15. (1 3/4 mile)
2. Beginning near the W1/4 Corner Section 30-76-16 thence easterly to near the E1/4 Corner Section 30-76-16. (1 mile)
3. Beginning near the SE Corner of Section 36-76-16 thence northerly to near the E1/4 Corner of the NE1/4 Section 36-76-16. (3/4 mile)

## MONROE TOWNSHIP

1. Beginning near the E1/4 Corner of the SW1/4 Section 8-76-14 thence easterly to near the center of the SW1/4 Section 9-76-14. (3/4 mile)
2. Beginning near the E1/4 Corner of the NW1/4 Section 16-76-14 thence northerly to near the E1/4 Corner of the SW1/4 Section 9-76-14. (1/2 mile)

3. Beginning near the center of Section 18-76-14 thence easterly and northerly to near the E1/4 Corner of the NW1/4 Section 17-76-14. (1 1/4 mile)
4. Beginning near the N1/4 Corner Section 21-76-14 thence easterly to near N1/4 Corner NW1/4 Section 22-76-14. (3/4 mile)
5. Beginning near the E1/4 Corner of the SW1/4 Section 34 thence northerly to 300 feet west of the N1/4 Corner NW1/4 Section 34-76-14. (0.9 Mile)

#### LINCOLN - GARFIELD TOWNSHIP

1. Beginning near the S1/4 Corner of the NW1/4 Section 8-75-16 thence northerly to near N1/4 Corner of the NW1/4 Section 5-75-16 (1 1/2 mile)

#### GARFIELD - EAST DES MOINES TOWNSHIP

1. Beginning near the center of the NW1/4 Section 6-74-16 thence northerly about  $\frac{3}{4}$  mile thence easterly to near the E1/4 Corner Section 31-75-16. (1 1/4 mile)
2. Beginning near the S1/4 Corner of the SW1/4 Section 27- 75-16 thence northerly to near the N1/4 Corner of the SW1/4 Section 27-75-16. (1/2 mile)

#### SPRING CREEK TOWNSHIP

1. Beginning near the SW Corner Section 35-75-15 thence easterly to the NE Corner of said section thence southerly to the E1/4 Corner of Section 35-75-15. (1 1/2 mile)

#### EAST & WEST DES MOINES TOWNSHIP

1. Beginning near the W1/4 Corner Section 4-74-16 thence southerly and easterly to near the S1/4 Corner Section 4-74-16. (1 mile)
2. Beginning near the N1/4 Corner of the SW1/4 Section 11-74-16 thence southerly to near the center of the SW1/4 Section 11-74-16. (1/4 mile)
3. Beginning near the W1/4 Corner of the NE1/4 Section 14-74-16 thence east a 1/4 mile thence southerly to its junction with G-71. (3/4 mile)
4. Beginning near the N1/4 Corner of the SW1/4 Section 23-74-16 thence southerly and easterly to its junction with a road going to the north which point is 1000 ft south and 600 ft east of the center of Section 25-74-16. (2 1/2 mile)
5. Beginning near the S1/4 Corner of the SE1/4 Section 34-74-16 thence easterly to

near the SE Corner Section 35-74-16. (1 1/4 mile)

HARRISON TOWNSHIP

1. Beginning near the NW Corner Section 2-74-15 thence southerly to near the W1/4 Corner Section 2-74-15. (1/2 mile)
2. Beginning near the S1/4 Corner of the NE1/4 Section 3-74-15 (US #63) thence easterly to near the center of Section 2-24-15. (3/4 mile)
3. Beginning near the W1/4 Corner of the SE1/4 Section 9-74-15 thence easterly to near the E1/4 Corner of the SE1/4 Section 9-74-15. (1/2 mile)
4. Beginning near E1/4 Corner of Section 9-74-15 Thence Southerly to near the W1/4 Corner Section 15-74-15. (3/4 mile)
5. Beginning near the W1/4 corner Section 24-74-15 thence easterly to near the E1/4 Corner Section 24-74-15. (1 mile)
6. Beginning near the W1/4 Corner Section 25-74-15 thence southerly to near the W1/4 Corner Section 36-74-15. (1 mile)

Passed and Approved this 14th day of September, 1989

(Albert W. Stewart)

Albert W. Stewart, Chairman

ATTEST: (Jane L. Coffey)

Jane L. Coffey, County Auditor

Mahaska County Ordinance 21

AREA SERVICE "C" ROAD CLASSIFICATION

- \_\_\_\_.01 Purpose
- \_\_\_\_.02 Definitions
- \_\_\_\_.03 How Established
- \_\_\_\_.04 Access
- \_\_\_\_.05 Signs
- \_\_\_\_.06 Trespass

- \_\_\_\_.07 Reclassification
- \_\_\_\_.08 Powers of the Board
- \_\_\_\_.09 Exemption from Liability
- \_\_\_\_.10 Repealer
- \_\_\_\_.11 Severability Clause
- \_\_\_\_.12 When Effective

\_\_\_\_.01: 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 as amended by House File 419 (1996).

\_\_\_\_.02: Definitions

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

- a. Board: shall mean the Board of Supervisors of Mahaska County.
- b. County: shall mean Mahaska County.
- c. County Engineer: shall mean the County Engineer of Mahaska County.

\_\_\_\_.03: How Established

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

public utility, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road.

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time 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 (1995).

C. 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 considered, the Board, at that meeting or date to which it is adjourned, may take action on the petition after consultation with the County Engineer.

\_\_\_\_.04: 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.

\_\_\_\_.05: 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.

\_\_\_\_.06: 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 (1995).

\_\_\_\_.07: Reclassification

A road with 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.

\_\_\_\_.08: 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 (1995).

\_\_\_\_.09: Exemption From Liability

As provided in Iowa Code Section 309.57 (1995), the County and officers, agents and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment which occurs proximately as a result of the maintenance of a road which is classified as Area Service "C", if the road has been maintained to the level of maintenance effort described in the establishing resolution.

\_\_\_\_.10: Repealer

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

\_\_\_\_.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 judged invalid or unconstitutional.

\_\_\_\_.12: When Effective

The ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed this 1st day of December, 1997.

Hubert Parker  
Chairperson, Board of Supervisors

Attest:

Kay Swanson  
County Auditor

Mahaska County Ordinance 22

\_\_\_\_.01 Purpose  
\_\_\_\_.02 Level of Service  
\_\_\_\_.03 Sequence of Service  
\_\_\_\_.04 Limitation of Service

\_\_\_\_.05 Emergency  
\_\_\_\_.06 Repealer  
\_\_\_\_.07 Severability  
\_\_\_\_.08 Effective Date

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

BE IT ORDAINED BY THE BOARD OF SUPERVISORS, MAHASKA COUNTY, IOWA.

\_\_\_\_01: 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, specifically defined as November through April, as provided in Section 668.10(2) (2003), Code of Iowa and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, 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.

\_\_\_\_02: LEVEL OF SERVICE

Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, shaded areas, and/or intersections. The County's existing snow removal equipment be utilized for this purpose. On occasion County personnel may be unavailable due to the Omnibus Transportation Employee Testing Act of 1991. Except for emergencies as determined by the County Engineer's professional judgment, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service and, as practicable. The entire width of that portion of the road improved for travel may not be

cleared of snow, ice, compacted snow and ice or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles or unequal height. The lines of sight, sight distance or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway and reduced or impaired visibility and are advised to reduce their speed at least twenty-five (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 ten (10) miles per hour. During these conditions, no additional 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.

#### \_\_\_\_03: SEQUENCE OF SERVICE

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

#### PAVED ROUTES

1. The initial effort will be to get all routes open to two-lane traffic as soon as possible and/or practicable. During initial snow removal operations, paved roads may only have one-lane plowed for a period of time.
2. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snowplows and spreaders will not normally be in operation between the hours of 6:00 p.m.-4:00 a.m. The trucks may be called off the road if snow and blowing reduces visibility of hazardous working conditions, in the professional judgment of the Engineer or his delegated representative.
4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel roads may be delayed.

5. It is not the policy of the county to provide a "dry" pavement condition.

6. After roads have been plowed, as provided in these sections, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be re-sanded, re-salted, or have other abrasives replaced on them between snowstorms.

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

## UNPAVED ROADS

1. The initial effort will be to get all routes opened to one-lane traffic as soon as possible and/or practicable after a storm has passed.

2. After one-lane travel is possible, subsequent snow removal will be carried on during Normal working hours.

3. Motor graders and/or truck plows will not normally be in operation between the hours of 6:00 p.m.-4:00 a.m. The motor graders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his delegated representative.

4. Snow may not be removed from roads designated as Level B.

## PRIVATE DRIVES

The county will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow- from private drives shall not be placed on the roadway or shoulders.

## MAILBOX, REPLACEMENT

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

## \_\_\_\_.04: LIMITATION OF SERVICE

Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

1. Sanding, salting, or placing other abrasives upon the roadways that are slick,

slippery, and dangerous due to the formation of frost.

2. Sanding, salting, or placing of other abrasives upon paved roadways due to freezing rain that occurs outside the counties usual working hours.

3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions or that the road surface is slick or slippery or what the advised speed should be.

4. Sanding, salting, or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an "emergency" exists and ice has built upon hills and intersections on the gravel system that slope down to another road as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows and only as a last resort. This condition will not, under any circumstances, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed, such as scraping with motor graders.

5. Removing of sand, salt, or other abrasives.

\_\_\_\_.05: EMERGENCY

Service of the level or sequence of service may be suspended during "Emergency" conditions. An "Emergency" condition shall be considered as on where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff's office. The County may respond to all "Emergency" conditions, either during or after a snowstorm. Any person who makes a false report of any "Emergency" to an officer, official, or employee of Mahaska County or who causes a false report to be so made, will upon conviction, be subject to a fine of not more than \$100.00 or imprisonment of more than 30 days in the County Jail. Service or the level or sequence of service shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairman of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors.

\_\_\_\_.06: REPEALER

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

\_\_\_\_.07: 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, thereof not adjudged invalid or unconstitutional.

\_\_\_\_.08: EFFECTIVE DATE

This ordinance shall be in effect immediately after its final passage and publication as provided by law.

Passed and approved this 15th day of December, 2003

Mahaska County Board of Supervisors  
ss/Greg Gordy  
ss /Lawrence Rouw  
ss/Henry W. VanWeelden

Attest:  
SS/Kay Swanson, County Auditor

First Reading: December 15, 2003

Second Reading: Waived

Third Reading: Waived

Approved: December 15, 2003

Published:

Mahaska County Ordinance 23

TO PROVIDE FOR THE ISSUANCE OF PERMITS FOR UTILITY LINE INSTALLATION AND THE COLLECTION OF INSPECTION FEES AND TO PROVIDE PENALTIES FOR VIOLATIONS

BE IT ENACTED BY THE BOARD OF SUPERVISORS:

- |                                            |                                |
|--------------------------------------------|--------------------------------|
| ___ .01 Purpose                            | ___ .05 Authority to Establish |
| ___ .02 Definitions                        | ___ .06 County Infraction      |
| ___ .03 Powers of the Board of Supervisors | ___ .07 Severability Clause    |
| ___ .04 County Engineer to Administer      | ___ .08 Effective Date         |

\_\_\_ .01 PURPOSE The purpose of this ordinance is to adopt provisions for the inspection and regulation of utility line installations, including the issuance of permits and the collection of inspection fees, and provide penalties for the violation of this ordinance in order to protect public safety, health and welfare.

\_\_\_ .02 DEFINITIONS For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Applicant" - Includes a person, person, company, corporation or governmental entity desirous of placing a utility line on or under the county's secondary road system.
2. "Board of Supervisors" - refers to the Mahaska county Board of Supervisors.
3. "County" - refers to Mahaska County, Iowa.
4. "Utility Line" - refers to a telecommunications, electric, gas, water or sewer line

\_\_\_ .03 POWERS OF THE BOARD OF SUPERVISORS An applicant shall not place a utility line on or under the secondary road system without a utility permit issued by the Board of Supervisors. An applicant shall not place a utility line on or under the secondary road system which violates a utility permit issues by the Board of Supervisors. All jurisdiction and control over the issuance of a utility permit shall rest with the Board of Supervisors.

\_\_\_\_\_.04 COUNTY ENGINEER TO ADMINISTER The County Engineer may make such rules and regulations, not inconsistent with this ordinance, as are necessary to carry out the administration of this ordinance. The utility permit form, and all amendments thereto, shall be adopted by the Board of Supervisors by resolution.

\_\_\_\_\_.05 AUTHORITY TO ESTABLISH The Board of Supervisors is empowered to establish and require a utility permit under the authority of Iowa Code Chapters 306, 319, 320, 331, 477, 478, 479, 479A and 480.

\_\_\_\_\_.06 COUNTY INFRACTION Violation of this ordinance is a county infraction under Iowa Code Section 331.307, punishable by a civil penalty of \$100 for each violation. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

\_\_\_\_\_.07 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.

\_\_\_\_\_.08 EFFECTIVE DATE This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this 14th day of September 1992.

Mahaska County Board of Supervisors

(Daryl H. Denney)  
Chairperson, Daryl H. Denney

Attest:

(Jane L. Coffey)  
County Auditor, Jane L. Coffey

Mahaska County Ordinance 30

MAHASKA COUNTY ORDINANCE ON GROUNDWATER PROTECTION AND  
SOLID WASTE DISPOSAL FACILITIES/PERMITS

An ordinance establishing requirements for the operation of landfills within the county and providing enforcement mechanisms.

- |                                                           |                                 |
|-----------------------------------------------------------|---------------------------------|
| ____.01 Purpose                                           | ____.07 Violations by Operators |
| ____.02 Definitions                                       | ____.08 Violations by Others    |
| ____.03 Policy                                            | ____.09 Effective Date          |
| ____.04 Requirements for Solid Waste<br>Disposal Facility | ____.10 Establishment of Fund   |
| ____.05 Operation of Facility                             | ____.11 Unpermitted Landfills   |
| ____.06 Hazardous Waste                                   | ____.12 Severability            |

\_\_\_\_.01: Purpose

This ordinance implements the county's responsibility to consider groundwater protection policies in its programs as mandated by Iowa Code section 455E.10(1); adopts regulatory policies for groundwater protection as authorized by Iowa Code section 455E.10(2); requires all prospective operators of solid waste disposal facilities to apply for and acquire a solid waste disposal permit from the county upon a proper showing of need, public hearing within the county on environmental impact, and payment of permit fees; requires all operators to post reasonable financial assurance for the lawful, conscientious and reliable operation of a disposal facility; and provides for revocation of permits and other civil penalties consistent with the home rule authority and police power of the county and Iowa Code section 331.302(15).

\_\_\_\_.02: Definitions

- a. "County" means Mahaska County, Iowa.
- b. "Law" means all federal, state, and local statutes, administrative rules, ordinances, court rulings, and agency rulings which apply to a given situation.

- c. "Operator" means a person or corporation operating a disposal facility.
- d. "Disposal Facility" means a sanitary landfill where solid waste is buried between layers of earth.
- e. "Groundwater" means any water defined in Iowa Code section 455D.171, which occurs beneath the surface of the earth on a saturated geological formation of rocks or soil.
- f. "Nuisance" means those activities defined in Iowa code sections 657.2(1),(2), and/or (4).
- g. "Solid Waste" means those substances described and defined in Iowa Code section 455B.301(5).

\_\_\_\_03: Policy

The protection of the health, safety, and welfare of citizens in Mahaska County and the protection of the environment require the safe, sanitary and reasonable disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public, and provides the most practical and beneficial use of the material and energy values of solid waste. While the continuing necessity for the existence of landfills to meet the needs of the people is apparent, alternative methods of managing solid waste for all persons are needed and methods of managing the solid waste of all person is the responsibility of all persons and their elected representatives, including representatives of Mahaska County.

Persons in Mahaska County have a right to be protected from unnecessary, unsafe, and/or unreasonable disposal of solid waste which affects them and their environment, and the right to be free from nuisance created by solid waste and/or its disposal. To the end that solid waste and its disposal is everyone's problem, persons in Mahaska County have a right to address the relevant issues in a local, public forum and through their representatives and through the county's inherent police power, the right to require, implement, and enforce reasonable regulations of solid waste and its disposal.

\_\_\_\_04: Requirements for Solid Waste Disposal Facility

- a. It shall be unlawful for any private or public person, corporation, or agency to dump or deposit or permit the dumping or depositing of any solid waste at any place in the county other than a disposal facility holding a permit issued by the county's Board of Supervisors. (However, this section shall not prohibit a private person or a public body from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned

or leased by it, if the action does not violate any other law. This section specifically prohibits the dumping or depositing of solid waste at any landfill which does not hold the requisite County Permit.)

- b. An operator of a proposed or existing disposal facility may apply for a permit by completing all of the following:
  1. A written request for a permit must be filed with the County Board of Supervisors and the application must include:
    - a. The names, addresses, and telephone numbers of the operator (if a corporation, the information must include the names of its officers), and all persons assisting in the preparation of the application (engineers, geologists, etc.).
    - b. The exact legal description of the proposal location of the disposal facility.
    - c. The detailed plans for transportation, transfer, loading and unloading, processing, and burial of solid waste (including plans for use of public and private rights-of-way; traffic control; dust control; disease control; and visibility control).
    - d. A detailed study and detailed projections regarding the impact of the facility and its operation on groundwater resources.
    - e. Detailed projections concerning the daily volume in tons of solid waste: daily traffic county; and duration of facility use.
    - f. Detailed plans for maintenance and monitoring of the facility, including monitoring through ground wells for presence of leachate.
    - g. Detailed plans for closure and post-closure maintenance and monitoring.
  2. Appearance at a public hearing scheduled and conducted by the county to receive input from, and address questions from persons and agencies regarding the application for permit.
  3. Posting of a \$1,000,000.00 irrevocable, non-dischargeable bond for 30 years duration to assure the performance by the operator of proper operation, maintenance, monitoring, closure and post-closure maintenance, and monitoring responsibilities for the period of operation and for 30 years after closure.
  4. Payment to the county of a permit fee of \$100.00 and additional, periodic fees as follows:

a. The operator shall document in writing and pay a tonnage fee for each ton of solid waste deposited (measured as required in Iowa Administrative Code section 567--109.4 (455B) (2) in excess of 25 tons per day, an amount equal to the following, which shall be a tonnage fee assessed and payable in addition to any tonnage fee required by a state regulative body:

1. For the year beginning July 1, 1988 through June 30, 1989: \$1.50 per ton;

2. For the year beginning July 1, 1989 through June 30, 1990: \$2.00 per ton;

3. For the year beginning July 1, 1990 through June 30, 1991: \$2.50 per ton;

4. For the year beginning July 1, 1991 through June 30, 1992: \$3.00 per ton;

5. For the year beginning July 1, 1992 and all subsequent years: \$3.50 per ton

a. The tonnage assessed under this section 4(b)(\$ shall be held separate from all other county funds and shall be used by the county exclusively for the development and implementation of alternatives to sanitary landfills or for the costs incurred by the county to abate problems associated with the operation of the respective sanitary landfill.

b. Payments shall be made on a quarterly basis due ten days after the close of each calendar quarter.

c. Permit fees unpaid when due shall result in immediate revocation of the permit.

5. The County Board of Supervisors shall schedule a public hearing before a joint meeting of the board, the county board of health, and the county conservation board, on each permit application.

a. Notice of the hearing shall be published as required in Iowa Code section 331.305.

b. At the hearing, the chairman of the Board of Supervisors shall preside.

c. The applicant for the permit shall address the hearing and set forth the proposal for a solid waste disposal permit.

d. The county board of health shall make a presentation regarding its findings from any study conducted, investigation undertaken, or other relevant matters, concerning the proposed operation of a disposal facility.

e. The County Conservation Board shall present its findings from any study conducted, or investigation undertaken and any other relevant findings or information concerning the proposed operation of a disposal facility.

f. Input, if any shall be received from the public.

g. At the conclusion of the hearing or at a future meeting, the Board of Supervisors shall consider the application and shall make specific findings as to the need for the facility; the impact of the operation of the facility on the county's infrastructure and environment, groundwater resources, and the public; the information submitted by the County Health Board and Conservation Board; and the general qualifications of the specific proposal presented and the specific operator nominated. the board shall make a decision whether to grant the permit requested, deny the application, or grant the permit on specified conditions.

h. The County Board of Supervisors shall notify the applicant in writing of its decision and the basis therefore.

\_\_\_\_05: Operation of Facility

A. All trucks, railcars, or other transportation vehicles transporting solid waste to the facility and traveling within the county must be tarped or fully enclosed at all times, except for the specific loading and unloading of the transportation vehicle at a transfer station or at the disposal facility; and any such loading and unloading activity shall not result in the exposure of solid waste for more than a 12-hour period.

B. It shall be unlawful for any person who is not specifically vested with the responsibility of loading, unloading, or monitoring of solid waste within the county to rummage through, pilfer, salvage, or otherwise invade, tamper with or have voluntary contact with, solid waste being transported to, being dumped or deposited in a disposal facility, or located within such facility. However, it shall not be unlawful for person to come in contact with solid waste when cleaning a transfer station, disposal facility, or right-of-way of litter.

C. All transfer stations within the county used for the transfer of solid waste from its source to a transportation vehicle or from a transportation vehicle

to another transportation vehicle, shall be fully enclosed facilities, with concrete flooring, with drainage facilities to a sanitary sewer, and shall be hosed down with water and disinfectant at least once every 12 hours during use or after each use, whichever is less frequent.

- D. Each operator of a solid waste facility in the county must at all times maintain a current listing of solid waste contributors including the names, addresses and telephone numbers of persons under contractual agreement to deposit solid waste in the facility; persons dumping or depositing waste in the facility on a call basis; person transporting waste to the facility both from outside of the county and from within the county; and any indirect contributors of waste amounting to more than one ton per dumped or deposited load of waste. Said information shall be available to the county upon request by its Board of Supervisors or its designee, including the county board of health.
- E. The operator of a disposal facility shall be directly responsible for requiring compliance by all transporters and transferors of solid waste of the provisions of this section #5; and the operator shall be jointly and severally responsible for any violations of this section.

\_\_\_\_06: Hazardous Waste

- A. "Hazardous Substance" means a hazardous substance as defined in Iowa Code section 455.411(3).
- B. "Hazardous Waste" means a waste of combination of wastes as defined in Iowa Code section 455.411(4).
- C. It shall be unlawful for any hazardous substance or hazardous waste to be transported to a disposal facility or dumped or deposited in such a facility in the county. The operator of a disposal facility and any person transporting any hazardous substance or hazardous waste as herein above prohibited shall be jointly and severally responsible for the violation of this provision.
- D. The operator of a disposal facility shall have an affirmative duty and responsibility to monitor through its contracts and other forms of acceptance of solid waste and through routine physical checking of each load of waste, for the transportation and/or dumping and depositing of hazardous substances and hazardous wastes.
- E. Upon the reasonable suspicion or discovery of the transportation or

dumping and depositing of hazardous substances or hazardous-wastes by any person working in the transportation, dumping and depositing, or other operation of transfer station or disposal facility, the person acquiring the reasonable suspicion or discovery of violation of this Section #6 shall immediately notify in writing the County Board of Supervisors specifying the nature of the reasonable suspicion; the identity of other persons with knowledge of the situation; the identity of the hazardous substance or hazardous waste, if known; the exact date and location of the violation and the present location of the suspected or discovered hazardous substance or hazardous waste.

- F. The County Board of Supervisors or its designee, including the County Board of Health, shall have authority to immediately impound or otherwise secure and seize and transportation vehicle or other containing conveyance or facility which, through reasonable investigation, is reasonably suspected to or does contain a hazardous substance or hazardous waste.

\_\_\_\_07: Violations By Operators

- A. A violation by a disposal facility operator of any Law including this Ordinance relating to creation, use, operation, maintenance, monitoring, closure, or post-closure maintenance and monitoring of a disposal facility, including responsibilities for transfer and transportation of solid waste, shall result in immediate revocation of the permit which may be issued pursuant to Section #4 hereof.
- B. In addition to any other penalty provided herein or by Law, a violation by the operator of any provision of this Ordinance shall be a County infraction and subject to a civil penalty not to exceed \$100.00 per violation, or if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each, repeat offense.

\_\_\_\_08: Violations By Other Persons

Any person, including but not limited to, person employed in the transfer and transportation of solid waste within the County who violate any provision of this ordinance shall commit a County Infraction and shall be subject to a civil penalty not to exceed \$100.00 for each violation, and if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each, repeat offense.

\_\_\_\_09: Effective Date

This Ordinance become effective on the date published as provided in Iowa Code Section 331.302(7); however, any disposal facility which has

accepted the dumping and depositing of solid waste at its location of operation prior to the date this ordinance become effective, is expressly exempted from the requirements established herein.

\_\_\_\_ 10: Establishment Of Fund

The County shall use all permit fees and civil penalty fees collected under this Ordinance to create and maintain a Landfill Protection Fund, held separate from all other County funds, which shall be used by the County Board of Supervisors to provide such services, improvements, or other reasonable and necessary benefits to person in the County as are reasonably necessary to protect persons in the County from adverse effects of landfill operations within the County.

However, all tonnage fees assessed pursuant to Section #4(B) (4) (a) shall be used by the County exclusively for the development and implementation of alternatives to sanitary landfills or for the costs incurred by the County to abate problems associated with the operation of the sanitary landfill.

\_\_\_\_ 11: Unpermitted Landfills

Any disposal facility which is operating in the County without a County permit as required by this Ordinance is a nuisance and shall be abated according to law.

\_\_\_\_ 12: Severability

If any provision of this Ordinance becomes ineffective, void, or voidable by operation of statute, rule, Court order, or otherwise, all other provisions and Sections shall remain in full force and effect and shall be unaffected.

Passed and Approved this 14th day of September 1989.

(Albert W. Stewart)  
Albert W. Stewart, Chairman

Mahaska County Board of Supervisors

(Joe Warrick)

Joe Warrick

Mahaska County Board of Supervisors

Arie Ringlestein

Mahaska County Board of Supervisors

ATTEST:

(Jane L. Coffey)

Jane L. Coffey

Mahaska County Auditor

HISTORIC

## Mahaska County Ordinance 31

### On-Site Wastewater Treatment and Disposal

____.01	Purpose	____.01.18	Amendments
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____.01.17	Variances	____.03.9	Private On-Site Wastewater Treatment and Disposal Systems – Design Construction and Operation

\_\_\_\_.01: Purpose

A regulation relating to permits, licensing, and standards for the treatment and disposal of private sewage and liquid waste for the promotion of public health in Mahaska County, Iowa; and providing penalties for the violation of the provisions hereof.

The Mahaska County Board of Health, pursuant to the authority of Iowa Code Section 455B.172, hereby adopts the following regulations to wit;

\_\_\_\_.01.1A: Definitions

1. "ADMINISTRATIVE AUTHORITY" is the Mahaska County Health Director or his/her authorized representative as authorized by Iowa Code section 137.6.
2. "APPROVED" means accepted or acceptable under an applicable specification stated or cited in these rules, or accepted as suitable for the proposed use by the Administrative Authority.
3. "AREA DRAIN" means a drain installed to collect surface or storm water from an open area of a building or property.
4. "ARTICLES AND MATERIALS" shall mean any substances or goods, such as but not limited to, automobiles, auto parts, lumber, wood, metal objects, plastic and concrete objects.
5. "BIOFILTER" means a secondary treatment option which includes peat moss, crushed grass, other organic product as a treatment media.
6. "BOARD OF HEALTH" means the Mahaska County Board of Health.
7. "BEDROCK" is any rock which cannot be excavated by normal trenching equipment, is so slowly permeable that it will not transmit effluent, or has open fractures or solution channels.

8. "BUILDING DRAIN" is that part of the lowest horizontal piping of a house drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

9. "BUILDING SEWER" is that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

10. "CENTRAL SYSTEM" means a central wastewater collection and treatment center approved by the Board of Health and, when so required, approved also by the Department.

11. "CHAMBER SYSTEM" is a buried structure, typically with a domed or arched top, providing at least a six-inch height of sidewall soil exposure, creating a covered open space above a buried soil infiltrative surface.

12. "CONVENTIONAL" when used in reference to sewage treatment means a soil absorption system involving a series of two or three foot wide trenched filled with gravel one foot deep, containing a four inch diameter rigid pipe to convey the sewage effluent.

13. "COUNTY" means Mahaska County, Iowa.

14. "DEPARTMENT" means the Iowa Department of Natural Resources.

15. "DISTRIBUTION BOX" is a structure designed to accomplish the equal distribution of wastewater to two or more soil absorption trenches.

16. "DOSING" is a measured application of effluent by mechanical or other means from an approved wastewater treatment facility, such as a septic tank, into an approved wastewater disposal system. Dosing utilizes the disposal system more effectively than a conventional gravity flow type system.

17. "DRAINAGE DITCH" is any watercourse meeting the classification of a "general use segment" under rule 567—61.3 (455B) which includes intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation in the immediate locality and whose channels are normally above the water table.

18. "DROP BOX" is a structure to divert wastewater flow into a soil absorption trench until the trench is filled to a set level, then allow any additional waste, which is not absorbed by the trench, to flow to the next drop box or soil absorption trench.

19. "DWELLING" is any house or building or portion thereof, which is occupied in whole or in part as the home or residence of one or more human beings, either permanently or transiently.

20. "FILL SOIL" means clean soil, free of debris or large organic material, which has been mechanically moved onto a site and has been in place for less than one year.

21. "FOUNDATION DRAIN" means that portion of a building drainage system provided to drain groundwater from the outside of the foundation or over or under the basement floor not including any wastewater and not connected to the building drain.

22. "FREE ACCESS FILTER (OPEN FILTER)" means an intermittent sand filter constructed within the natural soil or above the ground surface with access to the distributor pipes and top of the filter media for maintenance and media replacement.

23. "GARBAGE" the putrescible and vegetable wastes resulting from the handling, preparation and consumption of food.

24. "GRAVEL" means stone screened from river sand or quarried. Concrete aggregate designed as Class II by the department of transportation is acceptable.

25. "GRAVELLESS PIPE SYSTEM" means an absorption system comprised of large diameter (8 and 10 inches) corrugated plastic pipe, perforated with holes on a 120-degree arc centered on the bottom, wrapped in a sheath of geo-textile filter wrap and installed level in a trench without gravel bedding or cover.

26. "HEALTH HAZARD" any condition which, can or has the potential, to cause injury or sickness to human life, animal life or to the environment.

27. "INDIVIDUAL MECHANICAL AEROBIC WASTEWATER TREATMENT SYSTEM" means an individual wastewater treatment and disposal system employing bacterial action which is maintained by the utilization of air or oxygen and includes the aeration plant and equipment and the method of final effluent disposal.

28. "INTERMITTENT SAND FILTERS" are beds of granular materials 24 to 36 inches deep underlain by graded gravel and collecting tile. Wastewater is applied intermittently to the surface of the bed through distribution pipes or troughs and the bed is underdrained to collect and discharge the final effluent. Uniform distribution is normally obtained by dosing so as to flood the entire surface of the bed. Filters may be designed to provide free access (open filters), or may be buried in the ground (buried filters or subsurface sand filters).

29. "LAKE" means a natural or man-made impoundment of water with more than one acre of water surface area at the high water level.

30. "LIMITING LAYER" means bedrock, seasonally high groundwater level, or any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch or clay loam and clay soils.

31. "MOUND SYSTEM" is an alternative above ground system used to absorb effluents from septic tanks in cases where either seasonally high water table, high bedrock conditions, slowly permeable soils or limited land areas prevent conventional subsurface absorption systems.

32. "NON-PUBLIC WATER SUPPLY" shall mean a water system that has less than fifteen service connections or serves less than twenty-five people; or one that has more than fifteen service connections or serves more than twenty-five people for less than sixty days a year.

33. "ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facility serving the equivalent of 15 persons (1,500 gpd) or less. This includes domestic waste whether residential or nonresidential but does not include industrial waste of any flow rate. Included within the scope of this definition are building sewers, septic tanks, subsurface absorption systems, mound systems, sand filters, gravelless systems, chamber systems, and individual mechanical aerobic wastewater treatment systems.

34. "PERSON" means a natural individual person only.

35. "POND" means a man-made impoundment of water with a water surface area of one acre or less at the high water level.

36. "PRIMARY TREATMENT" is a unit or system to separate the floating and settleable solids from the wastewater before the partially treated effluent is discharged for secondary treatment.

37. "PROFESSIONAL SOIL ANALYSIS" is a field test which depends upon a knowledgeable person evaluating the soil factors, such as color, texture, and structure, in order to determine an equivalent percolation rate. Demonstrated training and experience in soil morphology (testing absorption qualities of soil by the physical examination of the soil's color, mottling, texture, structure, topography, and hill slope position) shall be required to perform a professional soil analysis.

38. "PUBLIC SEWER" the entire sewage system including collection, treatment and ultimate disposal, which serves two or more connections.

39. "PUBLIC WATER SUPPLY" shall mean a water supply for the provision to the public of piped water for human consumption if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year.

40. "PUMPING CONTRACTOR" a person engaged in the business of cleaning privy, vaults, cesspools, and septic tanks,

41. "REASONABLY ACCESSIBLE" as it applies to a connection to a public sewer system or public water supply shall mean a determination made by the Administrative Authority as to the practicality of the connection.

42. "REFUSE" all putrescible and non-putrescible solid wastes except human body wastes, and shall include, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, and abandoned automobiles.

43. "ROOF DRAIN" is a drain installed to receive water collecting on the surface of a roof and discharging into an area or storm drain system.

44. "SECONDARY TREATMENT SYSTEM" is a system which provides biological treatment of the effluent from septic tanks or other primary treatment units to meet minimum effluent standards as required in these rules and NPDES General Permit No. 4. Examples include soil absorption systems, sand filters, mechanical aerobic systems, or other systems providing equivalent treatment.

45. "SEPTAGE" means the liquid contents (including sludge and scum) of a septic tank normally pumped out periodically and transported to another site for disposal.

46. "SEPTIC TANK" is a watertight structure into which wastewater is discharged for solids separation and digestion, referred to as the closed portion of the treatment system.

47. "SLUDGE" means the digested or partially digested solid material accumulated in a wastewater treatment facility.

48. "STORM DRAIN" is a drain used for conveying rainwater, groundwater, subsurface water, condensate, cooling water or other similar discharge to a storm sewer or combined sewer.

49. "STREAM" means any watercourse listed as being a "designated use segment" in rule 567—61.3 (455B) which includes any watercourse which maintains flow throughout the year, or contains sufficient pooled areas during intermittent flow periods to maintain a viable aquatic community of significance.

50. "SUBSURFACE ABSORPTION SYSTEM" is a system of perforated conduits connected to a distribution system, forming a series of subsurface, water-carrying channels into which the primary treated effluent is discharged for direct absorption into the soil (referred to as part of the open portion of the treatment system).

51. "SUBSURFACE SAND FILTER" is a system in which the effluent from the primary treatment unit is discharged into perforated pipes, filtered through a layer of sand, and collected by tower perforated pipes for discharge to the surface or a subsurface absorption system. A subsurface sand filter is an intermittent sand filter which is placed within the ground and provided with a natural topsoil cover over the crown of the distribution pipes.

52. "TIME OF SALE" means the first day any buyer or transferee become obligated under any purchase agreement or contract for sale, deed, unless such obligation is later rescinded by the parties.

53. "TRASH OR RUBBISH" shall include, but not be limited to tin cans, paper, metal scraps, automobile parts, glass, wood, and yard clippings, or abandoned heavy household appliances.

54. "WASTEWATER" is the water-carrying water derived from ordinary living processes, including but not limited to the discharge of effluent from any onsite waste water treatment and disposal system.

55. "WASTEWATER MANAGEMENT DISTRICT" means an entity organized in accordance with permitting legislation to perform various specific functions such as planning, financing, construction, supervision, repair, maintenance, operation and management of onsite wastewater treatment and disposal systems within a designated area.

56. "NUISANCE" As defined in Chapter 657 of the Code of Iowa.

**1.1B: Rodent Control**

1. "RODENT HARBORAGE" shall mean any condition that provides shelter or protection for rodents, thus favoring their multiplication and continued existence in under or outside any structure.

2. It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any structure or on any property so that the same may afford food or harborage for rodents.

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

4. Upon receipt of a written notice or order from the Local Board or its authorized agent, the owner of any property specified therein shall take immediate measures for rodent control. In the event such control measures are not instigated within the time

designated, the Local Board may instigate condemnation and destruction proceedings or take such action as is deemed necessary.

**\_\_\_\_\_ 1.1C: Garbage and Refuse**

1. No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers approved by the Health Officer. Such containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed therefrom.

**\_\_\_\_\_ 1.2: Illegal Discharge of Wastewater**

1. It is prohibited to discharge any wastewater from on-site wastewater treatment and disposal systems (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, county drain tile, surface water drain tile, land drain tile, or to the surface of the ground. Under no conditions shall wastewater from on-site wastewater treatment and disposal systems be discharge to any abandoned well, agricultural drainage well or sinkhole. Existing discharges to any of the above-listed locations or structures shall be eliminated by constructing a system which is in compliance with the requirements of these rules.

**\_\_\_\_\_ 1.3: Pre-Existing On-Site Wastewater Treatment and Disposal Systems**

1. No person, firm, partnership, corporation or other public or private entity shall connect an existing on-site wastewater treatment and disposal system to a pre-existing or new structure without the prior approval from the county health department. The county health department shall be notified in writing, to include and not limited to, documentation and a valid permit. The health officer shall determine if a sewage disposal system is adequate.

2. If a valid permit has not been issued, the county health department shall evaluate the sewage disposal system to determine if the construction is in accordance with these regulations and is adequate to serve the pre-existing or new structure. If the sewage system is in accordance with these regulations and adequate, the person, firm, partnership, corporation or other public or private entity shall file for a valid sewage permit.

3. If a valid permit has not been issued and the sewage disposal system construction is not in accordance with these regulations, connection of the sewage disposal system to a pre-existing or new structure shall be denied and a valid permit shall be applied for in the county health department.

**\_\_\_\_\_ 1.4: Permit Requirements**

1. No on-site wastewater treatment and disposal system shall be installed, altered, expanded or repaired until an application for a permit has been submitted and a permit issued by the Mahaska County Board of Health or the Administrative Authority. The installation shall be in accordance with these rules.

2. An on-site wastewater treatment and disposal system permit shall be issued by the Mahaska County Board of Health or the Administrative Authority prior to the issuance of a building permit.

3. Permits shall have validity for a maximum of twelve (12) months from the time of issuance; during which time the private sewage disposal system shall be completed.

4. No on-site wastewater treatment system shall be covered so as to deny final inspection by the Administrative Authority.

5. No on-site wastewater treatment system for which a permit has been issued shall be put into operation until the construction, repair, alteration, or remodeling shall have been inspected and approved by the Administration Authority.

**\_\_\_\_\_ 1.5: Fees**

1. Permit fee schedule shall be determined by the Board of Health.

2. No permit shall be refundable after a professional soil analysis had been completed. A permit may be transferable upon written approval of former permit holder.

3. Fees:	a. Septic tank and/or sub surface absorption field	\$150.00
	b. Impervious vault toilets and holding tanks	\$100.00
	c. Re-inspection or each additional inspection	\$100.00
	d. Sand filters or other type of private sewage disposal systems	\$150.00
	e. Inspection at time of sale	\$100.00

**\_\_\_\_\_ 1.6: Private System Contractor's Licensing**

1. Any person desiring to act as a private contractor in their own regard or on behalf of an employer, corporation or other person or entity, to construct, alter, or repair any private sewage system in Mahaska County, Iowa, shall first file for a license and approved with the Administrative Authority, conditioned on the faithful performance of all duties and regulations required by the Board of Health of Mahaska County, Iowa and any other laws or ordinance regulating private sewage systems.

2. The Administrative Authority will issue a Contractor's License for a fee of one hundred and fifty dollars (\$150), valid for a period of twelve (12) months beginning on March 1st and expiring on February 28th. Renewal of the license shall be considered once application, application fee, and proof of completion of twelve (12) hours of classroom instruction has been received. Classroom instruction shall be from Administrative Authority sponsored/approved sources.

3. The private system contractor license may be revoked by the Administrative Authority if terms of this regulation is violated and only reinstated at the discretion of the board of Health. No person in whose name a revoked license was issued shall be issued a new license within a period of twelve (12) months after the effective date of the revocation, except on recommendation by the Board of Health.

4. The license fee schedule shall be determined by the Board of Health.

\_\_\_\_ **1.7: Emergency Repair**

1. In the event of an emergency situation, work may be initiated without first obtaining a permit; provided this repair work is reported to the Administrative Authority by 12 o'clock noon of the next business day. Contractors or property owners failing to report emergency repair work as specified shall be subject to a penalty as indicated in section 1.14-Penalty. All repair work shall conform to the specifications provided in Mahaska County On-Site Wastewater Treatment and Disposal ordinance. All completed work shall be left uncovered until inspection by the Administrative Authority is made and the work approved.

\_\_\_\_ **1.8: Abandonment of an On-Site Wastewater Treatment and Disposal System**

1. All primary treatment sections of the sewage disposal facilities (vault or septic tank) replaced by connections to a publicly operated sewage system or when an existing sewage disposal facility is replaced or use discontinued, shall be abandoned as specified by the Administrative Authority. No sewage disposal facilities shall be abandoned until the pumping contractor has cleaned said sewage disposal facilities.

\_\_\_\_ **1.9: Plats and Sizes Hereinafter Established**

1. All plats and subdivisions not approved and officially recorded prior to the effective date of this regulation shall have the approval of the Administrative Authority with regards to on-site wastewater treatment system construction and operation.

2. Where a public sewer is not made available to serve the proposed plat, the plat must provide engineering data as requested to confirm the suitability of the site for on-site wastewater treatment system construction.

\_\_\_\_\_ **1.10: Enforcement**

1. It shall be the duty and responsibility of the Board of Health to enforce the provision of this ordinance. This duty may be delegated to an authorized representative. The ordinance may be enforced by either issuing a civil citation for a county infraction or by issuing a criminal citation, or both, for a violation of the County Ordinance.

\_\_\_\_\_ **1.11: Refusal of Admittance**

1. In the event the Administrative Authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, a complaint may be made under oath at the District Court in the County and said Court thereupon issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset accompanied by the Administrative Authority, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

\_\_\_\_\_ **1.12: Notice**

1. Whenever the Administrative authority determines that there are reasonable grounds to believe there has been a violation of any provisions of this ordinance, he/she shall give notice to such alleged violation to the person or persons responsible, as thereof provided. Such notice shall:

- A) Be in writing
- B) Include a statement of the reasons the ordinance was violated.
- C) Allow reasonable time for performance of any act to remediation to achieve compliance.
- D) Be served upon the responsible owner, agent or occupant, as the case may require. Such notice shall be deemed to be properly served if a copy is sent by certified mail to the last known address of the responsible owner, agent or occupant, or if served by any other method authorized or required by the laws of this state.

2. Such notice shall contain an outline of remedial action which, will effect compliance with the provisions of this regulation.

3. This provision is not meant to limit the Administrative Authority's right of entry during his/her investigation.

\_\_\_\_\_ **1.13: Hearings**

1. In the event that any person or entity is aggrieved by any order made by the

Administrative Authority, that person or entity may within twenty (20) days of the date of such order, appeal to the Board of Health and in writing, stating reasons for requesting the order to be rescinded or modified. The Board of Health shall review the action of the Administrative Authority, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order. Appeal for any order of the Board of Health may be taken within twenty (20) days to the District Court of Mahaska County, Iowa.

\_\_\_\_ **1.14: Penalties**

1. Any person, firm, partnership, corporation, or other entity or responsible person violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than thirty (30) days and shall be guilty of a county infraction punishable by a civil penalty of not more than five hundred dollars (\$500) or if the infraction is a repeat offense by a civil penalty not to exceed one thousand dollars (\$1000). Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

\_\_\_\_ **1.15: Court Order**

1. Whenever in the judgment of the Board of Health or the Administrative Authority any person that has engaged or is about to engage in any acts or practices which constitutes or will constitute a violation of the ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation or both.

\_\_\_\_ **1.16: Applicability**

1. Provisions contained herein are applicable to all on-site wastewater treatment and disposal systems in Mahaska County. No septage or wastewater shall be disposed of except in compliance with the requirements contained in these rules.

\_\_\_\_ **1.17: Variances**

1. Variances to these rules may be granted by the Iowa Department of Natural Resources or by the Board of Health provided sufficient information is afforded to substantiate the need and propriety of such action. Application for variances and justification shall be in writing and copies filed with the Mahaska County Board of Health.

\_\_\_\_ **1.18: Amendments**

1. Amendments and additions to this ordinance shall be made as required by Iowa Code Chapter 137.6. The Board of Health shall propose amendments and additions to this regulation to the Board of Supervisors whenever the Board of Health determines such changes are necessary to fulfill the purpose of this regulation.

**\_\_\_\_\_ 1.19: Separability of Provisions**

1. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provision of this ordinance.

**ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM CONSTRUCTION**

**\_\_\_\_\_ 2.1: Requirements When Discharging Into Surface Waters**

1. All discharges from on-site wastewater treatment and disposal systems which are discharged into any surface water shall be treated in a manner that will conform with the requirements of NPDES General Permit No. 4 issued by the department of natural resources, as referenced in 567—Chapter 64. Prior to the installation of any system discharging to waters of the state, a notice of intent to be covered by NPDES General Permit No. 4 shall be submitted to the department. Systems covered by this permit must meet all applicable requirements listed in the NPDES permit.

**\_\_\_\_\_ 2.2: Requirements When Discharging into the Soil**

1. No septage or wastewater shall be discharged into the soil except in compliance with the requirements contained in these rules.

**\_\_\_\_\_ 2.3: Site Evaluation**

1. A site evaluation shall be conducted prior to issuance of a construction permit. Consideration shall be given, but not limited to, the impact of the following: topography; drainage ways; terraces; floodplain; percent of land slope; location of property lines; location of easements; buried utilities; existing and proposed tile lines; existing, proposed and abandoned water wells; amount of available area for the installation of the system; evidence of unstable ground; alteration (cutting, filling, compacting) of existing soil profile; and soil factors determined from a professional soil analysis and soil survey maps.

**\_\_\_\_\_ 2.4: Minimum Distances**

1. All on-site wastewater treatment and disposal systems shall be located in accordance with the minimum distances shown in Table I:

**TABLE I**

Minimum distance in Feet From	Closed Portion Of Treatment System (1)	Open Portion of Treatment System (2)
Private water supply well	50	100
Public water supply well	200	200
Groundwater heat pump borehole	50	100
Lake or reservoir	50	100
Stream or pond	25	25
Edge of drainage ditch	10	10
Dwelling or other structure	10	10
Property lines (unless a mutual easement is signed and recorded)	10	10
Other type subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10

(1) Includes septic tanks, closed biofilters, mechanical aeration tanks and impervious vault toilets.

(2) Includes subsurface absorption systems, open biofilters mound systems and intermittent sand filters.

**2.5: Connection to Public Sewers**

1. No on-site wastewater treatment and disposal system shall be installed, repaired or rehabilitated where a public sanitary sewer is reasonable accessible within 300 feet of the closest point of the lot line or where a local ordinance requires connection to a public system unless an exception is granted by the Board of Health or Administrative Authority.

2. When a public sanitary sewer becomes reasonably accessible, within 300 feet of the closet point of the lot line or where a local ordinance requires connection to a public system unless an exception is granted by the Board of Health or Administrative Authority, any building then served by an on-site wastewater treatment and disposal system shall connect if in violation of other sections of this regulation or within a time frame determined by the County Board of Health.

3. When a public sanitary sewer is not available, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system.

**2.6: Construction, Alteration or Repair**

1. All on-site wastewater treatment and disposal systems constructed, altered, or repaired after the effective date of these rules shall comply with these requirements. Alteration includes any changes that effect the treatment or disposal of the waste. Repair of existing components that does not change the treatment or disposal would be exempt.

**2.7: Building Sewers**

1. Location and construction. The types of construction and distances as shown in Table II shall be maintained for the protection of water supplies. The distances shall be considered minimum and increased where possible to provide better protection.

**TABLE II**

Sewer Construction	Distance from PRIVATE Well Water Supply	Distance from PUBLIC Well Water Supply
Schedule 40 pipe (or SDR 26 or stronger) with approved type joint or cast-iron soil pipe (extra heavy or centrifugally cast) with joints of preformed gaskets.	10	25
Sewer pipes installed to remain watertight and rat proof.	50	75

Under on circumstances shall a well suction line pass under a building sewer line.

2. Requirements for building sewers.

A) Type. Building sewers used to conduct wastewater from a building to the primary treatment unit of an on-site wastewater treatment and disposal system shall be constructed of Schedule 40 plastic pipe (or SDR-26 or stronger) with solvent-weld or bell-and-gasket type joints, or cast iron, with integral bell-and-gasket type joints.

B) Size. Building sewers shall not be less than four (4) inched in diameter.

C) Grade. Such building sewers shall be laid to the following minimum grades:

- 4-inch sewer..... 12 inches per 100 feet
- 6-inch sewer.....8 inches per 100 feet

### 3. Cleanouts

A) Spacing. A cleanout shall be provided where the building sewer leaves the house and at least every 100 feet allowing rodding downstream.

B) Change of direction. An accessible cleanout shall be provided at each change in direction or grade, if the change exceeds 45 degrees.

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## **2.8: Septic Tanks**

### 1. General Requirements:

A) Septic tank required. Every on-site wastewater treatment and disposal system, unless waived by the Administrative Authority, shall have as a primary treatment unit a septic tank as described in this rule. All wastewater from the facility serviced shall discharge into the septic tank (except as noted in "D" below).

B) Easements. No septic tank shall be located upon property under ownership different from the ownership of that property or lot upon which the wastewater originates unless easements to that effect are legally recorded and approved by the proper Administrative Authority.

C) Effluent discharge requirements. All septic tanks effluent shall discharge into a secondary treatment system in compliance with this rule or other system approved by the Administrative Authority.

D) Prohibited wastes. Septic tanks shall not be used for the disposal of chemical wastes or grease in quantities which might be detrimental to the bacterial action in the tank for the disposal of drainage from roof drains, foundation drains, area drains, or water softener backwash.

### 2. Capacity

A) Minimum capacity. The minimum liquid holding capacity shall be as specified in the following table (capacity may be obtained by using one or more tanks):

**TABLE III**

Number of Bedrooms	Minimum Septic Tank Capacity
Up to & including 3 bedroom homes	1,250 gallons
4 bedroom homes	1,500 gallons
5 bedrooms homes	1,750 gallons
6 bedroom homes	2,000 gallons

B) Other domestic waste systems. In the event that any installation serves more than a 6-bedroom home or its equivalent, or serves a facility other than a house and serves the equivalent of 15 persons or less (1,500 gal/day) approval of septic tank capacity and design must be obtained from the Administrative Authority. Minimum septic tank liquid holding volume shall be two times the estimated daily sewage flow.

C) For wastewater flow rates for nonresidential and commercial domestic waste applications under 1,500 gal/day, refer to Appendix A.

D) Minimum depth. Minimum liquid holding depth in any compartment shall be 40 inches.

E) Maximum depth. Maximum liquid holding depth for calculating capacity of the tank shall not exceed 6 feet.

F) Dimensions. The interior length of a septic tank should not be less than 5 feet and shall be at least 1 1/4 times the width (larger length-to-width ratios are preferred). No tank or compartment shall have an inside width of less than 2 feet. The minimum inside diameter of a vertical cylindrical septic tank shall be 5 feet.

### 3. Construction Details

A) Fill soil. Any septic tank placed in fill soil shall be placed upon a level, stable base that will not settle.

B) Compartmentalization. Every septic tank shall be divided into two compartments as follows (compartmentalization may be obtained by using more than one tank):

1) The capacity of the influent compartment shall not be less than one half nor more than two-thirds of the total tank capacity.

2) The capacity of the effluent compartment shall not be less than one third nor more than one-half of the total tank capacity.

C) Inlet/outlet. The invert of the inlet pipe shall be a minimum of 2 inches and a maximum of 4 inches higher than the invert of the outlet pipe.

D) Baffles. Four-inch diameter schedule 40 plastic pipe shall be used as inlet and outlet baffles. Inlet tees shall extend at least 6 inches above and 8 inches below the liquid level of the tank. The outlet tee shall extend above the liquid level a distance of at least 6 inches and below the liquid level a distance of at least 10 inches but no more than 25 percent of the liquid depth. A minimum clearance between the top of the inlet and outlet tees and the bottom of the tank lid of 2 inches shall be provided. A horizontal separation of at least 36 inches shall be provided between the inlet baffle and the outlet baffle in each compartment.

A horizontal slot 4 inches by 6 inches, or two suitably spaced 4-inch diameter holes in the tank partition, may be used instead of a tee or baffle, the top of the slot or holes to be located below the water level a distance of one-third the liquid depth. A ventilation hole or slot shall be provided in the partition, at least 8 inches above the liquid level.

E) Access. All septic tanks shall be equipped with 24 inch risers to a minimum of six (6) inches above the ground surface and provide access to all tank openings and/or internal structures. Lids shall be secured against any unauthorized entry/access.

#### 4. Construction

A) Materials. Tanks shall be constructed of poured concrete or plastic resistant to corrosion or decay and designed so that they will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures when the tanks are either full or empty. Metal tanks are prohibited.

B) Dividers. Tank divider walls and divider wall supports shall be constructed of heavy, durable plastic, plastic, concrete or other similar corrosion-resistant materials approved by the Administration Authority.

C) Inlet and outlet ports. Inlet and outlet ports of pipe shall be constructed of heavy, durable schedule 40 PVC plastic sanitary tees or other similar approved corrosion-resistant material.

D) Effluent Filters. All septic tanks shall be equipped with an effluent filter.

5. Wall thickness. Minimum wall thickness for tanks shall conform to the following specifications:

Poured concrete.....	6 inches thick
Poured concrete, reinforced.....	4 inches thick
Special concrete mix, vibrated & reinforced.....	2.5 inches thick
Fiberglass or plastic.....	0.25 inches thick

6. Concrete specifications. Concrete used in precast septic tank construction shall have a maximum water-to-cement ratio of 0.45. Cement content shall be at least 650 pounds per cubic yard. Minimum compressive strength (fc) shall be 4,000 psi (28 Mpa) at 28 days of age. The use of ASTM C150 Type II cement or the addition of silica fume or Class F fly ash is recommended.

7. Tank bottom. Septic tank bottoms shall conform to the specifications set forth for septic tank walls except special mix concrete shall be at least 3 inches thick.

8. Tank tops. Concrete or masonry septic tank tops shall be a minimum of 4-inches in thickness and reinforced with 3/8 inch reinforcing rods in a 6-inch grid or equivalent. Fiberglass or plastic tank tops shall be a minimum of 1/2 inch in thickness and shall have reinforcing and be of ribbed construction.

9. Reinforcing steel placement. The concrete cover for reinforcing bars, mats, or fabric shall not be less than 1-inch.

10. Bedding. Fiberglass or plastic tanks shall be bedded according to manufacturer's specifications. Provisions should be made to prevent flotation when the tanks are empty.

11. Connecting Pipes.

A) Minimum diameter. The pipes connecting septic tanks installed in series and at least the first 5 feet on the effluent side of the last tank shall be a minimum of 4-inches diameter schedule 40 plastic.

B) Tank connections. AH inlet and outlet connections at the septic tanks shall be made by self-sealing gaskets cast into the concrete or formed into the plastic or fiberglass.

C) Joints. All joints in connecting schedule 40 plastic pipe shall be approved plastic pipe connections such as solvent welded or compression-type gaskets.

D) Pipe in unstable ground. Schedule 40 plastic pipe shall be used extending across excavations or unstable ground to at least 2 feet beyond the point where the original ground has not been disturbed in septic tank installations, if the excavation spanned is more than 2 feet, it must be filled with sand or compacted fill to provide a firm bed for the pipe. The first 12-inches of backfill over the pipe shall be applied in thin layers using material free from stones, boulders, large frozen chunks of earth or any similar material that would damage or break the pipe.

## **2.9: Subsurface Absorption Systems**

Secondary treatment system installation shall be determined according to the following guidelines:

A. A conventional system including pressure dosed distribution shall always be the first choice for on-site wastewater treatment and disposal.

B. If a conventional sewage disposal system does not meet the requirements of this Chapter, then a mound system shall be required.

C. If a mound system does not meet the requirements of this chapter, then a subsurface sand filter or bio-filter shall be required.

D. If a subsurface sand filter or bio-filter does not meet the requirements of this chapter, then an individual mechanical aerobic wastewater treatment system shall be required as specified by section 2.9 (11) of this chapter.

### **1. General requirements.**

A) Locations. All subsurface absorption systems shall be located on the property to maximize the vertical separation distance from the bottom of the absorption trench to the seasonal high groundwater level, bedrock, hardpan, or other confining layer, but under no circumstances shall this vertical separation be less than 3 feet.

B) Soil Evaluation. A professional soil analysis is required before any soil absorption system is installed.

1) When a professional soil analysis is performed, soil factors such as soil content, color, texture, and structure shall be used to determine a percolation rate.

2) Acceptable percolation rate. An area is deemed suitable for conventional soil absorption if the average percolation test rate is 60 minutes per inch or less and greater than 1 minute per inch. However, if an alternative type system is proposed (eg. Mound), then the percolation

test should be extended to determine whether a percolation rate of 120 minutes per inch is achieved.

C) Groundwater. If seasonal high groundwater level is present within 3 feet of the trench bottom final grade and cannot be successfully lowered by subsurface tile drainage, the area shall be classified as unsuitable for the installation of a standard subsurface absorption system. Consult the Administrative Authority for an acceptable alternative method of wastewater treatment.

D) Site limitations. In situations where specific location or site characteristics would appear to prohibit normal installation of a soil absorption system, design modifications may be approved by the Administrative Authority which could overcome such limitations. Examples of such modifications could be the installation of subsurface drainage, use of shallow or at-grade trenches, use of dual soil treatment areas, mound system, or water conservation plans.

E) Prohibited drainage. Roof, foundation, and storm drains shall not discharge into or upon subsurface absorption systems. Nothing shall enter the subsurface absorption system which does not first pass through the septic tank.

F) Prohibited construction. There shall be no construction of any kind, including driveways, covering the septic tank, distribution box or absorption field of an on-site wastewater treatment and disposal system. Vehicle access should be infrequent, primarily limited to vegetation maintenance.

G) Driveway crossings. Connecting lines under driveways shall be constructed of schedule 40 plastic pipe, or equivalent, and shall be protected from freezing.

H) Easements. No wastewater shall be discharged upon any property under ownership different from the ownership of the property or lot upon which it originates unless easements to that effect are legally recorded and approved by the Administrative Authority.

## 2. Trench length requirements.

A) Percolation charts. Table IV (A) specifies lineal feet of lateral trenches required in accordance with the results of the professional soil analysis. Table IV (A) and list an optional method for determining sizing of absorption beds. An alternative option for increased rock usage is used when the size of lots limits the use of trench length prescribed in Table IV (a). Absorption beds (Table IV

B) shall not be used except when the lot size limitations preclude the installation of a lateral trench system. Further details concerning limitations of these two alternatives should be obtained from the Administrative Authority prior to requesting authorization for installation.

C) Unsuitable absorption. Conventional subsurface soil absorption trenches shall not be installed in soils that have a percolation rate less than 1-minute per inch or greater than 60 minutes per inch. Plans for an alternative method of wastewater treatment shall be submitted to the Administrative Authority for approval prior to construction.

**Table IV (A)  
Soil Absorption System Sizing Chart  
(Lineal feet of absorption trench)**

Min. Per Inch	Two-bedroom 300 gal/day	Three-bedroom 450 gal/day	Four-bedroom 600 gal/day	Five-bedroom 750 gal/day	Six-bedroom 900 gal/day
1-5	160	200	260	340	400
6-15	200	300	400	500	600
6-30	300	400	500	600	700
31-45	400	500	600	800	900
46-60	500	600	700	900	1,100

For domestic, non-household wastewater flow rates refer to Appendix A.

**Table IV (B)  
Alternative Option for Use of Absorption Bed**

Percolation Rate (min/inch)	Absorption Area Per Bedroom (sq.ft.)	Loading Rate Per Day (gal./sq.ft.)
1-5	300	0.5
6-15	400	0.375
16-30	600	0.25

### 3. Construction details (all gravity fed soil absorption trenches)

A) Gravel. A minimum of 6 inches of clean, washed river rock, free of clay and clay coatings, shall be laid below the distribution pipe, and enough rock shall be used to cover the pipe. This rock shall be of such a size that 100 percent will pass a 2.5-inch screen and 100 percent will be retained on a 3/4 inch screen. **Limestone or crushed rock is not recommended for soil absorption systems.** If used, it shall meet the following criteria:

1. Abrasion loss. The percent wear, as determined in accordance with the ASSHTO T 96, Grading C, shall not exceed 40 percent.

2. Freeze and thaw loss. When subjected to the freezing and thawing test, Iowa DOT Materials Laboratory Test Method 211, Method A, the percentage loss shall not exceed 10 percent.

3. Absorption. The percent absorption, determined in accordance with Iowa DOT Materials Laboratory Test Method 202, shall not exceed 3 percent.

4. Gradation. The aggregate shall have not more than 1.5 percent by weight pass a No. 16 sieve.

B) Trench width. Lateral trenches, for gravel systems, shall be a minimum of 24 inches and a maximum of 36 inches in width at the bottom of the trench.

C) Grade. The distribution pipes shall be laid with a minimum grade of 2 inches per 100 feet of run and a maximum grade of 6 inches per 100 feet of run with a preference given to the lesser slope.

D) Pipe. Distribution pipe shall be PVC rigid plastic meeting ASTM Standard 2729, or other suitable material approved by the Administration Authority. The inside diameter shall be not less than 4 inches, with perforations at least 1/2 inch and no more than 3/4 inch in diameter spaced. Two rows of perforations shall be provided 120 degrees apart along the bottom half of the tubing (each 60 degrees up from the bottom centerline). The end of the pipe in each trench shall be sealed with a watertight cap unless, on a level site, a footer is installed connecting the trenches together. Coiled perforated plastic pipe shall not be used when installing absorption systems.

E) Gravel cover. Unbacked, rolled 3.5-inch thick fiberglass insulation, untreated building paper, synthetic drainage fabric, or approved material shall be laid so as to separate the gravel from the soil backfill.

#### 5. Gravelless pipe systems

A) Application. Gravelless subsurface absorption systems may NOT be used as an on-site waste water treatment.

#### 6. Chamber systems.

A) Application, Chamber systems may be used as an alternative to conventional 4-inch pipe placed in gravel-filled trenches. However, they cannot be used in areas where conventional systems would not be allowed due to poor permeability, high groundwater, or insufficient depth to bedrock.

B) Installation. Manufacturer's specifications and installation procedures shall be closely adhered to.

C) Length of trench. The total length of absorption trench for chambers 24 inches or less in bottom width shall be the same as given in Table IV (A) for a conventional absorption trench. For chambers greater than 33 inches in width a reduction of 25 percent from the lengths given in Table IV (A) may be used.

D) Sidewall. The chambers shall have at least 6 inches of sidewall effluent soil exposure height.

#### 7. Gravity distribution.

Dosing is always recommended and preferred to improve distribution, improve treatment and extend the life of the system.

A) On a hillside, septic tank effluent may be serially loaded to the soil absorption trenches by drop boxes or overflowing piping (rigid sewer pipe). Otherwise, effluent shall be distributed evenly to all trenches by use of a distribution box or commercial distribution regulator approved by the Administration Authority.

B) Design. A distribution box shall always be used unless pressure distribution is utilized. It shall be of proper design and installed with separate watertight headers leading from the distribution box to each lateral.

C) Outlet height. The distribution box shall have outlets at the same level at least 4 inches above the bottom of the box to provide a minimum of 4 inches of water retention in the box.

D) Baffles. There shall be a pipe tee or baffle at the inlet to break the water flow.

E) Unused outlets. All unused outlet holes in the box shall be securely closed.

F) Interior coating. All distribution boxes shall be constructed of corrosion-resistant rigid plastic materials, or other corrosion-resistant material approved by the Administrative Authority.

G) Outlets levels. All outlets of the distribution box shall be made level. A 4-inch cap with an offset hole approximately 2 inches in diameter shall be installed on each outlet pipe. These caps shall be rotated until all outlets discharge at the same elevation. Equivalent leveling devices may be approved by the local authority. Once leveling outlets have been set, they shall be securely fastened to prevent shifting or adjustment.

H) Equal length required. The soil absorption area serviced by each outlet of the distribution box shall be of equal length.

## 8. Dosing systems.

### A) Pump systems.

1. Pump and pit requirements. In the event the effluent from the septic tank outlet cannot be discharged by gravity and still maintain proper lateral depths, the effluent shall discharge into a watertight vented pump pit with an inside diameter of not less than 24 inches, equipped with a tight-fitting manhole cover set at least 6 inches above grade level, and sized not less than 300 gallons. The sump vent shall extend a minimum of 6 inches above grade level and shall be a minimum size of 1 1/4 inches fitted with a return bend. The pump shall be of a submersible type of corrosion-resistant material.

2. Pump setting. The pump shall be installed in the pump pit in a manner that ensures ease of service and protection from frost and settled sludge. The pump shall be set to provide a dosing frequency of approximately twice a day based on the maximum design flow. No on-site electrical connections shall be made in the pump pit. These connections shall be made in an exterior weatherproof box.

3. Pressure line size. The pressure line from the pump to the point of discharge shall not be smaller than the outlet of the pump it serves.

4. Drainage. Pressure lines shall be installed to provide total drainage between dosings to prevent freezing or be buried below frost level up to the distribution box.

5. High water alarm. Pump pits shall be equipped with a sensor set to detect if the water level rises above the design high water level when the pump fails. This sensor shall activate as an auditory and visual alarm to alert the homeowner that repairs are required.

6. Discharge point. The effluent shall discharge under pressure into a distribution box or may be distributed by small diameter pipes throughout the entire absorption field.

7. Pressure regulators. Each pressure distribution line shall be equipped with an accessible ball valve for pressure regulation and a riser pipe at the end of each pressured line for pressure determination. It is recommended that pressured distribution lines be inspected annually for consistent pressure throughout the system.

B) Dosing Siphons. Dosing siphons may also be used. Manufacturer's specification shall be adhered to for installation. Similar dosing volumes and frequencies are recommended. Dosing siphons require periodic cleaning to ensure their continued proper operation.

## 9. Mound system.

### 1. General requirements.

A) Mound systems shall be permitted only after a thorough site evaluation has been made and landscaping, dwelling placement, effect on surface drainage and general topography have been considered.

B) Mound systems shall not be utilized on sites which are subject to flooding with a ten-year or greater frequency.

C) Mound systems shall not be utilized on soils where the high groundwater level, impermeable bedrock or soil strata having a percolation rate exceeding 120 minutes per inch occur within 12 inches of natural grade, or where creviced bedrock occurs within 20 inches of natural grade.

D) Mound systems shall be constructed only upon undisturbed naturally occurring soils.

E) Mound systems shall be located in accordance with the distances specified in Table I as measured from the outer edge of the mound toe.

F) No buildings, driveways, or other surface or subsurface obstructions shall be permitted within 50 feet on the down gradient side of the mound when the mound is constructed on a slope greater than 5 percent. No future construction shall be permitted in this effluent disposal area as long as the mound is in use.

G) Specifications given in these rules for mounds are minimal and may not be sufficient for all applications. Technical specifications are changing with experience and research. Other design information beyond the scope of these rules may be necessary to properly design a mound system.

### 2. Material for mound fill.

A) The mound shall be constructed using clean, medium-textured sand, sometimes referred to as concrete sand. The sand size shall be such that at least 25 percent by weight shall have a diameter between 2.0 and 0.25 mm, less than 35 percent with a diameter between 0.25 and 0.05 mm and less than 5 percent with a diameter between 0.002 and 0.05 mm.

B) Rock fragments larger than 1/16 inch (2.0 mm) shall not exceed 15 percent by weight of the material used for sandy fill.

### 3. Construction details

A) There shall be a minimum of 3 feet of fill material and undisturbed naturally occurring soils between the bottom of the washed gravel and the highest elevation of the limiting conditions defined in 2-9 (09) (1) C.

B) Gravel shall be washed and shall range in size from 3/8 inch to 2 1/2 inches.

C) From 1 to 2 feet of medium textured sand (depending upon the underlying soil depth) must be placed between the bottom of the gravel and the top of the plowed surface of the naturally occurring soil.

D) Mound systems shall utilize absorption bed distribution piping design. The bed shall be installed with the long dimension parallel to the land contour. Systems on steep slopes with slowly permeable soils should be narrow to reduce the possibility of toe seepage.

E) Minimum spacing between distribution pipes shall be 4 feet, and a minimum of 3 feet shall be maintained between any trench and the sidewall of the mound.

F) No soil under or up to 50 feet down gradient of the mound may be removed or disturbed except as specified herein.

G) Construction equipment which would cause undesirable compaction of the soil shall be kept off the base area. Construction or plowing shall not be initiated when the soil moisture content is high. If a sample of soil from approximately 9 inches below the surface can be easily rolled into a 1/8 to 1/4 inch diameter wire, the soil moisture content is too high for construction purposes.

H) Aboveground vegetation shall be closely cut and removed from the ground surface throughout the area to be utilized for the placement of the fill material.

I) The area shall be plowed to a depth of 7 to 8 inches, parallel to the land contour with the plow throwing the soil up slope to provide a proper interface between the fill and the natural soil. Tree stumps should be cut flush with the surface of the ground, and roots should not be pulled.

J) The base area of the mound is to be calculated on the results of percolation rate as indicated in Table V. The base area of the mound below the downslope from the trenches, excluding the area under the end slopes, Must be large enough for the natural soil to absorb the estimated daily wastewater flow.

K) Table V.

**TABLE V**

<b>Percolation Rate Min/Inch Less than 1</b>	<b>Application Rate Gal/Square Foot/Day Not Suitable</b>
1-5	1.25
6-15	1.00
16-30	0.75
31-45	0.50
46-60	0.40
61-90	0.20
91-120	0.10
Over 120	Not Suitable

L) The area of the fill material shall be sufficient to extend 3 feet beyond the edge of the gravel area before the sides are shaped to at least a 5:1 slope.

M) Distribution system.

1. The distribution pipe shall be rigid plastic pipe, schedule 40 or 80 with 1-inch nominal diameter.

2. The distribution pipe shall be provided with a single row of % inch perforations in a straight line 30 inches on center along the length of the pipe or an equivalent design that ensures uniform distribution. All joints and connections shall be solvent-cemented

3. The distribution pipe shall be placed in the clean, washed gravel with holes downward. The gravel shall be a minimum of 9 inches in depth below and 3 inches in depth above the pipe.

4. No perforations shall be permitted within 3 inches of the outer ends of any distribution pipes.

5. The outer ends of all pressure distribution lines shall be securely capped.

6. The central pressure manifold should consist of 1.5-inch or 2-inch solid plastic pipe using a tee or cross for connecting the distribution lines.

7. Clean out caps shall be placed over the ends of each distribution line for inspection purposes and pressure determination.

N) Construction should be initiated immediately after preparation of the soil interface by placing all of the sandy fill material needed for the mound (to the top of the trench) to a minimum depth of 21 inches above the plowed surface. This depth will permit excavation of the trenches to accommodate the 9 inches of washed gravel or crushed stone necessary for the distribution piping.

O) The absorption trench or trenches shall be hand excavated to a depth of 9 inches, the bottoms of the trenches made certain to be level.

P) Twelve inches of gravel shall be placed in the trench and hand leveled, and then 3 inches of gravel removed with a shovel in the location where the distribution pipe will be placed. After the distribution pipe is placed, the pipe shall be covered with 2 inches of gravel.

Q) The top of the gravel shall be covered with synthetic drainage fabric. Unbacked, rolled 3-inch thick fiberglass insulation, untreated building paper, or other suitable material may be used with approval of the Administrative Authority. Plastic or treated building paper shall not be used.

R) After installation of the distribution system, gravel and material over the gravel, the entire mound is to be covered with topsoil native to the site or of similar characteristics to support vegetation found in the area. The entire mound shall be crowned by providing 12 inches of topsoil on the side slopes with a minimum of 18 inches over the center of the mound. The entire mound shall be seeded, sodded, or otherwise provided with a grass cover to ensure stability of the installation.

S) The area surrounding the mound shall be graded to provide for diversion of surface runoff water.

#### 4. Dosing.

A) Pressure dosing shall be required for mound systems.

B) The dosing volume shall be five to ten times the distribution piping network volume.

C) The size of the dosing pump or siphon shall be capable of maintaining an approximate pressure of one psi at the outer ends of the distribution lines.

10. Intermittent sand filters.

1. General requirements.

A) Use. Intermittent sand filters may be used when the Administrative Authority determines the site is unacceptable for a full-sized soil absorption system or mound system.

B) Location. Intermittent sand filters shall be located in accordance with the distances specified in Table I.

C) Sampling. A sampling port shall be available at the discharge point of the filter or shall be installed in the discharge line. Monitoring and effluent sampling of intermittent sand filters must meet the requirements of the NPDES permit as specified in rule 69.2(4558). Such sampling shall be performed annually for a subsurface sand filter as described in 69-9(3) and twice a year, at six-month intervals, for free access sand filters as described in 69.9(4). (Beginning January 1, 2005, such sampling shall be done by a qualified sampler as defined by the Iowa Department of Natural Resources.) Tests shall be run on all samples for carbonaceous biochemical oxygen demand (CBOD5) and *Escherichia coli* (*E coli*) (testing for *E coli* is limited to locations noted in the following sentence), and once a year in the spring for total suspended solids (TSS). The maximum CBOD5, TSS, and *E coli* count limits are as follows. *E coli* tests shall only be required where effluent is discharged into (directly or within one mile upgradient of the shoreline of) a Class "A1," Class "A2," Class "A3," or Class "C" water.

Effluents Discharging to	E Coli cfu/100ml	CBOD5 mg/l	TSS mg/l
Class "A1," "A2," "A3," and C waters*	235	25	25
All other water use Classifications	No Limit	25	25

\*A separation distance of 750 feet shall be maintained between any point of discharge and shoreline of Class "A1," "A2," or "A3" water.

D) Prohibited construction. There shall be no construction, such as buildings or concrete driveways, covering any part of an intermittent sand filter.

2. Construction.

A) Number. As an intermittent sand filter shall consist of one filtering bed or two or more filtering beds connected in series and separated by a minimum of 6 feet of undisturbed earth.

B) Pipelines. Each bed contains a horizontal set of collector lines. The collector lines shall be equivalent to schedule 40 PVC pipe, SDR-35 or other suitable materials.

1. One collector line shall be provided for each 6 feet of width or fraction thereof. A minimum of two collector lines shall be provided.

2. The collector lines shall be laid to a grade of 1 inch in 10 feet (or 0.5 to 1.0 percent).

3. Each collector line shall be vented or connected to a common vent. Vents shall extend at least 12 inches above the ground surface with the outlet screened, or provided with a perforated cap.

4. Gravelless drainfield pipe with fiber wrap may be used for the collector lines. If so, no gravel or pea gravel is required covering the collector lines. The pipe shall be bedded in filter sand.

5. If 4-inch plastic pipe with perforations is used for the collector lines, they shall be covered as follows:

a) Gravel 3/4 inch to 2 1/2 inches in size shall be placed around and over the lower collector lines until there is a minimum of 4 inches of gravel over the pipes.

b) The gravel shall be overlain with a minimum of 3 inches of washed pea gravel 1/8-inch to 3/8-inch size interfacing with the filter media. A layer of fabric filter may be used in place of the pea gravel. Fabric filters must be 30 by 50 mesh with a percolation rate of at least 5 gal/sq.ft.

6. Soil cover. A minimum of 12 inches of soil backfill shall be provided over the beds.

### 3. Subsurface sand filters.

#### A) Distribution system and cover.

1. Gravel base. Six inches of gravel 3/4 inch to 2 1/2 inches in size shall be placed upon the sand in the bed.

2. Distribution lines. Distribution lines shall be level and shall be horizontally spaced a maximum of 3 feet apart, center to center. Distribution lines shall be rigid perforated PVC pipe.

3. Venting. Venting shall be placed in the downstream end of the distribution lines with each distribution line being vented or connected to a common vent. Vents shall extend at least 12 inches above ground surface with the outlet screened, or provided with a perforated cap.

4. Gravel cover. Enough gravel shall be carefully placed to cover the distributors.

5. Separation layer. A layer of material such as unbacked, rolled 3 inch thick fiberglass insulation, untreated building paper of 40 to 60 pound weight, synthetic drainage fabric or 4 to 6 inches of march hay or straw shall be placed upon the top of the upper layer of gravel.

6. Soil cover. A minimum of 12 inches of soil backfill shall be provided over the beds.

7. Distribution boxes. A distribution box shall be provided for each filter bed where gravity distribution is used. The distribution boxes shall be placed upon undisturbed earth outside the filter bed. Separate watertight lines shall be provided leading from the distribution boxes to each of the distributor lines in the beds.

#### B) Sizing for subsurface sand filters.

##### 1. Gravity flow.

a) For residential systems, single bed subsurface sand filters shall be sized at a rate of 240 square feet of surface area per bedroom.

b) Dual subsurface sand filters, constructed in series, shall be sized at the rate of 160 square feet of surface per bedroom in the first filter and 80 square feet of surface area per bedroom in the second filter in the series.

##### 2. Pressure dosed.

a) For residential systems, single bed subsurface sand filters dosed by a pump or dosing siphon may be sized at a rate of 180 square feet of surface area per bedroom.

b) Dual subsurface sand filters, constructed in series, may be sized at the rate of 120 square feet of surface per bedroom in the first filter and 60 square feet of surface area per bedroom in the second filter in series.

3. Non-household. Effluent application rates for commercial systems treating domestic waste shall not exceed the following:

a) 1.5 gallon/square feet/day for double bed sand filters

b) 1.0 gallon/square feet/day for single bed sand filters.

c) Total surface area for any subsurface sand filter system shall not be less than 200 feet square feet.

4. Free access sand filters.

A) Description. Media characteristics and underdrain systems for free access filters are similar to those for subsurface filters. Dosing of the filter should provide for flooding the bed to a depth of approximately 2 inches. Dosing frequency is usually greater than two times per day. For coarser media (greater than 0.5 mm) a dosing frequency greater than four times per day is desirable. Higher acceptable loadings on these filters as compared to subsurface filters relate primarily to the accessibility of the filter surface for maintenance. Gravel is not used on top of the sand media, and the distribution pipes are exposed above the surface.

B) Distribution. Distribution to the filter may be by means of troughs laid on the surface, pipelines discharging to splash plates located at the center or corners of the filter, or spray distributors. Care must be taken to ensure that lines discharging directly to the filter surface do not erode the sand surface. The use of curbs around the splash plates or large stones placed around the periphery of the plates will also be employed to avoid surface erosion. This practice will create maintenance difficulties, however, when it is time to rake or remove a portion of the media surface.

C) Covers. Free access filters may be covered to protect against severe weather conditions and to avoid encroachment of weeds or animals. The cover also serves to reduce odor conditions. Covers may be constructed of treated wooden planks, galvanized metal, or other suitable material. Screens or hardware cloth mounted on wooden frames may also serve to protect filter surfaces. Where weather conditions dictate, covers should be insulated. A space of 12 to 24 inches should be allowed between the insulated cover and sand surface. Free access filters may not be buried by soil or sod.

D) Loading. The hydraulic loading for free access sand filters should be from 2.0 to 5.0 gpd/sq.ft.

E. Number of filters. Dual filters each sized for the design flow are recommended for loading rates in excess of 3 1/2 gpd/sq.ft. treating septic tank effluent.

5) Dosing. Dosing for sand filters is strongly advised. Without dosing, the entire area of the sand filter is never effectively used. Dosing not only improves treatment effectiveness but also decreases the chance of premature failure.

A) Pumps. A pump shall be installed when adequate elevation is not available for the system to operate by gravity.

1. The pump shall be of corrosion-resistant material.

2. The pump shall be installed in a watertight pit.

3. The dosing system shall be designed to flood the entire filter during the dosing cycle. A dosing frequency of greater than two times per day is recommended.

4. A high water alarm shall be installed.

B) Dosing siphons. When a dosing siphon is used where elevations permit, such siphon shall be installed as follows:

1. Dosing siphons shall be installed between the septic tank and the first filter bed.

2. Dosing siphons shall be installed with strict adherence to the manufacturer's instructions.

C) Dosing tanks. The dosing tank shall be of such size that the siphon will flood the entire filter during the dosing cycle. A dosing frequency of greater than two times per day is recommended.

#### 11. Individual Mechanical Aerobic Wastewater Treatment Systems.

1. Use. Mechanical aerobic systems may be used only when the Administrative Authority determines that the site is unacceptable for a full-sized soil absorption system, mound system, subsurface sand filter, or biofilter. Because of the higher maintenance requirements of Mechanical aerobic systems, preference should be given to other sewage disposal systems where conditions allow.

2. Certification. All individual mechanical aerobic wastewater treatment plants shall be certified by an ANSI-accepted third-party certifier to meet National Sanitation Foundation Standard 40, Class I, including appendices (May 1996).

3. Installation and operation. All individual mechanical aerobic wastewater treatment plants shall be installed, operated and maintained in accordance with the manufacturer's instructions and the requirements of the Administrative Authority. The aerobic plants shall have a minimum treatment capacity of 150 gallons per bedroom per day or 500 gallons, whichever is greater. Installation of these types of plants should be restricted to those locations where they can be monitored by the local Administrative Authority.

4. Effluent treatment. The effluent from individual mechanical aerobic wastewater treatment plants shall receive additional treatment through the use of intermittent sand filters, mound systems or subsurface absorption systems of the same magnitude as prescribed in rules 2.9(1), 2.9(09) and 2.9(11) or as allowed by the Administrative Authority.

5. Maintenance contract. A maintenance contract with a manufacturer certified technician shall be maintained at all times. Maintenance agreements and responsibility waivers shall be recorded with the county recorder and in the abstract of title for the premises on which mechanical aerobic treatment systems are installed. Mechanical aerobic units shall be inspected for proper operation at least twice a year on six month intervals.

6. A mechanical aerobic treatment plant shall be accessible to allow maintenance and service to all components within the plant.

7. The design and construction of the plant shall prevent discharge of wastewater, under normal operation or component malfunction, from any opening which is not part of the designed flow path of the entire treatment process. A plant shall not be constructed (intentionally or unintentionally) in a manner that defeats this intent. No openings within the plant shall exist which will allow a portion of the treatment process to be bypassed should a malfunction occur. An access opening as provided shall not be deemed as an opening which will provide a bypass.

8. The system shall be equipped with an audible and visual alarm in a conspicuous location within the building in order to warn the owner of an overflow.

9. Effluent sampling. Any open discharge from systems involving mechanical aeration shall have the effluent sampled at each semi-annual inspection. Tests shall be run for CBOD<sub>5</sub>, TSS and *E coli* bacteria. The analysis shall be conducted by a certified laboratory and shall be at the homeowner's expense. A copy of the laboratory results of effluent sampling shall be submitted to the health department.

10. Continuation of the use and operation of the unit, as originally installed, is subject to the issuance of a discharge permit. Issuance of the

discharge permit is based on the discharge criteria established and considered acceptable for surface discharge as stated in the IAC 567, Chapter 69 and compliance with manufacturer's specifications for system operation. Discharge permit fees shall be established by the Board of Health to cover the cost of the department's monitoring. These need to be established to cover cost of our testing.

11. Disinfection is required of the effluent discharging to a stream utilized for whole body contact.

12. Pre-tank requirements: All mechanical aeration units shall be equipped with a pre-tank of at least 1/2 of the rated capacity of the mechanical aeration unit and in no case less than 500 gallons.

12. Requirements for impervious vault toilets. All impervious vault toilets hereafter constructed or required by the Administrative Authority to be reconstructed shall comply with the following requirements:

1. Location. Impervious vault toilets shall be located in accordance with the distances given in Table I for the closed portion of the treatment system.

2. Construction. The vault shall be constructed of reinforced, impervious concrete at least 4 inches thick. The superstructure including floor slab, seat, seat cover, riser and building shall comply with good design and construction practices to provide permanent safe, sanitary facilities. The vault shall be provided with a cleanout opening fitted with a fly-tight cover.

3. Disposal. Wastewater from impervious vault toilets shall be disposed of at a public sewage treatment facility.

13. Requirements for portable toilets. All portable toilets shall be designed to receive and retain the wastes deposited in them and shall be located and maintained in a manner that will prevent the creation of any nuisance condition. Disposal of waste from portable toilets shall be at a public sewage treatment facility.

14. Requirements for chemical toilets. All chemical toilets shall comply with the following requirements:

1. Tank. Chemical toilets for use in isolated residences shall have a receptacle of smooth, impervious material that is resistant to chemicals and easily cleanable.

2. Vent. When vents are required for chemical toilets, they shall be of durable corrosion-resistant material installed in a professional manner.

3. Mixing and chemical charge. The fixture shall be equipped with a mixing device and shall be charged with the proper concentration of bactericidal chemical or chemicals. Chemical recharges shall be added and mixed with the contents when necessary to maintain sufficient solution strength and to suppress odors.

4) Toilet rooms. Chemical toilets shall be located in toilet rooms which are well lighted, ventilated and maintained in a nuisance-free condition.

5. Final disposal of receptacle contents. The receptacle contents shall be disposed of in accordance with the requirements of 567—Chapter 68. The recommended method of disposal is discharging to a municipal sewage treatment facility.

15. Other methods of wastewater disposal. Other methods or types of private wastewater treatment and disposal systems shall be installed-only after plans and specifications for each project have been approved by the Administrative Authority.

16. Disposal of septage from on-site wastewater treatment and disposal systems. The collection, storage, transportation and disposal of all septage shall be carried out in accordance with the requirements in 56---Chapter 68 and in a sanitary manner which does not endanger the public health or create a nuisance condition.

17. Commercial septic tank cleaners. Individual Administrative Authorities shall enforce the licensing program for commercial septic tank cleaners in accordance with the requirements of 567---Chapter 68.

18. Alternative or innovative on-site wastewater treatment and disposal systems.

1. Design requirements. Alternative or innovative systems are to be designed and operated in accordance with approved standards and operating procedures established by individual Administrative Authorities.

A) Plans and specifications, meeting all applicable rule requirements, should be prepared and submitted to the Administrative Authorities by a licensed professional engineer. Included with the engineering submittal should be adequate supporting data relating to the effectiveness of the proposed system.

B) For systems designed to discharge treated effluent into waters of the State, it will be necessary to obtain a Notice of Intent to fall under the requirements of NPDES General Permit No. 4. The Administrative Authority is responsible for determining that the requirements of the permit are met including the monitoring program.

C) Administrative Authorities should prepare for signature an enforceable agreement to be placed on record which would require that present and future system owners meet all applicable rule requirements. In the event of non-compliance, the Administrative Authority shall require that adequate steps be taken by the system owner to bring the system into compliance.

D) Wastewater management districts may be formed for the purpose of providing specialized-control of on-site wastewater treatment and disposal systems located in certain problem areas or in intensive development areas. Formation of such wastewater management districts shall be coordinated under the guidance of the Administrative Authority and shall meet all applicable rule requirements.

1. Reserved.

## **TIME-OF SALE**

### **\_\_\_\_ 3.1: Property Transfer Inspection Requirement**

1. All on-site waste water treatment and disposal systems in Mahaska County shall be inspected and analyzed for compliance with this Ordinance and Chapter 69 or the Iowa Administrative Code 567, prior to any time of sale of the land on which the system and/or building served is located. The property holder selling the property shall obtain the inspection report from the Mahaska County Board of Health and present it to the buyer of the property or to buyer's agent prior to, the time-of-sale.

### **\_\_\_\_ 3.2 Tank Pumping Requirements**

1. The inspection shall include unearthing, emptying, and inspection of the septic tank. In the event the septic tank is not in satisfactory condition or secondary treatment is not verifiably on file, additional inspection of the secondary treatment system shall be required. All costs shall be the responsibility of the property owner or seller.

### **\_\_\_\_ 3.3: If inspection not completed before sale, buyer assumes responsibility**

1. If the original owner or seller fails to have the property inspected as required, the buyer or transferee shall assume this responsibility along with any renovation costs. Any seller/transferor, however, remains liable for any civil penalty for failure to comply with this chapter.

### **\_\_\_\_ 3.4: Compliance with Chapter 69**

1. All on-site waste water treatment and disposal systems not in compliance with the minimum standards set forth in this Ordinance and Iowa Administrative Code 567, Chapter 69, shall be updated at the time of sale.

**\_\_\_\_\_ 3.5: Exemption from Inspection Requirement**

1. Any waste water treatment and disposal system which was installed under County permit, and/or passed County inspection within 2 years previous to sale, is exempt from further inspection under this chapter until the next time-of-sale that is at least 2 years after the date of the last inspection provided pumping records showing pumping and visual tank inspection by a qualified septic tank cleaner within one year prior to the time-of-sale are provided to buyer prior to time-of-sale or at such time as the parties may agree.

**\_\_\_\_\_ 3.6: Responsibility for Costs**

1. Any renovation costs entailed with updating the system to minimum standards of this Ordinance and Iowa Administrative Code 567, Chapter 69, shall be the responsibility of the property seller or buyer, as they may agree or as may be provided by this ordinance or as may be determined by a court of law.

**\_\_\_\_\_ 3.7: Allowance for Contracted Inspection**

1. The Administrative Authority may contract with approved professionals to perform the inspections. The inspections must be administered according to the prescribed requirements as defined by the Mahaska County Board of Health or the Administrative Authority.

**\_\_\_\_\_ 3.8: Time of Sale Inspection Permit**

1. A time of sale inspection permit shall be obtained from the Administrative Authority prior to any work being conducted and the fee shall be determined by the Board of Health.

Property Transfer Inspection: All private on-site wastewater treatment and disposal systems and nonpublic wells and water systems existing in Mahaska County shall comply with the Mahaska County rules and regulations on private on-site wastewater treatment and disposal systems and Nonpublic Water Wells and be inspected and analyzed for compliance prior to or during any change in ownership of land on which the system and/or home is located. The property holder transferring the property shall obtain inspection reports on these two systems (sewer and water) from the Mahaska County Board of Health and present them to the transferee of the property prior to or during the negotiation of the property transfer.

The well inspection and analysis shall include a water sample being sent to a certified laboratory to test for coli form bacteria contamination and nitrate level. If the well tests unsafe due to bacterial contamination, it shall be repaired so as not to contribute to groundwater contamination, disinfected and retested. If it is no longer used, it shall be properly abandoned.

Where a public sanitary sewer *is* not available, a wastewater management plan must be submitted for each lot. The Soil –Survey Report can be used to make preliminary assumptions about the suitability for subsurface absorption fields. However, before final approval the Subdivide shall make, or cause to be made, a site analysis in one or two areas for each lot. Lots must be clearly marked prior to the development of this plan. The number of sites evaluated shall be determined according to the following criteria:

a) If lots are larger than two (2) acres with many options for house location, and overall suitable soil types, one complete site analysis may be authorized.

b) If lots have limited options for house location; two (2) potential soil absorption areas shall be delineated.

**3.9: Private On-site Wastewater Treatment and Disposal Systems - Design, Construction and Operation**

1. A copy of Mahaska County's instruction booklet, "Private On-site Wastewater Treatment and Disposal Systems - Design, Construction and Operation, " or substitute publication will be provided with each inspection report. These documents must be given to the transferee.

2. Investigation of failed systems:

When an on-site wastewater system fails, the Environmental Health Division may use whatever means appear reasonable to investigate the cause of the failure. Property owners and/or contractors should cooperate and assist the Department to best of their ability. The purpose of these investigations is not to establish liability for failed systems. The purpose is to increase the Department's knowledge to determine weaknesses in on-site wastewater systems and to advance our program in educating owners, designers and contractors.

**Regulation Effective Upon Publication**

This regulation being deemed essential and imperative for the preservation of the public health, shall be in force and effect from and after its passage and publication as provided by law. Amendments to this Ordinance passed in Mahaska County, Iowa shall be effective on July 01, 2006.

This ordinance shall be effective from and after its final passage and approval and publication as required by law.

First Meeting Date  
May 1, 2006

Ayes:  
Gordy  
Rouw  
Van Weelden

Nays:

Second Meeting Date  
May 15, 2006

Ayes:  
Gordy  
Rouw  
Van Weelden

Nays:

Third Meeting Date  
June 5, 2006

Ayes:  
Gordy  
Rouw  
Van Weelden

Nays:

Dated this 5th day of June, 2006

\_\_\_\_\_  
Greg Gordy, Chairman  
Mahaska County Board of Supervisors

Attest:

\_\_\_\_\_  
Kay Swanson  
Mahaska County Auditor

Mahaska County Ordinance 32

THIS ORDINANCE HERBY REPEALS AND REPLACES ORDINANCE 127  
APPROVED OCTOBER 3, 2005 AND AMENDMENTS #1 AND #2 THERETO

PROVIDING RULES AND REGULATIONS FOR THE APPROVAL OF RESIDENTIAL BUILDING PLANS AND PLATS OF SUBDIVISIONS IN THE UNINCORPORATED AREAS OF MAHASKA COUNTY, IOWA, AND PRESCRIBING MINIMUM STANDARDS FOR THE DESIGN, LAYOUT, AND DEVELOPMENT THEREOF; PROVIDING FOR THE PRELIMINARY AND FINAL APPROVAL OR DISAPPROVAL THEREOF; PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; ALL FOR THE PURPOSE OF PROMOTING THE ADEQUACY, SAFETY, AND EFFICIENCY OF THE STREET AND ROAD SYSTEM; FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF MAHASKA COUNTY; AND REPEALING ALL OTHER ORDINANCES OR RESOLUTIONS IN CONFLICT HERewith.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MAHASKA COUNTY,  
STATE OF IOWA

- |                                           |                                    |
|-------------------------------------------|------------------------------------|
| ___ .01 Title                             | ___ .08 Subdivisions               |
| ___ .02 Adoption                          | ___ .09 Fees                       |
| ___ .03 Definitions                       | ___ .10 Violations                 |
| ___ .04 Jurisdiction                      | ___ .11 Changes and<br>Admendments |
| ___ .05 Requirement/Application           | ___ .12 Validity                   |
| ___ .06 Residential Permit Procedure      | ___ .13 Effective Date             |
| ___ .07 Residential Building Requirements | ___ .14 Fees Not Permanent         |

\_\_\_\_\_.01 TITLE This ordinance shall be known as the Rural Residential Building Ordinance of Mahaska County, Iowa.

\_\_\_\_\_.02 ADOPTION This ordinance adopts the provisions of Chapter 354 and Chapter 355 of the Code of Iowa, 2014, or as hereafter amended.

\_\_\_\_\_.03 DEFINITIONS For the purpose of this ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory; the word "may" is permissive.

A. Block

An area of land within a subdivision that is entirely bounded by streets, highways, ways, alleys, railroads, boundaries of the subdivision, boundaries of other properties or combination thereof.

B. Cul-de-sac

A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn around.

C. Driveway

An area on private property, located outside any required road right-of-way, where automobiles or other vehicles are operated or allowed to stand.

D. Easement

A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easements.

E. Engineer

A licensed engineer who engages in the practice of civil engineering pursuant to Chapter 542B of the Code of Iowa.

F. Surveyor

A licensed surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

G. Lot

A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of residential construction.

H. Plat

A map, drawing, or chart on which the sub-divider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

I. Subdivision

The division of a lot, tract, or parcel of land into three or more lots, plot sites, or other divisions of land for the purpose of residential construction, whether immediate or future. It also includes a re-subdivision of land or lots. The division of land for agricultural purposes into parcels not involving any new road, street, easement, or other dedication is not considered a subdivision and shall be exempt from the requirements of this ordinance.

J. Re-subdivision

Re-subdivision shall mean the change in a map of an approved subdivision if such change affects any street layout shown on such map, affects any area reserved for public use or is labeled as an out lot or diminishes or enlarges the size of any lot shown thereon and creates an additional building lot.

K. Confinement

Any structure used for raising livestock which includes on-site manure storage.

\_\_\_\_\_.04 JURISDICTION In cases where a residential building, a sub-division, or a plat of survey lies within two (2) miles of a city or town that has enacted an ordinance allowing said city or town to exercise supervision over land within two (2) miles of its boundaries, the Planning and Zoning Commission of such city or town and the Mahaska County Board of Supervisors shall both review and approve or disapprove the residential building plans and/or plat.

\_\_\_\_\_.05 REQUIREMENT/APPLICATION No person shall begin construction of a residence nor sell or offer for sale any building lot or lots for the purposes of residential construction within the unincorporated area of Mahaska County until the owner thereof has complied with all requirements of this ordinance.

Every owner of a parcel of land who desires to construct a residence in the unincorporated area of Mahaska County shall, prior to commencing construction, apply for and receive, at the office of the Mahaska County Auditor, a building permit. Every owner of any tract or parcel of land who has subdivided at the time of filing a single

building permit, the owner shall prepare one single copy for a preliminary plat and other information to the County Auditor for review. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide said tract or parcel into three (3) or more parts for the purpose of immediate or future residential construction shall cause a survey of the land and shall cause a plat thereof to be made in accordance with the requirements of this ordinance and Chapters 354 and 355 of the Code of Iowa.

\_\_\_\_\_.06 RESIDENTIAL PERMIT PROCEDURE Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County wishes to construct a residence on said parcel of land, the owner shall make an application for a building permit at the office of the County Engineer and shall cause to be prepared a drawing showing the proposed location of the residence, the proposed location of any driveway entering upon a public roadway, and a showing of water and sewer plans for said residence. The County Engineer shall charge a fee as shown in Section 9 for the issuance of a building permit, all of which shall be paid at the time of the filing of the application for the building permit. Upon receipt of the application and drawing, the County Engineer shall provide a copy of said documents to the County Sanitarian and the Board of Supervisors.

The County Engineer shall examine the parcel where the residence is to be constructed and determine if the plans comply with the rules of Mahaska County regarding the construction of driveways, set back from the roadways, sight requirements, the requirements of Subsections (A), (B) and (C) of Section 7, of this ordinance and the general safety of the public. In the event the County Engineer determines that the application and plan is in compliance with the provisions of this and other applicable ordinances, the County Engineer shall approve the application. In the event the County Engineer determines that the application is not in compliance, the County Engineer shall disapprove the application and shall, in writing, state his or her reasons for disapproval.

The County Sanitarian shall inspect the property and determine, based on the physical location and the unique characteristics of each property, whether the plans for sewage disposal and water supply comply with the rules of the Mahaska County Board of Health and Mahaska County ordinances. The County Engineer shall also determine if the property and plan comply with Subsections (D) and (E) of Section 7 of this ordinance. In the event the County Sanitarian finds that the application and plan are in compliance with the rules of the County Board of Public Health, state law, and this and other applicable ordinances, he or she shall then approve the said application. In event the County Sanitarian determines that the application and plan is not in compliance, the Sanitarian shall disapprove the application and state the specific reasons therefore in writing.

In the event of disapproval by either the County Engineer or the County Sanitarian, any aggrieved party may appeal the decision in the manner provided in Section 354.10 of the Code of Iowa.

\_\_\_\_\_.07 RESIDENTIAL BUILDING REQUIREMENTS

- A. PARCELS LIMITED TO ONE RESIDENCE No more than one residential building shall be constructed on any parcel, tract or lot.
- B. PARCEL SIZE No residential building shall be constructed on a parcel, tract or lot having a size of less than one half (1/2) acre, excluding any right-of-way or easement.
- C. ROAD SET-BACK Residential buildings shall be set-back at least one hundred (100) feet from the centerline of all roads or thirty (30) feet from right-of way, whichever is greater.
- D. ON-SITE SEWAGE TREATMENT SET-BACK On site individual sewage treatment systems, including any discharge thereof, must be setback at least 10 feet from any adjacent parcel, tract or lot and from any right-of-way, easement, ponds or other permanent water ways.
- E. CONFINEMENT AND FEEDLOT SET-BACK Residential buildings shall be set-back at least one thousand eight hundred seventy-five (1,875) feet of any confinement facility or feedlot.

\_\_\_\_\_.08 SUBDIVISIONS

A. PROCEDURE Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County subdivides or plans to subdivide said tract or parcel, he or she shall cause to be prepared a preliminary plat of said subdivision and shall submit one (1) copy of said preliminary plat and other information to the County Engineer. The scale of the plat shall be one inch equals fifty feet in a subdivision of three or fewer lots and one inch equals one hundred feet in a subdivision of more than three lots. The said owner shall pay a fee as shown in Section 9 at the time of the filing of said preliminary plat. The preliminary plat is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the proper authorities to determine whether the proposed division of the land in question is in compliance with state law, this ordinance, and the best interests of the public. Copies of the preliminary plat shall be given to the County Sanitarian, County Assessor, and the Mahaska County Board of Supervisors, and the final copy shall be retained by the Auditor.

The County Engineer shall review the plat in relation to the proposed location, entry points from established roadways, roadways created within the subdivision, utilities in place and planned for the future, setback, and other public safety requirements. The County Engineer shall then make a written recommendation to the Mahaska County Auditor and if he or she recommends disapproval, he or she shall state the reasons therefore.

The County Sanitarian shall review the plat in relation to the proposed water and sanitary sewage systems and determine if it is in compliance with the rules of the Mahaska County Board of Health, state law, and this and other applicable ordinances. He or she shall also review the location of any livestock or poultry confinement operations or feedlots in the vicinity of the proposed subdivision. He or she shall then make a written recommendation to the Mahaska County Auditor and if he or she recommends disapproval, he or she shall state the reasons therefore.

The County Assessor shall review the plat and determine if it is in compliance with the requirements of state law and this ordinance as it applies to the operations of his or her office. The assessor shall then make a written recommendation to the Mahaska County Auditor and if he or she recommends disapproval, he or she shall state the reasons therefore.

The County Auditor shall review the recommendations of the County Engineer, the County Sanitarian, the County Assessor, state law, and this ordinance. In the event that the Auditor shall find that all required reviewers have approved said plat and that the said plat is in compliance with state law and this and other applicable ordinances, he or she shall approve the preliminary plat. In the event the plat is disapproved by the Auditor, he or she shall state the reasons therefore in writing and notify the applicant of his or her action. The recommendations of all parties shall then be submitted to the Mahaska County Board of Supervisors for its review in accordance with Section 354.8 of the Code of Iowa and this ordinance. The said Board of Supervisors shall decide whether additional actions are required of the owner in accordance with state law, this ordinance, in conformance with the Comprehensive Plan of the County, or in the interests of the public. The actions of the Board of Supervisors shall be included in the Minutes of the meeting. Any aggrieved party may appeal the preliminary decision in the manner provided in Section 354.10 of the Code of Iowa.

After the owner has complied with the requirements for approval of the preliminary plat, the owner must install any improvements required by this ordinance and otherwise comply with the requirements of this ordinance which may include performance guarantees to insure the installation of required improvements within one (1) year after the final approval of the plat, if appropriate. The owner shall provide information to and obtain a statement from the County Engineer that he or she has received a map showing all utilities and their exact location and elevation and shall submit this information to the Auditor. The owner must also comply with the requirements of Sections 354.6, 354.11 and 355.8 of the Code of Iowa and this ordinance.

**B. FINAL PLAT** In the event the preliminary plat is approved and the additional requirements are complied with, the owner shall then submit one (1) copy of the final plat for review by the same parties who reviewed the preliminary plat. The

final plat shall be prepared at the same scale as the preliminary plat and shall include all the information and documents required by Sections 354.6, 354.11 and 355.8 of the Code of Iowa. At the time of the filing of the final plat, the owner shall pay a fee as shown in Section 9. In addition the following shall be submitted:

1. A plan and profile of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show the location, size, and grade of all conduits, sewers, pipelines, etc. placed or to be placed under the streets and alleys.
2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
3. A deed or easement to the County, properly executed, for all streets intended as public streets, and for any other property intended for public use. Any deed shall be held in escrow by the County until such time as the improvements are satisfactorily completed and accepted by the Board of Supervisors. The deed shall then be filed with the County Recorder as a permanent record.

No street, alley, park, open area, public improvement, or utility, or other portions of a subdivision shall be dedicated to public use or accepted by the County unless or until a specific request is made by the owner and the Board of Supervisors has specifically accepted said street, alley, park, open area, public improvement, or utility, or other portion of the subdivision after a public hearing thereon. The recording of a plat shall not be considered a dedication by the owner nor an acceptance by the County.

The Board of Supervisors shall consider the recommendations of the County Engineer, the County Sanitarian, the County Auditor, and the County Assessor for the approval or disapproval of the final plat. The final action shall be in the form of a resolution approving or disapproving the plat. In the event the County accepts any such portion of the subdivision, the resolution of the County accepting said portion shall be filed with the County Recorder at the time of filing of the final plat. In the event of a disapproval, the reasons therefore shall be stated in the resolution. Any aggrieved party may appeal the decision in accordance with the provisions of Section 354.10 of the Code of Iowa.

Upon final approval in accordance with the Code of Iowa and this ordinance, the final plat shall be filed with the County Recorder with all the attachments required by Section 354.11 of the Code of Iowa and this ordinance.

C. SUBDIVISION DESIGN STANDARDS The standards and details of design herein contained are intended only as the minimum requirements so that the

general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the sub-divider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood, and shall conform to the design standards established by the County Engineer as approved by the Board of Supervisors.

## 1. Streets

### (a) Comprehensive Plan

All proposed plats and subdivisions shall conform to the Comprehensive Plan of the County.

### (b) Continuation of Existing Streets

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty-six (66) feet in width except as indicated by paragraph(o) below, and in similar alignment unless variations are recommended by the County Engineer.

### (c) Circulation

The Street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or un-subdivided land. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required by the County Engineer.

### (d) Street Intersections

Street intersections shall be as nearly at right angles as possible. Any private roadway approved by the County shall provide permanent un-obstructed access to the area it serves. The erecting of any structure within the private roadway easement which would in any way interfere with the use of such private roadway by the public or any governmental agency will not be permitted.

### (e) Cul-de-sac

Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred and thirty-two (132) feet in the case of residential subdivisions. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than thirty (30) feet.

### (f) Street Names

All newly platted streets shall be named in a manner consistent with the present street name system. The owner shall contact the Director of the

Mahaska E-911 Center and obtain street names and house numbers as may be appropriate.

(g) Physical and Cultural Features

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features in which would provide for an attractive development.

(h) Half Streets

Dedication of half streets will not be accepted unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided. In that event the other half shall be platted if deemed necessary by the County Engineer.

(i). Alleys

Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts, means of turning around shall be provided in dead-end alleys.

(j). Easements

Easements for utilities, if needed, shall generally be provided along rear or side lot lines or along alleys. Whenever any stream or important surface water course is located in an area that is being subdivided, the sub-divider shall, at his or her own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water.

(k) Neighborhood Plan

If any overall plan has been made for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

(l) Un-subdivided Portion of Plat

Where the plat to be submitted includes only part of the tract owned by the sub-divider, the County Engineer may require topography and a sketch of a tentative future street system of the un-subdivided portion.

(m) Major Thoroughfares

Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:

- (a) A parallel street supplying frontage for lots backing on to the traffic way.

- (b) A series of cul-de-sacs or short loops entered at approximate right angles from a parallel street with their terminal lots backing on to the highway.
- (c) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
- (d) A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.

(n) Railroads

If a railroad is involved, the subdivision plan should:

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

(o) Street Width

The width of residential streets shall not be less than sixty-six (66) feet unless the street is paved with curb and gutter, in which case the minimum right-of-way width shall be fifty (50) feet. Additional width may be required where justified by traffic needs.

(p) Street Grades

Streets and alleys shall be constructed to grades which have been officially approved by the County Engineer. All Streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade expressed in feet per hundred, but in no case less than three hundred (300) feet in length; for secondary minor streets,

fifteen (15) times, but in no case less than two hundred (200) feet. A greater minimum length of vertical curve may be required by the County Engineer if deemed necessary. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.

## 2. BLOCKS

a. No block shall be longer than one thousand three hundred twenty (1,320) feet.

b. At street intersections, block corners shall be rounded with a radius of not less than thirty (30) feet. Where, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.

## 3. LOTS

a. The area of all lots shall be not less than one-half (1/2) acre, excluding any right-of-way or easement. Lots along existing public roads shall have a minimum setback of one hundred (100) feet from the centerline of the road or thirty (30) feet from right-of-way whichever is greater. Lots along streets within the subdivision shall have a minimum of 30' setback from lot line. Setback applies to both street sides of the lot in order to permit adequate building setbacks on both front and side streets.

b. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway.

c. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when dictated by topography, lot lines shall be straight.

## 4. IMPROVEMENTS

For subdivisions being developed within the unincorporated area of the County, the following road standards shall apply as the minimum acceptable standards:

A. Stopping sight distance	550 feet
B. Maximum curvature	8 degrees
C. Maximum gradient	7 percent
D. Surface width (granular or hard-surfaced)	22 feet
E. Shoulder width (granular or earth)	6 feet
F. Roadway top	34 feet
G. Bridge width	30 feet
H. Clear zone	10 feet
I. Fore slope	3:1

- J. Back slope 2:1
- K. Ditch cut 3 feet
- L. Ditch bottom 4 feet
- M. Culverts new riveted corrugated metal pipe at least 18 inches in diameter
- N. Sub-base (as defined by section 2111IDOT standards) 7 inches
- O. Granular surface course - 3/4 inch road stone (limestone) 4 inches
- P. Construction inspection and "as completed" road design documentation

(a). Subdivision roads shall be hard surfaced. All streets shall be paved with seven (7) inches of concrete or five (5) inch rock base with seven (7) inches of HMA (hot mix asphalt).

(b) All work is to conform with current Iowa Department of Transportation specifications for material and construction.

(c) No plat of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit assuring completion of all required improvements.

(d) County Engineer shall specify minimum standards for other streets.

(e) Water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be at least two (2) feet outside of the curb or traveled roadway on the high side of the street; with a minimum cover of forty-two (42) inches.

(f) Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.

(g) Underground cables shall be laid either just outside of the property line or within the area of the perpetual utility easement. Overhead line shall be placed at the back lot lines within the area of perpetual utility easement.

(h) Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches.

(i) Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with the State Board of Health.

(j) Storm sewers shall have a minimum diameter of eighteen (18) inches and larger as the increase in drainage area demands. Storm sewers are to be

located on the low side of the street well outside the curb or traveled roadway line.

(k) Storm drainage facilities shall be provided, such as storm sewers, intakes, retention basins, and suitable permanent culverts or bridges of a size and design approved by the County Engineer.

(l) Street signs shall be required at all intersections and shall be of a type subject to the specifications adopted by the County Engineer.

(m) The sub-divider shall be responsible for the installation and or construction of all improvements required by his ordinance and shall warrant the design, material, and workmanship of such improvements, installation and/or construction for a period of four (4) years from and after completion by purchase of a maintenance bond made in favor of the County. A copy of such bond shall be filed with the County Engineer before any construction will be permitted.

(n) In any subdivision for which the sub-divider elects to complete the required improvements in portions of the platted area after the approval of the final plat, no building permit shall be issued until sanitary sewer mains, water mains, and their appurtenances and street paving with curb and gutter are constructed, where applicable.

(o) The sub-divider shall make and install the improvements described in Section 8, in accordance with current Iowa Department of Transportation specifications for material and construction. All improvements shall be inspected by the County or its consultant, the cost of which shall be reimbursable to the County by the Developer. An adequate deposit to cover such expense shall be made with the County by the Developer prior to the beginning of construction. The Board of Supervisors may accept completed streets for County Maintenance before improvements on all streets in the plat have been completed.

(p) The Board of Supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of re-subdivisions where only the size, shape, or arrangement of the lots is being changed: provided however, such waivers shall be limited to existing improvements in good repair as determined by the County Engineer. Improvements not existing or in poor repair shall be regular to meet the standards of this ordinance.

## 5. ENFORCEMENT

(a) No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.

(b) The Board of Supervisors shall not permit any public improvements over which it has control to be made from the Secondary Road Fund, or any County money expended for improvements or maintenance in any area that has been sub-divided or upon any street that has been dedicated after the date of the adoption of these regulations unless such subdivision or street has been approved in accordance with the provision contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of the County. Streets of a subdivision not accepted by the board as public highways shall remain private roads.

(c) Substandard work for any improvement shall be removed at owner's expense. Failure to remove substandard work within 120 days shall cause Mahaska County to have the substandard work removed and costs for such added to tax rolls.

### \_\_\_\_\_.09 FEES

The owner of a single lot shall pay to the County Engineer a fee in the amount of \$250.00 at the time of the filing the application for a building permit. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$150.00, Mahaska County Secondary Roads - \$50.00, and Mahaska County Auditor - \$50.00.

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$300.00 at the time of filing a preliminary plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$100.00, Mahaska County Secondary Roads - \$100.00, Mahaska County Auditor - \$50.00, and Mahaska County Assessor - \$50.00. If individual sewage treatment or on-site systems are required, a \$150.00 environmental inspection fee which shall be paid to the Mahaska County Sanitarian at the time of construction.

The owner of the land being subdivided shall pay to the Auditor a fee in the amount of \$200.00 at the time of filing of the final plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$50.00, Mahaska County Secondary Roads - \$50.00, and Mahaska County Auditor - \$100.00.

Permits shall be valid for a maximum of twelve (12) months from the time of issuance. If the residence is not started in that time, the permit must be reviewed, and additional fees paid.

\_\_\_\_\_.10 VIOLATIONS Any person violating the terms of this ordinance shall be guilty of a municipal infraction punishable by a fine of \$500.00 per occurrence or any other injunctive remedies that the Court may impose.

\_\_\_\_\_.11 CHANGES AND AMENDMENTS Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments are in accordance with Iowa Code Section 331.302.

\_\_\_\_\_.12 VALIDITY If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

\_\_\_\_\_.13 EFFECTIVE DATE This ordinance shall be effective from and after its final passage and approval, *and publication as required by law.* (The portion in italics was deleted by action of the Board of Supervisors prior to passage of the ordinance.)

\_\_\_\_\_.14 FEES NOT PERMANENT The fees set in Section 9 of this Ordinance are not intended to be permanent. The Board of Supervisors is authorized to adjust any fee it deems appropriate by resolution at any meeting of the Board of Supervisors. The change of fees must be on the agenda for the meeting with notice and the Board shall state its reasons for any changes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Chairperson, Mahaska County Board of Supervisors

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

**ATTEST:**

\_\_\_\_\_  
Mahaska County Auditor

HISTORIC

Mahaska County Ordinance 33

MAHASKA COUNTY  
FLOOD PLAIN MANAGEMENT ORDINANCE

- |                                                              |                                   |
|--------------------------------------------------------------|-----------------------------------|
| _____ .01 Statutory Authority,<br>Finds of Fact, and Purpose | _____ .05 Nonconforming Uses      |
| _____ .02 General Provisions                                 | _____ .06 Penalties for Violation |
| _____ .03 Flood Plain Management Standards                   | _____ .07 Amendments              |
| _____ .04 Administration                                     | _____ .08 Definitions             |

\_\_\_\_\_ .01: Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 331, Code of Iowa, as amended, delegated the power to counties to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of Mahaska County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

### C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Mahaska County and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing those flood losses described in Section B of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suitable for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

### \_\_\_\_.02: General Provisions

#### A. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of Mahaska County. For the purposes of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Mahaska County and incorporated Areas, dated June 16, 2011, which is hereby adopted and made part of this Ordinance.

#### B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the special flood hazard areas shall be determined by the scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mahaska County Flood Plain Administrator shall make the necessary interpretation.

#### C. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

#### D. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, annul, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

#### E. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

#### F. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Mahaska County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made there under.

#### G. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### \_\_\_\_.03: Flood Plain Management Standards

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development within the special flood hazard areas shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential buildings - All new or substantially improved non-residential buildings shall have lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

1. Fully enclosed areas below the "lowest floor" (not including easements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. The following specific requirements (or their equivalent) shall be met:

- a. Over-the-top ties shall be provided at each of the four corners of the factory-built home, with two (2) additional ties per side at intermediate locations and factory-built homes less than fifty (50) feet long requiring one (1) additional tie per side:

b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points and factory-built homes less than fifty (50) long requiring four (4) additional ties per side;

c. All components of the anchoring system shall be capable of carrying a minimum force of 4800 pounds.

d. Any additions to factory-built homes shall be similarly anchored.

F. Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltrations of flood waters into the system.

4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to floodwaters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition,

such alterations or relocations must be approved by the Department of Natural Resources.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood.

#### K. Accessory Structures

1. Detached garages, sheds, and similar structures to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

a. The structure shall not be used for human habitation.

b. The structure shall be designed to have low flood damage potential.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

#### L. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

a. The recreational vehicle shall be located on the site for less than 90 consecutive days, and

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2. Recreational vehicles that are located on the site for more than 90 consecutive days and are not ready for highway use must satisfy requirements of Section III of this Ordinance regarding anchoring and elevation of factory-built homes and Section III F of this Ordinance regarding utility and sanitary sewers.

M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

\_\_\_\_.04: Administration

A. Appointment, Duties and Responsibilities of Flood Plain Administrator

1. The County Engineer is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties of the Administrator shall include, but not necessarily be limited to the following:

a. Review the flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review all flood plain development permit applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including

basement) of all new or substantially improved structures in the special flood hazard area.

e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

#### Flood Plain Development Permit

1. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made exchange to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. Description of the land on which the proposed work is to be done (i.e. lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation of the 100-year flood.

e. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary (e.g. drawings or a site plan) for the purpose of this Ordinance.

3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.

4. Construction and Use to be as provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevation, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

## Variance

1. The Board of Supervisors may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 to \$100 of insurance coverage and (ii) such construction increases risks to life and property.

2. Factors upon which the Decision of the Board of Supervisors Shall Be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the County.

f. The requirements of the facility for a floodplain location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities ( sewer, gas, electrical and water systems), facilities, streets and bridges.

m. Such other factors which are relevant to the purpose of this Ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

e. Flood proofing measures.

#### Subdivision Review

Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this Ordinance and shall advise the Board of Supervisors of potential conflicts. Flood plain development in connection with a subdivision (including installation of public utilities) shall require a Flood Plain Development Permit as provided in \_\_\_\_\_.04 B1. For proposals greater than 50 lots, the sub-divider shall be responsible for providing flood elevation data.

#### \_\_\_\_\_.05: Nonconforming Uses

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

\_\_\_\_\_.06: Penalties for Violation

Any person, firm or corporation failing to comply with the terms of this ordinance and other applicable regulations or of any amendment or supplement thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred (\$100) dollars or by imprisonment of not more than thirty (30) days. Each and every day such non-compliance continues may be deemed a separate offense.

\_\_\_\_\_.07: Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed.

\_\_\_\_\_.08: Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

**BASE FLOOD** - the flood having one (1) percent chance of being equaled or exceeded in any given year, (see 100-year flood).

**BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before that effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

**EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the effective date of flood plain management regulations adopted by the community.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**FACTORY-BUILT HOME** - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed, preassembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes (recreational vehicles" which are placed on a site for greater than 90 consecutive days and not fully licensed for and ready for highway use).

**FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

**FLOOD ELEVATION** - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

**FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**FLOOD PLAIN** - Any land area susceptible to being inundated by water as a result of a flood.

**FLOOD PLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

**FLOOD PROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** - The channel of the river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**HISTORIC STRUCTURE** - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined individual listing of the National Register.
- b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of Interior or ii) directly by the Secretary of Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in the building including a basement except when **all** the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section \_\_\_\_\_.03 D1. of this Ordinance and
- b. The enclosed area is unfinished (not carpeted, dry walled, etc/) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

**NEW CONSTRUCTION** - (new buildings, factory-built home parks) - those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map. (alternate Language - on or after (02/24/94).

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision or which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete on or after the effective date of the effective date of flood plain management regulations adopted by the community.

**ONE HUNDRED (100) YEAR FLOOD** - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

**RECREATIONAL VEHICLE** - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "100 year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after February 24, 1994 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the flood plain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's flood plain management regulation.

NOTE: All ordinances must be properly certified.

First reading approved this April 18 day of \_\_\_\_ , 2011.

Second and final reading approved 2<sup>nd</sup> day of May, 2011.

PASSED and ADOPTED by the Board of Supervisors of Mahaska County this 16<sup>th</sup> day of May, 2011.

MAHASKA COUNTY BOARD OF SUPERVISORS:

VOTE

\_\_\_\_\_  
Henry W. Van Weelden, Chairman

"AYE" X "NAY" \_\_\_\_\_

\_\_\_\_\_  
Greg Gordy

"AYE" X "NAY" \_\_\_\_\_

\_\_\_\_\_  
Ken Rozenboom

"AYE" X "NAY" \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Kay Swanson, Auditor

Mahaska County Ordinance 34

HAZARDOUS SUBSTANCES

\_\_\_\_\_.01 Purpose  
\_\_\_\_\_.02 Definitions  
\_\_\_\_\_.03 Clean Up Required

\_\_\_\_\_.04 Notifications  
\_\_\_\_\_.05 Severability  
\_\_\_\_\_.06 Effective Date

AN ORDINANCE OF MAHASKA COUNTY, IOWA, FOR THE PURPOSE OF ADDING A REQUIREMENT THAT PERSONS RESPONSIBLE FOR THE STORING, HANDLING AND TRANSPORTATION OF HAZARDOUS MATERIALS SHALL AT THEIR OWN COST CLEAN UP ANY SPILLS OF THOSE MATERIALS AND PROVIDING REMEDIES FOR THE COUNTY TO CLEAN UP SPILLS IF THE RESPONSIBLE PARTY FAILS TO DO SO, AND TO RECOVER THE COSTS FOR THE COUNTY.

Be it Ordained by the Board of Supervisors of Mahaska County, Iowa:

That the following Ordinance be enacted by Mahaska County, Iowa:

\_\_\_\_\_.01: PURPOSE.

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

\_\_\_\_\_.02: DEFINITIONS.

For the purpose of this Ordinance, these words have the following meanings:

(1) "Hazardous Waste" means those wastes which are included by the definition in Section 455B.111, Subsection 3, paragraph a, Code of Iowa and rules of the Iowa Department of Natural Resources.

(2) "Hazardous Substance" means any substance as defined in Section 455B.381, Subsection 1, Code of Iowa.

(3) "Hazardous Condition" means the same as set out in Section 455B.381, Subsection 2, Code of Iowa

(4) "Person having Control over a Hazardous Substance" means the same as set out in Section 455B.381, Subsection 8, Code of Iowa.

(5) "Clean Up" means the same as set out in Section 455B.381, Subsection 6, Code of Iowa.

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

\_\_\_\_\_.03: CLEAN UP REQUIRED.

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of clean up shall be borne by the person having control over a hazardous substance. If the person having control over a hazardous substance does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may proceed to procure clean up services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the County Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the County to finance it, the authorized Officer shall report to the Board of Supervisors and immediately seek any State or Federal funds available for said clean up.

\_\_\_\_\_.04: NOTIFICATIONS.

The first County Officer or employee who arrives at the scene of an incident involving hazardous substances, if not a deputy sheriff, shall notify the Sheriff's Office which shall notify the proper State office in the manner established by the State.

\_\_\_\_\_.05: 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 adjudges invalid or unconstitutional.

\_\_\_\_\_.06: EFFECTIVE DATE.

This ordinance shall be in effect after its final passage approval and publication as provided by law.

PASSED on its first consideration of the 3rd day of May, 1993.

PASSED on its second consideration - Suspended

FINAL PASSAGE and ADOPTION on the 17th day of May, 1993.

MAHASKA COUNTY

By (Albert W. Stewart)

Albert Stewart, Chairman

Mahaska County Ordinance 35

ESTABLISHING A MINIMUM BUILDING AND/OR STRUCTURE SETBACK LINE ALONG HIGHWAYS IN MAHASKA COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF MAHASKA COUNTY, IOWA

\_\_\_\_.01 Purpose

\_\_\_\_.07 Site Plan

\_\_\_\_.02 Definitions

\_\_\_\_.08 Violation and Penalties

\_\_\_\_.03 Powers of the Board

\_\_\_\_.09 Severability Clause

\_\_\_\_.04 Authority to Establish

\_\_\_\_.10 Repealer

\_\_\_\_.05 Notice of Hearing

\_\_\_\_.11 Existing Buildings and/or Structures

\_\_\_\_.06 Building or Structure Setback

\_\_\_\_.12 Effective Date

\_\_\_\_.01 **PURPOSE** The purpose of this ordinance is to establish the minimum distance that any building or structure may be constructed from any highway right-of-way.

\_\_\_\_.02 **DEFINITIONS** For use in this ordinance, certain terms or words used shall be interpreted or defined as follows:

- a. "Highway Right-of-Way" means the entire width between property lines of every way or place of whatever nature is open to the use of the public, as a matter of right, for purpose of vehicular traffic.
- b. "Board" means the Board of Supervisors of Mahaska County.
- c. "Building" means any roofed, floored or walled structure fixed or movable.
- d. "Structure" means any part of a building.
- e. "Engineer" means the County Engineer of Mahaska County.

- f. "Setback" means the distance between the highway of right-of-way and any building or structure.

\_\_\_\_\_.03      **POWERS OF THE BOARD**      All jurisdiction and control over the setback distance between the highway right-of-way and any building or structure shall rest with the board.

\_\_\_\_\_.04      **AUTHORITY TO ESTABLISH**      The Board of Supervisors of Mahaska County is empowered under authority of Chapter 331 of 1987 Code of Iowa to establish an ordinance for setback distance requirement and to provide for the administration and enforcement of the ordinance.

\_\_\_\_\_.05      **NOTICE OF HEARING**      The Board shall fix a time and place for the hearing and cause the notice to be published as provided by law.

\_\_\_\_\_.06      **BUILDING OR STRUCTURE SETBACK**      Buildings along existing public roads shall have a minimum setback of one hundred (100) feet from the centerline of the road or thirty (30) feet from the right-of-way whichever is greater.

\_\_\_\_\_.07      **SITE PLAN**      To assure that the location of the building or structure conforms to the requirement of the ordinance two copies of a detailed site plan showing the location of the building or structure to the highway right-of-way shall be submitted to the Board for approval prior to construction. All site plans shall be drawn at a scale of not less than one (1) inch equals twenty (20) feet.

\_\_\_\_\_.08      **VIOLATION AND PENALTIES**      Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

\_\_\_\_\_.09      **SEVERABILITY CLAUSE**      Should any section or provision of this ordinance be declared by a Court of Competent Jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

\_\_\_\_\_.10      **REPEALER**      All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

\_\_\_\_\_.11      **EXISTING BUILDING AND/OR STRUCTURE**      This ordinance shall not apply to buildings and/or structures existing within the setback at the time of enactment of this ordinance. Future additions to buildings and/or structures decreasing the setback distance shall not be allowed.

\_\_\_\_.12 EFFECTIVE DATE This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

HISTORIC

Mahaska County Ordinance 40

AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION

- |                               |                             |
|-------------------------------|-----------------------------|
| ____.01 Purpose               | ____.06 Budget              |
| ____.02 Commission Members    | ____.07 Compensation        |
| ____.03 Organization          | ____.08 Severability Clause |
| ____.04 Rules and Regulations | ____.09 Repealer            |
| ____.05 Powers and Duties     | ____.10 Effective Date      |

BE IT ORDAINED AND ENACTED by the Supervisors of Mahaska County, Iowa:

- \_\_\_\_.01: Purpose  
A Cemetery Commission is hereby established to assume jurisdiction and management of pioneer cemeteries in Mahaska County, Iowa, pursuant to Section 331.325 of the Code of Iowa.
- \_\_\_\_.02: Commission Members  
The Commission shall consist of five persons, residents of Mahaska County, Iowa, appointed by the Board of Supervisors as follows:  
Two of the members shall be appointed for a term expiring December 31 1998; one for a term expiring December 31, 1999; and two for a term expiring December 31, 2000. Their successors in all cases shall be appointed for a term of three years, and all appointments to fill vacancies shall be for the unexpired term.
- \_\_\_\_.03: Organization  
The Commission shall select a Chairman, Vice Chairman, Secretary, Treasurer and such other officers as the Commission shall deem necessary.
- \_\_\_\_.04: Rules and Regulations

The Commission shall have authority to establish such rules and regulations governing its organization and procedure as it shall deem necessary.

\_\_\_\_.05: Powers and Duties

The Commission shall have all powers and duties relating to pioneer cemeteries which may otherwise be exercised by Township Trustees under the Code of Iowa, except the Commission shall not have the authority to certify a tax levy.

\_\_\_\_.06: Budget

The Commission shall submit a proposed budget including the amount of available funds and proposed expenditures to the Mahaska County Auditor no later the January 31 of each year.

\_\_\_\_.07: Compensation

The Commissioners shall receive no compensation for their services as such, but may be reimbursed for necessary expenses incurred in the performance of their duties.

\_\_\_\_.08: Severability Clause

Should any part of this ordinance be held invalid, the remaining part shall be severable and shall continue to be in full force and effect.

\_\_\_\_.09: Repealer

All ordinances of parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

\_\_\_\_.10: Effective Date

This ordinance shall take effect and be in full force and effect after its passage and publication as required by law.

Mahaska County Ordinance 41

MAHASKA COUNTY RELIEF ORDINANCE

- |                                           |                                |
|-------------------------------------------|--------------------------------|
| ____.01 Categories                        | ____.08 Nuisance               |
| ____.02 Definitions                       | ____.09 Initial Determination  |
| ____.03 Form                              | ____.10 Appeal                 |
| ____.04 Eligibility of Needy Persons      | ____.11 Appeal Hearing         |
| ____.05 Eligibility of Poor Persons       | ____.12 Actions of Supervisors |
| ____.06 Level of Benefits                 | ____.13 Additional Provisions  |
| ____.07 Requirements for Receiving Relief | ____.14 Repealer               |

This ordinance is passed by virtue of the authority established under the Iowa Code, including Chapters 251 and 252, also including the County Home Rule Amendment to the Iowa Constitution

The Code of Iowa outlines the legal basis for the General Relief Program in counties. This section deals basically with Chapter 251 and 252 of the Code. The General Relief Program is administered by the Director of Relief and that person reports to the Board of Supervisors.

WHEREAS, the Mahaska County Relief Director has been directed to submit regulations to the Mahaska County Board of Supervisors for approval concerning provision of relief benefits in Mahaska County, Iowa.

WHEREAS, The Board of Supervisors of each county shall provide for the relief of poor persons in this county who are ineligible for, or are in immediate need and awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under such programs.

AND WHEREAS, it is necessary to set forth by this regulation the level of relief to be provided and eligibility requirements for relief programs of Mahaska County, Iowa, under authority of the Board of Supervisor of Mahaska County, Iowa following regulations are adopted:

\_\_\_\_\_.01: CATAGORIES:

There shall be two (2) categories of general relief in Mahaska County, Iowa. They are:

- A. Relief for needy persons.
- B. Relief for poor persons.

\_\_\_\_\_.02. DEFINITIONS.

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

A. "Needy Person" is a person or the family unit of that person who has legal settlement in Mahaska County, Iowa and who, because of circumstances which are not attributable to that person, needs immediate relief.

\*Examples of circumstances not attributable to that person: Layoff, medical problems

\*Examples of circumstances attributable to that person: Voluntary Quit, failure to keep scheduled appointment for State and Federal Programs, pursuing an education

B. A "Poor Person" is a person or family unit who has no property exempt or otherwise, and are unable, because of physical/mental disabilities, to earn a living by labor

C. "Relief means food, rent, shelter, clothing, transportation, utilities (fuel-lights-water), medical services or burial

D. "Net Worth" includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of all other real and personal property. The following property shall be exempt from consideration: household furniture, tools and equipment used for self-support, vehicles for family unit shall not exceed \$5000.00, burial irrevocable trust funds not to exceed \$6000.00, homestead used as a place of residence if equity does not exceed \$15000.00.

E. "Family Unit" or "Household" means the individual applying for relief, his or her spouse, and any person related to the individual or spouse by blood, marriage, or adoption. This will include children under 18 years of age, all occupants and children over 18 years of age who are

legally dependent upon the applicant. The exception of this policy is an emancipated person due to marriage. All minor children under 18 years of age must receive their assistance from their parents, unless they can provide a marriage license to determine them to be adults.

F. "Liquid Assets" means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days.

G. "Awaiting approval and receipt" means a poor person who has applied for relief under the state or federal law, who has pursued that application with due diligence, and who has not had that application denied.

H. "Director" means the Director of Relief, or her designee, appointed by Mahaska County Board of Supervisors to administer the county's General Relief program.

I. "Disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

\_\_\_\_03: FORM.

The relief shall be purchased directly from the supplier for the applicant or the family unit on a vendor system.

\_\_\_\_04: ELIGIBILITY OF NEEDY PERSONS.

Relief is to be provided for needy persons who are in need of immediate relief and who are eligible for, and are awaiting approval, and receipt of, assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations imposed by this Ordinance, cannot be fully met by the assistance furnished under these programs.

Income guidelines of 100% Federal Poverty levels shall be used to determine eligibility. Deductions from income for payments made on medical bills will be allowed if currently applicable. Applicants up to 200% of poverty guidelines will be considered on a case by case basis if just cause and extenuating circumstances can be shown by the client.

\_\_\_\_.05: ELIGIBILITY OF POOR PERSONS.

Relief is to be provided for poor persons who are in need of immediate relief, cannot obtain relief from any other source, whose family unit has no net worth, and who are eligible for, and are awaiting approval, and receipt of assistance under programs provided by state or federal law, or whose actual needs, as defined within the limitations

imposed by this Ordinance, cannot be fully met by the assistance furnished under such programs.

\_\_\_\_06:                   LEVEL OF BENEFITS.

The maximum level of benefits to be provided for each item of relief for each person or that person's family unit shall be:

Each person or family unit will be eligible for assistance two (2) times in a twelve (12) month period. The time beginning from the last of two (2) assists in a twelve (12) month period.

A.     Food

1. Referrals will be made to the Ecumenical Food Cupboard on availability.
2. Food vouchers issued not to exceed \$50.00 per 12 month period. Items such as steaks, sodas, tobacco, alcohol, snack items are not allowed to be purchased unless stated.
3. There will be no food vouchers issued to a person or that person's family unit if they receive the fall amount of food stamps that can be granted according to DHS guidelines.

B.     Shelter

1. Benefit limits are the reasonable rental value not to exceed \$200.00 per family. If other less expensive housing is available as determined by the Director, the client may be required to move into the less expensive option. If said person does not wish to comply with the request to live in the less expensive housing, the Director may deny benefits.
2. Rent will only be paid to the landlord or owner. Payments will not be paid to a sub-renter or relative. Rent will not be paid in advance-it must be 30 days past due. Mortgage payments will not be paid as this creates an estate.
3. A needy person/family will be entitled to no more than two months of rent assistance in a twelve month period.
4. Deposits or first month's rent will not be paid for rental assistance, nor will deposits be paid for gas, water or electricity.

### C. Utilities

1. Assistance with utilities cost shall be provided only in the amount of actual cost for current usage with a maximum allowance of \$200.00 per month for heat and light. A maximum of \$150.00 for water. Relief under this category does not include deposits, past balances, taxes or penalties.
2. Heat, light and water are the only utilities that will be considered.
3. Failure to pay on utilities during a moratorium will result in denial of assistance.
4. Failure to attempt to pay monthly will result in denial of assistance (1-2 month period of no payments allowed in a 6 month period).
5. Utilities must be in the name of the applicant, recipient, or other adult member of the household.

### D. Medical Services

1. Assistance will be given for prescriptions and also for some medical needs that require no prescription, such as insulin, needles, bandages, gauze, etc. There will be no assistance given for narcotics, pain killers or muscle relaxers or controlled medications.
2. Dental assistance for immediate need and to relieve severe pain. Major dental may be considered if health will be impaired. The costs will be according to Title 19 rates with three (3) visits allowed in a twelve (12) month period and a maximum paid of \$150.00 per visit.
3. Eye glasses will be authorized only once, unless for circumstances not contributable to the client. Costs will be paid according to Title 19 guidelines, and client must pay for exam and one-half the cost of the glasses.

### E. Hospital Services

1. No hospital services will be provided.
2. General Relief cannot assist on Medicare deductions except for poor persons 65 years old or older, under 18 years of age, or disabled.

3. Prior authorization will be required for medical services. For medical expenses the use of Iowa Care Program papers or the Medically Indigent Programs available at the hospitals shall be utilized.

4. No out of state or out of county medical costs will be approved. Medical payments will be made to local physicians at the value of \$150.00 per office visit only.

5. Indigent persons in need of medical help must apply for medically needy through the local DHS.

#### F. Clothing.

Clothing that is actually needed shall be provided one (1) time in a twelve (12) month period. A voucher for \$50.00 will be the maximum and will be payable to second-hand stores such as the Mahaska County Outreach or Goodwill stores.

#### G. Transportation.

1. Assistance with Transportation expense on the Iowa Care Program As needed to obtain medical treatment will be provided with a voucher for \$25.00. Confirmation of appointments are necessary before a voucher will be issued.

#### H. Funeral Services

Shall be allowed as contained in the Mahaska County Burial Contract on file with the Mahaska County Board of Supervisors.

I. Drug and alcohol treatment Will not be provided or covered.

### 07: REQUIREMENTS FOR RECEIVING RELIEF

A. Person applying for relief must live and reside in Mahaska County. Applicant must be a citizen of the United States (No assistance will be provided for aliens without citizenship).

B. No person shall receive more than two (2) months of relief in a twelve month period unless approved by the Director and/or Board of Supervisors. The Mahaska County Board of Supervisors and/or the Director may from time to time find it necessary to go beyond the normal scope of this ordinance, Assistance may be needed above normal limits or frequency. In order for this to occur, the client cannot be the cause of the extended need.

C. No assistance will be issued to college students that reside in the college dorms.

D. The applicant shall seek assistance for his needs from all other available resources before Relief will be considered. Any person who is eligible for State or Federal assistance such as WIC, SSI, State or Federal medical programs, SSA, VA, SS, Workman's Compensation etc., shall be referred to the proper source and shall make application and accept assistance offered.

E. An applicant with a voluntary job quit shall be disqualified. Laid off workers must have a form filled out by their employer and provide it to the Director regarding vacation, severance pay, status, and medical coverage. Laid off workers must also apply for unemployment benefits. If employable, applicant must accept work or retraining assignment as requested. No attempts to control applicants income level will be allowed.

F. Applicant must complete application, and establish his or her need for General Relief.

G. The person applying shall provide the Director, upon request, a verified statement of net worth, federal and state income tax returns, medical reports, medical authorizations and information requested by the Director that bears upon the person's eligibility and need for relief. Medical examinations and statements may be required to determine work capabilities or eligibility for assistance.

H. A false statement or incorrect statement on an application for assistance will be cause for denial of relief.

I. All applicants shall, if reasonably able, be required to reimburse Mahaska County for assistance received. If applicant fails to repay the value of the benefits received, as agreed, he or she shall be disqualified from receiving future benefits. The Board of Supervisors may, upon application and good cause, waive the repayment of all or some of the benefits.

J. Failure to satisfactorily complete drug and alcohol treatment programs or do follow-up programs may be a basis for denial.

K. Any asset transferred without adequate consideration within thirty (30) months of the date of application shall be deemed to be part of the assets of the applicant or household member. Transfers include sales, gifts, mortgages or loans, and conveyances.

L. Applicant will also be required to sign a release and exchange of information form which will allow the Director to act in the clients' best interests.

\_\_\_\_.08: Nuisance

Applications for relief shall be submitted by needy and poor persons to the Director of the Mahaska County Courthouse Annex in Oskaloosa, Iowa, during usual business hours (8:00-12:00 and 1:00-4-30) upon forms provided by the Director. Applications are good for one (1) year from completion date, but will be updated upon each request for assistance. The application shall be signed by the applicant under penalty of perjury.

If the applicant or the family unit is or appears to be eligible for relief or assistance from any other Federal, State or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of relief. The Director shall also receive anything that the person applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statement of the applicant. The Director shall then proceed to conduct an investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant, upon request or to the applicant's attorney by written authorization.

\_\_\_\_.09: INITIAL DETERMINATION

The Director shall make the initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the signed, completed application.

If the Director cannot make the initial determination within five (5) working days, the Director shall inform the applicant by telephone, if possible, of the reasons why such determinations cannot be made. The Director shall also, mail the applicant by ordinary mail within five (5) working days thereafter, the Director's written decision showing the reason why such determination could not be made.

If an applicant has been previously found eligible\* within UK last year, the Director need not receive a new application, but will update die current application, and then may proceed to a determination of whether or not

current relief is warranted. Notice and mailing as such determination shall be as provided above. If any immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The recipient must sign and deliver verification of assistance received to the supplier.

\_\_\_\_.10: APPEAL

Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal. The applicant shall be informed 1 - of the method by which an appeal may be, and 2- that he or she may represent him or herself, or may be represented by an attorney.

Any written appeal or communication to the Director by or on behalf of the applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisor's agenda, in accordance with Chapter 21, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) days after the appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide applicants current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone, and by ordinary mail, of the date and time of hearing before the Board of Supervisors. The applicant and his or her attorney, upon written authorization, shall be granted access by the Director or his or her relief case file if request is made.

\_\_\_\_.11: APPEAL HEARING

The Board of Supervisors shall hear applicant's de novo at the time scheduled in the agenda, unless continuance is requested by the applicant. The parties shall be permitted to present whatever evidence desired in regarding the appeal including testifying, having other witnesses testify, offering documentary evidence, and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reasons for the determination. The appeal will be recorded. The hearing before the Board will not be an open meeting under Chapter 21, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates the appeal, no parties shall be present.

The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant shall be informed immediately by phone the decision and within five (5) working days thereafter, the Board shall mail the applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

\_\_\_\_.12: ACTIONS OF THE BOARD OF SUPERVISORS

In the event the Board of Supervisors, in reviewing the claims submitted by the Director, denies any allowance of relief benefits allowed by the Director, then the Director shall notify the applicant of the decision and the appeal process.

\_\_\_\_.13: ADDITIONAL PROVISIONS

RECOVERY AND REIMBURSEMENT

All recipients of Relief in Mahaska County shall reimburse Mahaska County to the extent possible for the cost of benefits extended to them, except where such requirement would cause undue hardship. The Mahaska County Board of Supervisors and Mahaska County Relief Director may make suitable arrangements for securing repayment from assets, which cannot be immediately disposed of in fee event that the failure or inability to dispose of these assets would otherwise make the recipient eligible, for aid.

\_\_\_\_.14: REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. It shall be up to the discretion of the Board of Supervisors to limit or make changes for the assistance provided as stated in these regulations. Any change or limit henceforth will be published in the local newspaper and posted in the courthouse for proper length of time and an addendum attached to these regulations.

EFFECTIVE DATE: 2/19/2013

BY: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Supervisor

ATTEST: Susan L. Brown  
Mahaska County Auditor

First Reading 1/21/2013

Second Reading 2/4/2013

Published 3/6/2013

HISTORIC

Mahaska County Ordinance 50

- |                                                        |                        |
|--------------------------------------------------------|------------------------|
| ____.01 Purpose                                        | ____.07 Nuisance       |
| ____.02 Definitions                                    | ____.08 Penalty        |
| ____.03 Determination                                  | ____.09 Repealer       |
| ____.04 Possession                                     | ____.10 Severability   |
| ____.05 Manufacture, Delivery, or Offering<br>For Sale | ____.11 Effective Date |
| ____.06 Legislative Intent                             |                        |

An Ordinance prohibiting the use, possession with intent to use, manufacture, and delivery of drug paraphernalia.

\_\_\_\_.01: Purpose

The purpose of this Ordinance is to prohibit the use, possession with intent to use, manufacture, and delivery of drug paraphernalia as defined in Section 2 herein.

\_\_\_\_.02: Definitions

A. "Controlled substance" as used in this Ordinance is defined as controlled substances" as defined in the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code, as it now exists or is hereafter amended.

B. "Drug paraphernalia" as used in this Ordinance means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging storing, concealing, containing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Iowa Code. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

2. Processing Kits. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales. Scales and balances used, intended for use, or designed for use in weighing and measuring controlled substances.

6. Dilutants. Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separators -- Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

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

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

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

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

12. Ingesting-inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing heroin,

marijuana, cocaine, methamphetamine, amphetamine, hashish or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,

b. Water pipes,

c. Carburation tubes and devices,

d. Smoking and carburation masks,

e. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand,

f. Miniature spoons and vials,

g. Chamber pipes,

h. Carburator pipes,

i. Electric pipes,

j. Air driven pipes,

k. Chillums,

l. Bongs,

m. Ice pipes or chillers,

n. Razor blades,

o. Mirrors.

C. "Person", as used in this ordinance means an individual, corporation, business, trust, estate, partnership or association, or any other legal entity.

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

A. Statements. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or Federal law relating to any controlled substance;

C. Proximity to Violation. The proximity of the object in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code;

D. Proximity of Substances. The proximity of the object to controlled substances;

E. Residue. The existence of any residue of controlled substances on or in the object;

F. Evidence or Intent. Direct or circumstantial evidence of the intent of the owner or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Iowa Code;

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

H. Instructions. Instructions, oral or written, provided with the object concerning its use;

I. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use;

J. Advertising, national and local advertising concerning its use;

K. Displayed. The manner in which the object is displayed for sale;

L. Licensed Distributor or Dealer. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

M. Sales Ratios. Direct or circumstantial evidence of ratio of sales of the object(s) to the total sales of the business enterprise;

N. Legitimate Uses. The existence and scope of legitimate uses for the object in the community;

O. Expert Testimony. Expert testimony concerning its use.

\_\_\_\_\_.04: Possession.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

\_\_\_\_\_.05: Manufacture, Delivery or Offering for Sale.

It is unlawful for any person to deliver, possess with intent to deliver, manufacture, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Iowa Code.

\_\_\_\_\_.06: Legislative Intent.

It is the purpose and intent of this Ordinance to promote the health, safety and morals of the citizens of the County. The use or administration of Controlled Substances is clearly illegal. The banning of all objects in close connection and adopted for the use of controlled substances should also be controlled because of the lack of social and practical purposes of such objects or paraphernalia, whether the use be by adults or minors. It is also strong; public policy to protect children from the unsupervised exposure and familiarity of drug paraphernalia. In addition to education about the items in school and at home, it is also essential to discourage open use, possession, manufacture and commerce of these drug-related items.

\_\_\_\_\_.07: Nuisance.

In addition to the provisions of Section 8 herein, or in lieu thereof, a violation of this Ordinance shall constitute a nuisance which may be abated in the manner provided in Iowa Code Chapter 657 in the Iowa District Court.

\_\_\_\_\_.08: Penalty.

Any person violating any provision, section or paragraph of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars or be imprisoned for not more than thirty days. Each day a violation occurs shall constitute a separate offense.

\_\_\_\_\_.09: Repealer.

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

\_\_\_\_\_.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.

\_\_\_\_\_.11: Effective Date.

This Ordinance shall be effective after its final passage, approval, and publication as provided by law.

\_\_\_\_\_  
JIM VANENGELHOFEN, CHAIRMAN  
MAHASKA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
HUBERT PARKER, MEMBER  
MAHASKA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
HOWARD GROENENDYK, MEMBER  
MAHASKA COUNTY BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Kay Swanson, MAHASKA COUNTY AUDITOR

Mahaska County Ordinance 51

REGULATING PARKING OF VEHICLES ON COUNTY ROADS

- |                        |                               |
|------------------------|-------------------------------|
| _____ .01 Title        | _____ .06 Other Alternatives  |
| _____ .02 Definitions  | _____ .07 Repealer            |
| _____ .03 Prohibitions | _____ .08 Severability Clause |
| _____ .04 Exceptions   | _____ .09 Effective Date      |
| _____ .05 Penalties    |                               |

AN ORDINANCE regulating the standing or parking of vehicles upon any highway within the jurisdiction of Mahaska County.

WHEREAS: The Board of Supervisors is empowered under Sections 321.236 and 321.239 of the Code of Iowa to regulate the standing or parking of vehicles upon the right of way of any highway in Mahaska County, Iowa; and

WHEREAS: State and County law enforcement officers and local residents have requested that parking be regulated upon county roads for the safety of other traffic; and

WHEREAS: The County Engineer has recommended the prohibition of parking on the traveled portions of roadways in Mahaska County;

NOW THEREFORE BE IT ENACTED by the Board of Supervisors of Mahaska County, Iowa, that the following Ordinance be adopted:

\_\_\_\_\_ .01: TITLE

This Ordinance shall be known and cited as the Mahaska County Parking Ordinance.

\_\_\_\_\_ .02: DEFINITIONS

Roadway - That portion of a highway which is improved, designed, or ordinarily used for vehicular traffic.

Highway - The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic.

Secondary Road System - All highways located in Mahaska County, Iowa, lying outside the limits of cities and towns which are maintained and improved by Mahaska County, including paved surfaces, asphalt surfaces, gravel surfaces and dirt surfaces.

Stand or Park - All voluntary stopping of a motor vehicle which leaves the said vehicle on the roadway or highway, attended or otherwise.

\_\_\_\_.03: PROHIBITIONS

(a) No person who operates a motor vehicle shall cause, nor shall the owner of a vehicle knowingly permit, a motor vehicle to stand or park within the roadway of any highway which is a part of the secondary road system of Mahaska County, Iowa.

(b) No person who operates a motor vehicle shall cause, nor shall the owner of a vehicle knowingly permit, a motor vehicle to stand or park within any other portion of a highway which is a part of the secondary road system of Mahaska County, Iowa, for a period of longer than six hours.

\_\_\_\_.04: EXCEPTIONS

The above prohibitions shall not apply to the following circumstances:

(a) Disabled vehicles as provided in Section 321,355 of the 1995 Code of Iowa;

(b) Sudden emergency situations;

(c) While loading or discharging passengers;

(d) School buses while transporting children to and from school.

(e) Stops required by law and while yielding to other traffic as required by law.

(f) Special events such as farm sales, farm product promotions, and events at Nelson Pioneer Farm.

\_\_\_\_.05: PENALTIES

Any person or owner who violates this Ordinance shall be guilty of a simple misdemeanor and shall, upon conviction, be fined not to exceed

twenty five dollars, or be imprisoned not to exceed seven days in County Jail.

\_\_\_\_.06: OTHER ALTERNATIVES

In accordance with Section 321.356 of the 1995 Code of Iowa, a Peace Officer, at his or her discretion, in lieu of, or in addition to the penalty outlined in Section 5 hereof, may move, cause to be moved, or require the driver or person in charge of the vehicle to move such vehicle to a position off the highway.

\_\_\_\_.07: REPEALER

Any and all County Ordinances or parts of said Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

\_\_\_\_.08: SEVERABILITY CLAUSE

If any Section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

\_\_\_\_.09: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publications as provided by law.

Passed by the Mahaska County Board of Supervisors and approved this 5<sup>th</sup> day of September, 1995.

(James L. VanEngelenhoven)  
James L. VanEngelenhoven, Chair

ATTEST:  
(Kay Swanson)  
Mahaska County Auditor

I certify that the foregoing was published as Ordinance number 114 as required by law on the 15th day of September, 1995.

(Kay Swanson)  
Auditor

Mahaska County Ordinance 52

REGULATING SMOKING ON THE PREMISES OF THE MAHASKA COUNTY COURTHOUSE

\_\_\_ .01 Purpose

\_\_\_ .05 Posting

\_\_\_ .02 Definitions

\_\_\_ .06 Repealer

\_\_\_ .03 Prohibition

\_\_\_ .07 Severability Clause

\_\_\_ .04 Penalty

\_\_\_ .08 Effective Date

\_\_\_ .01 PURPOSE: The purpose of this Ordinance is to regulate smoking at the Mahaska County Courthouse.

\_\_\_ .02 DEFINITIONS:

A. "Mahaska County Courthouse" as used in this Ordinance means the three-story brick building located at the corner of South First Street and High Avenue East in the City of Oskaloosa, Mahaska County, Iowa.

B. "Entrances" shall mean doorways whether enclosed or not leading into the interior of or exiting the Mahaska County Courthouse.

C. "Smoke" or "Smoking" shall mean the carrying of or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

\_\_\_ .03 PROHIBITION: No person shall smoke at any place inside of the Mahaska County Courthouse nor within twenty-five (25) feet of any entrance to said building.

\_\_\_ .04 PENALTY: A person who smokes in those areas prohibited in Section 3 herein shall pay a civil fine in the amount of twenty-five dollars (\$25.00). No criminal penalty, surcharge, or court costs shall be imposed. If the civil penalty assessed is not paid in a timely manner, a citation shall be issued for the violation in the manner provide, in Section 804.1 of the 1999 Code of Iowa.

\_\_\_\_\_.05 POSTING: The Auditor of Mahaska County shall cause signs to be posted conspicuously at all entrances to the Mahaska County Courthouse notifying the public that smoking is prohibited inside the building and within twenty-five (25) feet of the entrance to the building.

\_\_\_\_\_.06 REPEALER: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

\_\_\_\_\_.07 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.

\_\_\_\_\_.08 EFFECTIVE DATE: This Ordinance shall be effective after its final passage, approval, and publication as provided by law.

\_\_\_\_\_  
Howard Groenendyk, *Chairman*  
Board of Supervisors

\_\_\_\_\_  
Greg Gordy, Member  
Board of Supervisors

\_\_\_\_\_  
Henry W. Van Weelden, Member  
Board of Supervisors

ATTEST: \_\_\_\_\_  
Kay Swanson, Auditor

Mahaska County Ordinance 60

\_\_\_\_\_.01 Purpose

\_\_\_\_\_.02 Voting Precincts

This ordinance replaces Ordinance Number 131, dated September 19, 2011.

An Ordinance of the Mahaska County Board of Supervisors establishing the voting precincts of Mahaska County, Iowa.

\_\_\_\_\_.01: Purpose.

WHEREAS the Board of Supervisors of Mahaska County, Iowa is empowered and directed by Chapter 49.7 of the Code of Iowa to determine and establish the voting precincts for Mahaska County, Iowa;

NOW THEREFORE BE IT ORDAINED by the Mahaska County Board of Supervisors that the voting precincts of Mahaska County, Iowa be and hereby are established as follows:

\_\_\_\_\_.02: Voting Precincts:

NUMBER ONE: Adams Township  
Monroe Township  
Pleasant Grove Township (including the portion of the town of Barnes City lying within Mahaska County) and Union Township

NUMBER TWO: Black Oak Township (including The Town of Leighton) and Scott Township

NUMBER THREE: Cedar Township (including The Town of Fremont)  
Harrison Township (including the portion of the town of Eddyville lying within Mahaska County) and White Oak Township (including The Town of Rose Hill)

NUMBER FOUR: East Des Moines Township  
Jefferson Township and West Des Moines Township

NUMBER FIVE: Garfield Township (including the Town of Beacon)  
Lincoln Township and Madison Township

NUMBER SIX: Spring Creek Township except SE SW; NESW; NW  
SW of Section 7 Township 75 Range 15; and E  
190.35' SW SW in Section 7 Township 75 Range 15  
(unincorporated territory); and SE NE S of Hwy in  
Section 12 Township 75 Range 16 (unincorporated  
territory) (including the Town of Keomah Village).

NUMBER SEVEN: Oskaloosa Ward One

NUMBER EIGHT: Oskaloosa Ward Two

NUMBER NINE: Oskaloosa Ward Three (including census block  
GEOID 191239505003011) and The Town of  
University Park

NUMBER TEN: Oskaloosa Ward Four (incorporated territory) and SE  
SW; NE SW; NW SW of Section 7 Township 75  
Range 15; and E 190.35' SW SW in Section 7  
Township 75 Range 15 (unincorporated territory); and  
SE NE S of Hwy in Section 12 Township 75 Range 16  
(unincorporated territory).

NUMBER ELEVEN: Prairie Township (Including the Town of New Sharon  
And Richland Township

First Meeting Date	Ayes	Nays
September 6, 2011	3	0
Second & Third Meeting Date		
September 19, 2011	3	0

Amended Ordinance dated this 17th day of October 2011.

Henry W. Van Weelden, Chairman

Attest: Kay Swanson, Auditor

Mahaska County Ordinance 70

ORDINANCE READOPTING THE CODE OF ORDINANCES  
OF MAHASKA COUNTY, IOWA.

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

\_\_\_\_\_.01 Purpose \_\_\_\_\_ .03 Code of Ordinances  
\_\_\_\_\_.02 Adoption Of Mahaska County Code of 2014 \_\_\_\_\_ .04 Effective Date

\_\_\_\_\_.01. Purpose. Iowa Code Section 331.302(9) requires that every five years a County shall compile its Code of Ordinances.

\_\_\_\_\_.02. Adoption of Mahaska County Code of 2014. The following Ordinances have been previously adopted and enacted into law and were duly published as a law provides. They are stated herein by subject matter and by number as shown in the newly enacted code and shall comprise the Mahaska County Code of Ordinances:

Ordinance 10: an Ordinance providing for the partial exemption from property taxation of certain property.

Ordinance 11: an Ordinance allowing the County and Cities to purchase tax sale certificates.

Ordinance 12: an Ordinance establishing court-appointed attorney fees.

Ordinance 13: an Ordinance establishing Assessment of Wind Energy Properties.

Ordinance 20: an Ordinance establishing area service system B road classification.

Ordinance 21: an Ordinance establishing area service system C road classification.

Ordinance 22: an Ordinance establishing road maintenance policy.

Ordinance 23: an Ordinance providing for utility line permits.

Ordinance 30: an Ordinance regarding groundwater protection and solid waste disposal.

Ordinance 31: an Ordinance providing rules for on-site wastewater treatment and disposal.

Ordinance 32: an Ordinance regulating residential building construction.

Ordinance 33: an Ordinance providing flood plain management.

Ordinance 34: an Ordinance regarding hazardous substances.

Ordinance 35: an Ordinance establishing minimum setback from Highways

Ordinance 40: an Ordinance establishing a Cemetery commission.

Ordinance 41: an Ordinance providing for County relief.

Ordinance 50: an Ordinance forbidding use, manufacture, or delivery of drug paraphernalia.

Ordinance 51: an Ordinance regulating the parking of vehicles on County roads.

Ordinance 52: an Ordinance regulating smoking on the premises of the Mahaska County Courthouse.

Ordinance 60: an Ordinance establishing voting precincts in Mahaska County.

Ordinance 70: an Ordinance adopting the Mahaska County Code of Ordinances.

\_\_\_\_ 03. Code of Ordinances. Copies of the Code as adopted herein shall be on file and available for public inspection in the Office of the Mahaska County Auditor in the Mahaska County Courthouse, Oskaloosa, Iowa.

\_\_\_\_ 04. Effective Date. This Ordinance shall be effective after its final passage, approval, and publication as provided by law.

## SUMMARY OF CHANGES FROM PRIOR BOOK OF ORDINANCES:

Ordinance 1- Partial tax exemption -1985- renumbered as Ordinance 10.

Ordinance 101- Set back line along highways- enacted 2014- renumbered as Ordinance 35.

Ordinance 102- Private water well construction permits -1988- based on outdated law, was not included.

Ordinance 103- Private water wells rules- 1988- based on outdated law, was not included.

Ordinance 104- Establishes BRoad Classification -1989- renumbered as Ordinance 20.

Ordinance 105- Groundwater protection and solid waste disposal-1989- renumbered as Ordinance 30.

Ordinance 106-On site wastewater treatment systems -1989- was not included, replaced by Ordinance 128.

Ordinance 107- Plugging abandoned wells -1989- based on outdated law, was not included.

Ordinance 108- Permits for utility line installation- 1992- renumbered as Ordinance 23.

Ordinance 109- Secondary road maintenance- winter months -1992- was not included, replaced by Ordinance 109B.

Ordinance 109B- Secondary road maintenance- winter months- 2003- renumbered as Ordinance 22.

Ordinance 110- County relief program -1993- was not included, replaced by Ordinance 110C.

Ordinance 110C- County relief program- 2013- renumbered as Ordinance 41.

Ordinance 111- Hazardous substances -1993- renumbered as Ordinance 34.

Ordinance 112- Floodplain management -1995- was not included, replaced by Ordinance 130.

Ordinance 113- Local option sales tax- 1995- expired 3-31-2004, was not included.

Ordinance 114- Parking on county roads -1995- renumbered as Ordinance 51.

Ordinance 116- Establishes C road classification -1997- renumbered as Ordinance 21.

Ordinance 117- Establishes a cemetery commission- date unknown- renumbered as Ordinance 40.

Ordinance 118- Drug paraphernalia ordinance- date unknown- renumbered as Ordinance 50.

Ordinance 119- Ordinance re-adopting existing ordinances -1999- outdated, was not included.

Ordinance 120- Courthouse smoking ordinance- date unknown- renumbered as Ordinance 52.

Ordinance 121- Voting precincts- 2001- replaced by later Ordinance, was not included.

Ordinance 122- Voting precincts- 2002- replaced by later Ordinance, was not included.

Ordinance 123- On site wastewater treatment- 2002- was not included, replaced by Ordinance 128.

Ordinance 124- Ordinance re-adopting existing ordinances- 2004- outdated, was not included.

Ordinance 125- Methamphetamine manufacture- 2004- repealed, was not included.

Ordinance 126- Voting precincts- 2005- replaced by Ordinance 131, was not included.

Ordinance 127- Rural residential building ordinance- 2005 -amended 2014 and renumbered as Ordinance 32.

Ordinance 128- On-site wastewater treatment- 2006- renumbered as Ordinance 31.

Ordinance 129- Readopting ordinances- 2009- outdated, was not included.

Ordinance 130- Floodplain ordinance- 2011- renumbered as Ordinance 33.

Ordinance 131- Voting precincts- 2011- renumbered as Ordinance 60.

NEW ORDINANCES:

Ordinance 2014-1 -Purchase of Tax Certificates by Municipalities, renumbered as Ordinance 11.

Ordinance 2014-2- Ordinance setting County Court Appointed Attorney Fees, renumbered as Ordinance 12.

Ordinance 13- Ordinance establishing Assessment of Wind Energy Properties- no change.

Ordinance 70- Ordinance adopting Code of Ordinances, 2014.

An ordinance establishing a Local Option Sales and Services Tax applicable to transactions within the incorporated areas of Barnes City; Beacon; Eddyville; Fremont; Keomah Village; Leighton; New Sharon; Oskaloosa; Rose Hill; University Park and the unincorporated area of Mahaska County, Iowa.

Pursuant to the authority granted by Chapter 423B of the Iowa Code, Be It Enacted by the Board of Supervisors of Mahaska County, Iowa:

Section 1. Local Option Sales and Services Tax. There is imposed a Local Option Sales and Services Tax applicable to transactions within Barnes City; Beacon; Eddyville; Fremont; Keomah Village; Leighton; New Sharon; Oskaloosa; Rose Hill; University Park and the unincorporated area of Mahaska County, Iowa.

The rate of the tax shall be 1% (one percent) upon the sales price taxed under Chapter 423B – Local Option Taxes of the Iowa Code in the following: Barnes City; Beacon; Eddyville; Fremont; Keomah Village; Leighton; New Sharon; Oskaloosa; Rose Hill; University Park and the unincorporated area of Mahaska County, Iowa.

The local sales/services tax is imposed on transactions occurring on or after January 1, 2017 through December 31, 2036 within Beacon; Eddyville; Fremont; Keomah Village; Leighton; New Sharon; Oskaloosa; Rose Hill; University Park and the unincorporated area of Mahaska County, Iowa and on or after January 1, 2017 through December 31, 2031 within Barnes City. All persons required to collect state sales tax and any use tax to which the local option tax may be applicable shall collect the tax. However, the tax shall not be imposed on the sales or purchase price from transactions exempted from tax by section 423B.5 of the Iowa Code.

All applicable provisions of the appropriate sections of Chapter 423 of the Iowa Code are adopted by reference.

Section 2. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Board of Supervisors on this 3<sup>rd</sup> day of January, 2017.

  
Chairman

  
Supervisor

  
Supervisor

Attest: 

Mahaska County Auditor

# SPEED RESTRICTION ORDINANCE

## Mahaska County Ordinance No. 24

### AN ORDINANCE RESTRICTING THE SPEED OF MOTOR VEHICLES ON SECONDARY ROADS IN MAHASKA COUNTY, IOWA

**BE IT ENACTED** by the Board of Supervisors of Mahaska County Iowa:

SECTION I – Short Title. The Ordinance shall be titled as the **Mahaska County Speed Ordinance**

SECTION II – Purpose. This ordinance empowers the Board of Supervisors of Mahaska County, Iowa to establish speed restrictions on secondary roads and the County Conservation Parkway road system within Mahaska County, Iowa

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

1. Secondary Road. Those roads under County Jurisdiction.
2. Board. The Mahaska County Board of Supervisors
3. County Conservation Parkways. Those parkways defined as County Conservation Parkways under Code of Iowa, Sec. 306.3

SECTION IV – Authority. Mahaska County Board recognizes that the Iowa Code sets speed limits on all roads and streets with respect to the surface type and use. However, Iowa Code Section 321.285(5) does provide for setting speed limits not listed in the code.

SECTION V – Special Speed Restrictions. The Board has determined on the basis of engineering and traffic investigations that the speed limits at the following secondary road locations are greater than is reasonable and proper under the conditions found to exist. The Board therefore determines and declares the reasonable and proper speed limit at the following secondary road locations effective when the appropriate signs giving notice of the speed limits are erected by the Board.

SECTION VI – **Special 25 M.P.H. Speed Zones**. A speed in excess of **Twenty-five, (25) miles per hour** shall be unlawful on the following designated road sections:

1. **Lincoln Avenue**: From the intersection of Lincoln Ave. north along Lincoln Ave to the intersection of Lynndale Road.
2. **On 230<sup>th</sup> Street**: From the intersection of 230<sup>th</sup> Street and HWY 63 west to the intersection of 230<sup>th</sup> Street and Lincoln Ave.

SECTION VII – Penalties. Any person found in violation of this ordinance shall be guilty of a simple misdemeanor and subject to the fine as set forth in the current State of Iowa compendium of Scheduled violations and Scheduled fines.

SECTION VIII – Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: 50 M.P.H. for these two road segments.

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

SECTION X – When Effective. This ordinance shall be effective after the final passage, approval, and publication as provided by law and erection of signs giving notice as provided by law.

DATE of Approval: 04-04-16

[Signature]

Chairman of the Board of Supervisors for Mahaska County

[Signature]

Board Member of Mahaska County

[Signature]

Board Member of Mahaska County

Attest:

[Signature]

Mahaska County Auditor

**MAHASKA COUNTY**

**ORDINANCE NO. 25**

**AN ORDINANCE TO ESTABLISH A POLICY FOR THE CONSTRUCTION AND RECONSTRUCTION OF ROADWAYS AND BRIDGES ON THE MAHASKA COUNTY SECONDARY ROAD SYSTEM.**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS, MAHASKA COUNTY:**

**SECTION 1 -- PURPOSE**

The purpose of this ordinance is to establish MAHASKA County's policy for the construction of roads, reconstruction of roads, construction of bridges, reconstruction of bridges and other roadway and drainage features associated with road and bridge construction.

**SECTION 2 -- LEVEL OF SERVICE**

The level of service shall be based on traffic counts, pavement type, roadway geometrics and other data used in accepted engineering design as established by the County Engineer, Iowa Department of Transportation and the Federal Highway Administration.

**SECTION 3 – DESIGN CRITERIA**

In implementation, this policy shall set the minimum design standards that MAHASKA County will follow in the construction or reconstruction of roads and bridges. These criteria shall be based on accepted engineering practices and standards established by the Iowa Department of Transportation and the Federal Highway Administration.

The County Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in his or her professional determination, a deviation from standards is warranted. Minimum design standards are not subject to discretionary enforcement. Any deviations must be documented as unreasonable and or impossible to implement by the County Engineer and/or the County Board of Supervisors.

**PAVED ROUTES**

**A)New Pavement**

- 1) New pavement shall be constructed with a 24' wide pavement and granular shoulders. Intersections with non-paved roads may have pavement extended back onto the intersecting road 50' beyond the end of the intersection radius when traffic counts warrant, ADT > 100.

- 2) Paved shoulders and edge line rumble stripes shall be constructed if crash data warrants based on accepted HSIP and TSIP cost/benefit analysis.
- 3) Concrete rumble strips shall be installed on all approach stop situations.
- 4) Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.

#### **B) Reconstruction of Pavement**

1. Paved roads shall be reconstructed with a 24' wide pavement or to the previous pavement width, whichever is greater with granular shoulders.
2. Concrete rumble strips shall be installed on all approach stop situations.
3. Concrete pavement will be the first choice for pavement provided clear zone and shoulder widths can be maintained by design requirements.

#### **UNPAVED ROADS**

- A) Gravel Roads
  - 1) New construction of a gravel road shall have a 28' finished top, including shoulders.
  - 2) Reconstruction of a gravel road shall be to the previous width prior to reconstruction.
- B) Class B & C Roads
  - 1) Class B and C roads will be built to the minimums as outlined by Iowa Code.

#### **BRIDGES & Drainage Structures**

- A) Paved Routes
  - 1) Bridges on paved routes shall be built with a minimum width of 30'. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage or other issues where the additional width is felt to be warranted.
  - 2) Culverts under paved roads shall be concrete.
  - 3) Pipe culverts larger than 54" in diameter shall be substituted with reinforced box culverts.
  - 4) Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
  - 5) Water and livestock will use separate structures whenever possible.

- B) Unpaved Routes
- 1) Bridges will be a minimum of 30' on gravel roads with "A" road classification. Culverts may be metal or concrete. Pipe culverts larger than 54" in diameter may be substituted with reinforced box culverts.
  - 2) Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.
  - 3) Water and livestock will use separate structures whenever possible.
- C) Class B & C Roads
- 4) Class B and C roads, and Dead end roads will be built to the minimums as outlined by Iowa Code.
- D) Entrance Bridges
- Any and all bridges/drainage structures that are fully or partially in the road right-of-way that serve as entrances to private property from the public roadway shall be considered the jurisdiction and responsibility of the County. If a structure does not sit fully or partially in the road right-of-way it will be considered a private structure and not under the jurisdiction of the county.

#### **SECTION 4 -- REPEALER**

All ordinances and resolutions, or parts thereof, in conflict herewith 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.

**SECTION 6 -- WHEN EFFECTIVE**

This ordinance shall be in effect immediately after its final passage and publication as provided by law. In addition, this ordinance shall remain in effect until such time the Board of Supervisors passes a future ordinance repealing this ordinance.

Passed and approved this 16th day of May, 2016

Mahaska County Board of Supervisors

  
\_\_\_\_\_  
Chairman of the Board, Mahaska County

  
\_\_\_\_\_  
Mahaska County Supervisor

  
\_\_\_\_\_  
Mahaska County Supervisor

ATTEST:

  
\_\_\_\_\_  
Mahaska County Auditor

First Reading : 05/02/16

Second Reading: 05/16/16

Approved: 05/16/16

Published: 04/21/16

## **SPEED RESTICTION ORDINANCE**

Mahaska County Ordinance No. 26

AN ORDINANCE RESTRICITNG THE SPEED OF MOTOR VEHICLES ON SECONDARY ROADS IN MAHASKA COUNTY, IOWA

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

SECTION I – Short Title: The Ordinance shall be titled as the Mahaska County Speed Ordinance

SECTION II – Purpose: This Ordinance empowers the Board of Supervisors of Mahaska County, Iowa to establish speed restrictions pm Secondary Roads and the County Conservation Parkway road system within Mahaska County, Iowa.

SECTION III – Definitions: For use in this Ordinance certain terms or words used herein shall be interpreted or defined as follows:

1. Secondary Road. These roads are under the County of Mahaska, Iowa jurisdiction
2. Board. The Mahaska County Board of Supervisors
3. County Conservation Parkways. Those Parkways defined as County Conservation Parkways under Code of Iowa, Sec.306.3

SECTION IV – Authority: Mahaska County Board recognizes that the Iowa Code sets speed limits on all roads and streets with respect to the surface type and use. However, Iowa Code Section 321.285(5) does provide for setting speed limits not listed in the code.

SECTION V – Special Speed Restrictions: The Board has determined on the basis of engineering and traffic investigations that the speed limits at the following Secondary Road location or location(s), are greater than is reasonable and proper under the conditions found to exist. The Board therefore determines and declares the reasonable and proper speed limit at the following secondary road location or location(s) effective when the appropriate signs giving notice of the speed limits are erected by the Board.

SECTION VI – SPECIAL 25 M.P.H. Speed Zone or Zones(s). A speed in excess of Twenty-five miles per hour shall be unlawful in the following designated road section or section(s):

1. G-77: From a Point 500 feet East of the East Property line of the Eddyville-Blakesburg School Property line to 500 feet West of the West Property line of the Eddyville-Blakesburg School Property line.

SECTION VII – Penalties: Any Person found in Violation of this Ordinance shall be guilty of a simple Misdemeanor and Subject to the Fines as set forth in the current State of Iowa compendium of Scheduled Violations and Scheduled Fines.

SECTION VIII – Repealer: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. Upon the effective date of this ordinance the current speed limits of 35 and 45 M.P.H. for this section of roadway are repealed.

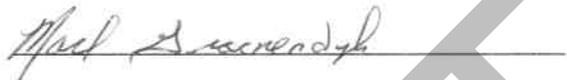
SECTION 1X – Severability Clause: If any Section, Provision, or Part of this Ordinance shall be adjudged unconstitutional or otherwise invalid, such adjudication shall not effect the validity of the Ordinance as a whole or any section, provision, or part there of not invalid or unconstitutional.

SECTION X – When Effective: This Ordinance shall be effective after the final passage, approval, and publication as provided by law and erection of signs giving notice as provided by law.

Date of Approval: 5-2-18



Chairman of the Board of Supervisors for Mahaska County, Iowa



Board Member of Mahaska County, Iowa

\_\_\_\_\_  
Board Member of Mahaska County, Iowa

Attest:



Mahaska County, Iowa Auditor

Mahaska County Ordinance 53

AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN  
VEHICLES AND OFF-ROAD VEHICLES IN MAHASKA COUNTY, IOWA

_____ .01 Purpose	_____ .06 Exempt Vehicles and Operators
_____ .02 Definitions	_____ .07 Penalties
_____ .03 Operation on Roadways	_____ .08 Severability Clause
_____ .04 Unlawful Operation	_____ .09 Effective Date
_____ .05 Registration Requirements and Other Conditions	

\_\_\_\_\_ .01 PURPOSE. The purpose of this Ordinance is to designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may be operated and to establish regulations regarding such operation.

\_\_\_\_\_ .02 DEFINITIONS. The definitions of terms used in this ordinance are:

1. "All-terrain vehicle", as defined in Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-road vehicle", as defined in Iowa Code Section 321I.1(18)(a), means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:
  - (1) "Off-road utility vehicle — type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
  - (2) "Off-road utility vehicle — type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
  - (3) "Off-road utility vehicle — type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

3. "Roadway", as defined in Iowa Code Section 321I.1(27), means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

\_\_\_\_\_.03 OPERATION ON ROADWAYS. A registered all-terrain vehicle or off-road utility vehicle may be operated on gravel or dirt county roadways in Mahaska County pursuant to the restrictions in this ordinance and those restrictions imposed by Iowa Code 321I and 321.234A. Such operation must begin after official sunrise and must cease before official sunset. In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on a gravel or dirt roadway, said person may operate on the shoulder of the county blacktop for a distance of not more than ½ a mile to reach the permissible county gravel or dirt roadway.

\_\_\_\_\_.04 UNLAWFUL OPERATIONS. A person shall not operate an all-terrain or off-road utility vehicle under any of the following conditions:

1. At a rate of speed greater than reasonable and/or proper under existing circumstances, having due regard to the traffic, surface and any other condition existing, but not greater than 35 miles per hour.
2. In a careless, reckless or negligent manner so as to:
  - a. Endanger any person, including the operator;
  - b. Cause injury or damage to person or property; and
  - c. Create unnecessary spinning, skidding, sliding or cause any wheel or wheels to unnecessarily lose contact with the road surface.
3. Without a lighted headlamp, a lighted rear lamp, and equipped with at least one mirror so located as to reflect the operator a view to the rear of the vehicle a distance of 200 feet.
4. In any tree nursery or planting in a manner which damages or destroys growing stock.
5. On public land, ice or snow in violation of official signs prohibiting such operation.
6. In any park, wildlife area, preserve, refuge or game management area, gravel pit or any other property owned by Mahaska County.
7. Upon any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas; designated riding trails; the use of crossings for agricultural purposes; the use of construction vehicles engaged in law activity; and/or the operation of all-terrain vehicles on ice.

8. On snowmobile trails except where designated by Mahaska County.
9. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at established crossings and only after yielding to oncoming traffic. This provision does not apply to a law enforcement officer or a railroad employee with authority to enter upon the railroad right-of-way in the lawful performance of their duties.
10. With more persons on the vehicle than it was designed to carry.
11. On any riding area or trail unless the trail is designated by signs as open to all-terrain and off-road utility vehicle operation.
12. Under the age of 16.
13. Without a valid driver's license.
14. Without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course if the operator is younger than 18 years of age.
15. Without proof of insurance.
16. With being duly registered, pursuant to the laws of the State of Iowa, including but not limited to Iowa Code Section 321.18 and 321.20. This subsection shall not apply to all-terrain or off-road utility vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code Section 321.9(3).
17. Without wearing a properly adjusted and fastened seatbelt if the all-terrain or off-road utility vehicle is so equipped.
18. Without the all-terrain or off-road utility vehicle bearing 16 square inches of red and white reflective tape or factory installed red reflectors or a slow moving vehicle sign affixed to the rear of the vehicle so that it is clearly visible.

      .05 REGISTRATION REQUIREMENTS AND OTHER CONDITIONS. Individuals who operate on county roadways in Mahaska County must register the all-terrain vehicle or off-road utility vehicle with the Iowa Department of Natural Resources. The following conditions apply:

1. The owner of each all-terrain vehicle or off-road utility vehicle shall be required to provide proof of ownership, including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code Section 321.20B and 321A.21.

2. All-terrain vehicles or off-road utility vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain vehicles or off-road utility vehicles registered in another state are required to all display a valid Iowa Department of Natural Resources User Permit in addition to displaying a current registration decal and carrying the certificate on board.

\_\_\_\_.06 EXEMPT VEHICLES. The registration requirements of this ordinance shall not apply to the following described all-terrain or off-road utility vehicles:

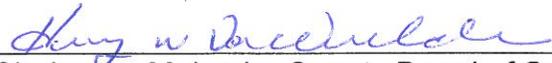
1. All-terrain vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
2. All-terrain vehicles used in accordance with section 321.234A(1)(a).
3. All-terrain vehicles used exclusively as farm implements.

\_\_\_\_.07 PENALTIES. Violation of this ordinance shall constitute a Simple Misdemeanor punishable by a fine and/or jail sentence, in addition to applicable surcharges and court costs, as provided by the laws of the State of Iowa, including but not limited to Iowa Code Section 903.1(a).

\_\_\_\_.08 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 thereof not adjudged invalid or unconstitutional.

\_\_\_\_.09 EFFECTIVE DATE. This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

Adopted this 15 day of Nov, 2016.

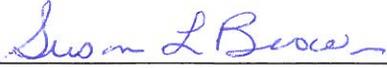
  
\_\_\_\_\_  
Chairman, Mahaska County Board of Supervisors

  
\_\_\_\_\_  
Board Member



Board Member

ATTEST:



Mahaska County Auditor

HISTORIC