

Mahaska County Code of Ordinances 2026

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CHAPTER 1 – TAXATION AND EXPENDITURES

MAHASKA COUNTY ORDINANCE 10

PARTIAL TAX EXEMPTION FOR NEW CONSTRUCTION OR EQUIPMENT

____.01 Purpose	____.05 Applications
____.02 Definitions	____.06 Exemptions
____.03 Partial Exemptions	____.07 Exclusions
____.04 Limitations	____.08 Effective Date

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 427A.1, subsection one (1), 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 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 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 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 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 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 (I), 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 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 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 358A.6 of the Code of 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

FEE LIMITATIONS FOR COURT-APPOINTED PERSONNEL

- | | |
|------------------------------------|-------------------------------|
| ____. 01 Purpose | ____. 04 Limitation on Claims |
| ____. 02 Notification of Fee Claim | ____. 05 Repealer |
| ____. 03 Limitation on Fees | ____. 06 Severability |

____.01 PURPOSE. The purpose of this ordinance is to establish the maximum hourly rate to be paid by Mahaska County for court-appointed personnel including, but not limited to, an attorney, guardian ad litem, court visitor, child custody investigator, and child and family reporter.

____.02 NOTIFICATION OF FEE CLAIM. Any person submitting a claim for fees arising from services rendered as a court-appointed attorney, guardian ad litem, court visitor, child custody investigator, child and family reporter, or any other court-appointed position for which Mahaska County may be financially liable pursuant to Iowa Code chapters 125, 222, 232, 232D, 235B, 235E, 598, 633, or any other provision of law, shall provide written or electronic notice to the County Auditor and the County Attorney, including a detailed summary of the services rendered. The County Attorney shall have twenty days from the time notice is received to file an objection and request a hearing on any issue related to the fee claim. If the county consents to pay the costs or if an objection is not timely filed, the court may decide such claim without hearing.

____.03 LIMITATION ON FEES. A fee claim under section 2 shall not exceed the lowest hourly rate established in Iowa Code section 815.7 at the time of appointment unless a higher fee is authorized by the board of supervisors.

____.04 LIMITATION ON CLAIMS. Mahaska County shall not be liable for any claim for fees arising from services performed by court-appointed personnel unless such expense is expressly authorized by statute to be assessed against the county or the appointment was made at the request of the county.

____.05 REPEALER. Any Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

____.06 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 | |

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).

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

MAHASKA COUNTY ORDINANCE 15

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.

MAHASKA COUNTY ORDINANCE 16

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE PRAIRIE WIND URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

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

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

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

“County” shall mean Mahaska County, Iowa.

“Urban Renewal Area” shall mean the taxable property in the Prairie Wind Urban Renewal Area described below, including County Property Tax Identification Parcel Numbers, such property having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on September 4, 2018:

WIND TURBINE IDENTIFICATION AND COUNTY PROPERTY TAX PARCEL IDENTIFICATION NUMBERS

Turbine Number	Land Parcel	BLL Parcel
1	205400002	205400005
2	205300005	205300008
3	205400003	205400006
4	204300003	204300005
5	209100001	209100007
6	208400001	208400007
7	209100004	209100008
8	209400002	209400007
9	210300009	210300016
10	210400001	210400006
11	210400003	210400007
12	208400003	208400008
14	216100001	216100007
15	216200001	216200008
16	217200003	217200008
17	216300002	216300007

18	216400001	216400007
19	215200003	215200005
20	215200004	215200006
21	219100002	219100010
22	219200001	219200007
23	219200003	219200008
24	220100004	220100005
25	220400001	220400009
26	221200007	221200011
27	222100007	222100009
28	222200004	222200006
29	222200004	222200007
30	220100004	220100006
31	219400001	219400007
32	219400004	219400008
33	220300004	220300006
34	222400001	222400005
35	222400002	222400006
36	230100005	230100006
37	229100004	229100007
38	228200003	228200007
39	227100002	227100005
40	214100001	214100005
41	230400001	230400007
42	230200004	230200009
43	229300002	229300005
44	229400003	229400010
45	215300006	215300011
46	227300002	227300005
47	229400002	229400011
48	228300004	228300005
49	234100003	234100005
50	234100002	234100006
51	234200001	234200005
52	235100002	235100016
53	214100003	214100006
54	227400003	227400014
55	233400003	233400006
56	234300001	234300011
57	234400001	234400009
58	235300004	235300011
60	228100004	228100007
61	232200003	232200005
63	235300008	235300012
64	602100002	602100005

65	602300003	602300007
66	602300001	602300008
67	235400003	235400006
68	602200002	602200005
69	601100003	601100005
70	602100004	602100006
71	706200007	706200013
72	705200003	705200005
74	704100004	704100005
75	704100004	704100006
76	704200003	704200009
77	704200008	704200010
80	705300003	705300005
81	705400003	705400007
83	703300003	703300008
84	703400004	703400005
85	216200007	216200009
86	229400001	229400012
87	229300004	229300006
88	706300004	706300006
91	218400003	218400019

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

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

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, taxes for the instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

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

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

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

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

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication of this ordinance or a summary of this ordinance, as provided by law.

CHAPTER 2 – SECONDARY ROADS

MAHASKA COUNTY ORDINANCE 20

AN ORDINANCE ESTABLISHING THE AREA SERVICE SYSTEM B ROAD CLASSIFICATION IN MAHASKA COUNTY, IOWA

____.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 Established by Resolution	

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 statutes.
 - 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 $\frac{1}{4}$ 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 $\frac{1}{2}$ 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 $\frac{1}{4}$ 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 $\frac{1}{2}$ 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 $\frac{1}{4}$ 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)



MAHASKA COUNTY ORDINANCE 21

AREA SERVICE "C" ROAD CLASSIFICATION

____.01 Purpose	____.07 Reclassification
____.02 Definitions	____.08 Powers of the Board
____.03 How Established	____.09 Exemption from Liability
____.04 Access	____.10 Repealer
____.05 Signs	____.11 Severability Clause
____.06 Trespass	____.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.

MAHASKA COUNTY ORDINANCE 22

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

____.01 Purpose
____.02 Level of Service
____.03 Sequence of Service
____.04 Limitation of Service

____. 05 Emergency
____. 06 Repealer
____. 07 Severability
____. 08 Effective Date

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 county's usual working hours.

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

4. Sanding, salting, or placing abrasives upon any 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 one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the 911 dispatcher or Sheriff's office. The County may respond to all "Emergency" conditions, either during or after a snowstorm. Any person who makes a false report of 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.

MAHASKA COUNTY ORDINANCE 23

AN ORDINANCE PROVIDING FOR THE COORDINATION OF UTILITY LINE INSTALLATION, THE ISSUANCE OF UTILITY PERMITS, THE COLLECTION OF INSPECTION FEES, AND PENALTIES FOR VIOLATIONS

____.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 coordination, inspection, and regulation of utility line installations, including the issuance of utility coordination permits and the collection of inspection fees, and provide penalties for the violations of this ordinance in order to protect public safety, health and welfare.

____.02 DEFINITIONS

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

- A. "Applicant" means a person, company, corporation or governmental entity desiring to place a utility line on or under Mahaska County's secondary road system.
- B. "Board of Supervisors" means the Mahaska County Board of Supervisors.
- C. "County" means Mahaska County, Iowa.
- D. "Utility Line" means a telecommunications, fiber optic, 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 coordination 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 coordination permit issued by the Board of Supervisors. Jurisdiction and control over the issuance of a utility coordination 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 coordination 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 coordination permit under the authority of Iowa Code Chapters 306, 319, 320, 331, 477, 478, 479, 479A and 480.

____.06 NO PROPERTY RIGHT CONFERRED

The approval of a utility coordination permit does not confer any property right or easement upon the Applicant.

____.07 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.

____.08 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.

____.09 EFFECTIVE DATE

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

MAHASKA COUNTY ORDINANCE 24

AN ORDINANCE RESTRICTING THE SPEED OF MOTOR VEHICLES ON DESIGNATED ROADS IN MAHASKA COUNTY, IOWA

____.01 Short Title	____.06 Special 25 M.P.H. Speed Zones
____.02 Purpose	____.07 Penalties
____.03 Definitions	____.08 Repealer
____.04 Authority	____.09 Severability Clause
____.05 Special Speed Restrictions	____.10 When Effective

____.01 Short Title: The Ordinance shall be known as the Mahaska County Speed Ordinance

____.02 Purpose: This Ordinance empowers the Board of Supervisors of Mahaska County, Iowa to establish speed reductions on secondary roads and the County Conservation Parkway road system within Mahaska County, Iowa.

____.03 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 the County jurisdiction of Mahaska, Iowa
2. Board. The Mahaska County Board of Supervisors
3. County Conservation Parkways. Those parkways defined as County Conservation Parkways under Iowa Code Section 306.3

____.04 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.

____.05 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 locations listed in Section VI when the appropriate signs giving notice of the speed limits are erected by the Board.

____.06 Special 25 M.P.H. Speed Zones: A speed in excess of twenty-five miles per hour shall be unlawful in 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 230th Street: From the intersection of 230th Street and HWY 63 west to the intersection of 230th Street and Lincoln Ave.

3. 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.

____.07 Penalties: Any person found in violation of this Ordinance shall be guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(5).

____.08 Repealer: All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

____.09 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.

____.10 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.

MAHASKA COUNTY ORDINANCE 25

AN ORDINANCE TO ESTABLISH A POLICY FOR THE CONSTRUCTION AND RECONSTRUCTION OF ROADWAYS AND BRIDGES ON THE MAHASKA COUNTY SECONDARY ROAD SYSTEM

____.01 Purpose

____.02 Level of Service

____.03 Design Criteria

____.04 Repealer

____.05 Severability Clause

____.06 When Effective

____.01 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.

____.02 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.

____.03 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. Dead end roads may be narrower at the discretion of the County Engineer
- 2) Culverts may be metal or concrete. Pipe culverts larger than 54" in diameter may be substituted with reinforced box culverts.
- 3) 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.
4) Water and livestock will use separate structures whenever possible.

C) Class B & C Roads

Class B and C 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.

____.04 REPEALER

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

____.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 adjudged invalid or unconstitutional.

____.06 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.

MAHASKA COUNTY ORDINANCE 26

REPEALED



MAHASKA COUNTY ORDINANCE 27

AN ORDINANCE DESIGNATING PARTICULAR HIGHWAYS AS ONE-WAY IN MAHASKA COUNTY, IOWA

____.01 Title	____.06 Penalties
____.02 Purpose	____.07 Repealer
____.03 Definitions	____.08 Severability Clause
____.04 Authority	____.09 Effective Date
____.05 Designated One-Way Highways	

____.01: Short Title

The Ordinance shall be known as the Mahaska County One Way Ordinance.

____.02: Purpose

This Ordinance empowers the Board of Supervisors of Mahaska County, Iowa to establish particular highways as one-way highways on secondary roads within Mahaska County, Iowa.

____.03: 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 the County jurisdiction of Mahaska, Iowa
2. Board. The Mahaska County Board of Supervisors

____.04: Authority

Pursuant to Iowa Code Section 321.236(4), the Board may designate certain streets, highways, or sections thereof under their jurisdiction as oneway highways.

____.05: Designated One-Way Highways

The following streets, highways, or sections thereof shall be one-way and all vehicles thereon are required to move only in the direction designated in this section.

1. 135th St: A portion of 135th Street in Section 24, Township 77N, Range 16W shall be open to one-way traffic only. Said portion of 135th Street shall commence at the centerline intersection of 135th Street and U.S. Highway 63, thence continue east approximately 500 feet to the point of beginning of one-way traffic, thence continue east approximately 450 feet.

Traffic shall be restricted to flow in the west to east direction only within the premises described herein.

____.06: Penalties

Any person found in violation of this Ordinance shall be guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(6)0).

____.07: Repealer

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

____.08: 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.

____.09: Effective Date

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.

CHAPTER 3 – COUNTY ENVIRONMENT

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 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 count; 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.

MAHASKA COUNTY ORDINANCE 31

ON-SITE WASTEWATER TREATMENT AND DISPOSAL

____.01	Purpose	____.01.18	Amendments
____.01.1A	Definitions	____.01.19	Separability of Provisions
____.01.1B	Rodent Control	____.02.1	Requirements When Discharging into Surface Water
____.01.1C	Garbage and Refuse	____.02.2	Requirements When Discharging into the Soil
____.01.2	Illegal Discharge of Wastewater	____.02.3	Site Evaluation
____.01.3	Pre-existing on Site Wastewater Treatment and Disposal Systems	____.02.4	Minimum Distances & Lots
____.01.4	Permit Requirements	____.02.5	Connection to Public Sewers
____.01.5	Fees	____.02.6	Construction, Alteration, or Repair
____.01.6	Private System Contractor's Licensing	____.02.7	Building Sewers
____.01.7	Emergency Repair	____.02.8	Septic Tanks
____.01.8	Abandonment of and On-Site Wastewater Treatment and Disposal System	____.02.9	Subsurface Absorption Systems
____.01.9	Plats and Sizes Hereinafter Established	____.03.1	Property Transfer Inspection Requirement
____.01.10	Enforcement	____.03.2	Tank Pumping Requirements
____.01.11	Refusal of Admittance	____.03.3	If Inspection Not Completed Before Sale, Buyer Assumes Responsibility
____.01.12	Notice	____.03.4	Compliance with Chapter 69
____.01.13	Hearings	____.03.5	Exemption from Inspection Requirement
____.01.14	Penalties	____.03.6	Responsibility for Costs
____.01.15	Court Order	____.03.7	Allowance for Contracted Inspection
____.01.16	Applicability	____.03.8	Time of Sale Inspection Permit

____.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 are 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 piles or stacked.

4. Upon receipt of a written notice or order from the Board of Health 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 Board of Health 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	\$250.00
b. Impervious vault toilets and holding tanks	\$150.00
c. Re-inspection or each additional inspection	\$150.00
d. Sand filters or other type of private sewage disposal systems	\$250.00
e. Inspection at time of sale	\$300.00

____ 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 July 1st and expiring on June 30th the following year. 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 platator 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 & Lots

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. Minimum Lot Size

All on-site wastewater treatment and disposal systems shall be located on a lot parcel, tract or lot having a size of at least two (2) acres, excluding any right-of-way or easement

____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) inches 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.

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 pip 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)

	Two-bedroom	Three-bedroom	Four-bedroom	Five-bedroom	Six-bedroom
Min. Per Inch	300 gal/day	450 gal/day	600 gal/day	750 gal/day	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 25percent 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 with 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 maybe 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 that 35 percent with a diameter between 0.25 and 0.05 mm and less that 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 3/4 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

Percolation Rate Min/Inch Less than 1	Application Rate Gal/Square Foot/Day Not Suitable
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 $\frac{1}{8}$ 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 Vi inches is 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 fitters.

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 marsh 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 CBOD₅, 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 ordinance shall be effective from and after its final passage and approval and publication as required by law.

MAHASKA COUNTY ORDINANCE 32

PROVIDING RULES AND REGULATIONS FOR THE APPROVAL OF 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

____.01 Title

____.02 Adoption

____.03 Definitions

____.04 Jurisdiction

____.05 Requirement/Application

____.06 Building Permit Procedure

____.07 Building Requirements

____.08 Subdivisions

____.09 Fees

____.10 Violations

____.11 Changes and
Amendments

____.12 Validity

____.13 Effective Date

____.14 Fees Not Permanent

____.01 TITLE This ordinance shall be known as the Rural Subdivision 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. Building

Any structure permanently affixed to the land including but not limited to any building used for storage, human habitation, or confinement of any animal.

C. 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.

D. 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.

E. 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.

F. Engineer

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

G. Surveyor

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

H. Lot

A portion of a subdivision intended for the purpose, whether immediate or future, of building construction.

I. Subdivision Plat

The graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

J. 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 the immediate or future orderly development of the land including lots, streets, alleys, and areas of public use. It also includes a re-subdivision of land or lots. The division of land 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.

K. 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.

L. Confinement

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

____.04 JURISDICTION In cases where a subdivision 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 building plans and/or plat.

____.05 REQUIREMENT/APPLICATION No person shall sell or offer for sale any lot within the unincorporated area of Mahaska County until the owner thereof has complied with all requirements of this ordinance.

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 establishing a subdivision as defined in this ordinance 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.

____.08 SUBDIVISIONS

A. PROCEDURE Whenever the owner of any tract or parcel of land within the unincorporated area of Mahaska County desires to create a subdivision, 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 Auditor, and the Mahaska County Board of Supervisors, and the final copy shall be retained by the Engineer.

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 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 Engineer and if he or she recommends disapproval, he or she shall state the reasons therefore.

The County Auditor 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 Auditor shall then make a written recommendation to the Mahaska County Engineer and if he or she recommends disapproval, he or she shall state the reasons therefore.

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, and the County Auditor 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 subdivider 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, if any.

(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 a 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 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 two (2) acres, 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 County 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 filled 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 the land being subdivided shall pay to the Auditor a fee in the amount of \$500.00 at the time of filing a preliminary plat. The monies collected shall be distributed by the Auditor as follows: Mahaska County Environmental Services - \$200.00, Mahaska County Secondary Roads - \$200.00, Mahaska County Auditor - \$50.00, and Mahaska County Assessor - \$50.00.

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.

____.10 VIOLATIONS Any person violating the terms of this ordinance shall be guilty of a county infraction punishable by a fine not to exceed \$750.00 per occurrence or any other injunctive remedies that the Court may impose. Each day that a violation occurs or is permitted to exist by a person, constitutes a separate offense.

____.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 the date of its final passage and approval.

____.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.

MAHASKA COUNTY ORDINANCE 33

MAHASKA COUNTY FLOOD PLAIN MANAGEMENT ORDINANCE

____.01 Statutory Authority, 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.

MAHASKA COUNTY ORDINANCE 34

HAZARDOUS SUBSTANCES

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.

____.01 Purpose

____.02 Definitions

____.03 Clean Up Required

____.04 Notifications

____.05 Severability

____.06 Effective Date

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.

MAHASKA COUNTY ORDINANCE 35

REPEALED



MAHASKA COUNTY ORDINANCE 36

REGULATION OF PRIVATE WATER WELLS

____.01 Purpose

____.02 Adoption

____.03 Violation And Penalties

____.04 Severability Clause

____.05 Repealer

____.06 Effective Date

.01 PURPOSE

The purpose of this ordinance is to establish private water well construction permits and to establish the requirements for properly plugging abandoned wells.

.02 ADOPTION

This ordinance adopts by reference all the provisions of Iowa Administrative Code 567 Chapters 38 and 49 in effect at the time of adoption or as hereafter amended.

.03 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.

.04 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.

.05 REPEALER

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

.06 EFFECTIVE DATE

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

CHAPTER 4 – COUNTY SERVICES

MAHASKA COUNTY ORDINANCE 40

AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION

____.01 Purpose	____.07 Budget
____.02 Designation	____.08 Compensation
____.03 Commission Members	____.09 Severability Clause
____.04 Organization	____.10 Repealer
____.05 Rules and Regulations	____.11 Effective Date
____.06 Powers and Duties	

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: Designation
The following list of Pioneer Cemeteries or Private Burial Sites which are currently identified and are specifically included within the preview of this Ordinance

Cemetery	Township	Twp - Rng	Parcel ID
Ruby Cemetery	Adams	76N 15N 26 NE	726200002
Centennial Cemetery	Black Oak	76N 17W 14 SE	514400003
Howard Cemetery	Black Oak	76N 17W 32 SE	531400001
Cherry Grove / Milltown Cemetery	Cedar	74N 14W 03 SE	1603400005 *
East Des Moines S01	East Des Moines	74N 16W 01 NW	*
East Des Moines S14	East Des Moines	74N 16W 14 NW	*
Muchakinock Cemetery	East Des Moines	74N 16W 13 NE	1413200003
Delong-Delashmutt Cemetery	Garfield	75N 16W 31 NW	1030400012
Evans Cemetery	Garfield	75N 16W 18 NE	1018200008 *
Fishville Cemetery	Garfield	76N 16W 06 SW	1006300004 *
Garfield S16 Cemetery	Garfield	75N 16W 16 NW	1016100001 *
McGlasson Cemetery	Garfield	75N 16W 36 SE	1036400001 *
Prine Cemetery	Garfield	75N 16W 04 NE	1004400001
Carpenter Cemetery	Harrison	74N 15W 06 NW	1506300006*
Harrison S03 Cemetery	Harrison	74N 15W 03 SW	0302300002 *
Pekay Cemetery	Harrison	74N 15W 20	1520100001 *
Berry Cemetery	Jefferson	74N 17W 36 SW	1336300009 *
Boles Cemetery	Jefferson	74N 17W 10 NE	1310200003
Cohen / Cone Cemetery	Jefferson	74N 17W 34 SW	1334300007
Jefferson Cemetery S07	Jefferson	74N 17W 07 SE	1307400008 *

Smith Cemetery - Jefferson	Jefferson	74N 18N 31 NW	*
Weldon / Butler Cemetery	Jefferson	74N 17W 04 NE	1304200002
Center Grove Cemetery	Lincoln	75N 16W 12 NE	1012226008
Chew Cemetery	Lincoln	75N 16W 11 NE	1011200004
Old White Cemetery	Lincoln	75N 16W 12 SE	1012451003
Loi Cemetery	Madison	76N 16W 08 NW	0608100002 *
Mitchell Cemetery	Madison	76N 16W 17 NE	0617200017 *
Bedwell Cemetery	Monroe	76N 14W 22 SW	822300007
Roberts Cemetery	Monroe	76N 14W 18 SW	818300004
Tinkerville / Turner / Wapalo / Wapaluka Cemetery	Monroe	76N 14W 36 NE	0836400001 *
Tinsley Cemetery	Monroe	76N 14W 09 SE	809300006
Jackson Cemetery - Prairie Township	Prairie	77N 16W 28 SE	0228400002 *
Weatherwax Cemetery	Prairie	77N 16W 21 SW	0221400005 *
Appel Cemetery	Richland	77N 17W 26 NW	126100005
Baldwin Cemetery	Richland	77N 17W 11 SE	111400008
Vogelaar Cemetery	Richland	77N 17W 29	*
Butler Cemetery	Scott	75N 17W 12 SW	912400003
Mahaska County Farm Cemetery	Scott	75N 17W 24 SW	924300005
Smith Cemetery - Scott Township	Scott	75N 17W 28 NE	928200003
Excelsior Cemetery	Spring Creek	75N 15W 31 SW	1131400001 *
Mahaska County Home - Early	Spring Creek	74N 15W 30 SE	*
McDonald Cemetery	Spring Creek	75N 14W 14 SW	1114300002 *
Spring Creek Friends Cemetery	Spring Creek	75N 15W 09 SW	1109300002
Gorsuch (Browntown) Cemetery	Union	77N 15W 02 NW	0302300006 *
Tilford Cemetery	Union	77N 15W 12 SE	312400002
Sand Point Cemetery	Upper Jefferson	75N 17N 31 SE	0931400001 *
Crain Cemetery	West Des Moines	74N 16W 22 SE	1422400003
Kish-ke-kosh Burial Grounds	White Oak		*
Lacey Cemetery	White Oak	75N 14W 25	*
White Oak S35	White Oak	75N 14W 35	1235400005
Old Cemetery		75N 16W 24 NW	1024185003 *

____.03: 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.

____.04: Organization

The Commission shall select a Chairman, Vice Chairman, Secretary, Treasurer and such other officers as the Commission shall deem necessary.

____.05: Rules and Regulations

The Commission shall have authority to establish such rules and regulations governing its organization and procedure as it shall deem necessary.

____.06: 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.

____.07: 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.

____.08: 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.

____.09: 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.

____.10: Repealer

All ordinances of parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

____.11: 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 GENERAL ASSISTANCE ORDINANCE

____.01 Categories	____.08 Application Procedures
____.02 Definitions	____.09 Initial Determination
____.03 Form of Assistance	____.10 Appeal
____.04 Eligibility of Needy Persons	____.11 Appeal Hearing
____.05 Eligibility of Poor Persons	____.12 Actions of Supervisors
____.06 Level of Benefits	____.13 Reimbursement
____.07 Requirements for Receiving Assistance	____.14 Repealer

Pursuant to the authority granted Iowa Code chapter 252, the Board of Supervisors of Mahaska County, Iowa enacts the following ordinance governing general assistance:

____.01: CATEGORIES:

There shall be two (2) categories of general assistance in Mahaska County, Iowa. They are:

- A. Assistance for needy persons.
- B. Assistance for poor persons.

____.02. DEFINITIONS.

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

- A. "Assistance" means food, rent, shelter, clothing, transportation, utilities (fuel, lights, water), medical services or burial.
- B. "Awaiting approval and receipt" means a person who has applied for assistance under the state or federal law, who has pursued that application with due diligence, and whose application has not been denied.
- C. "Director" means the Director of General Assistance, or designee, appointed by the Mahaska County Board of Supervisors to administer the county's General Assistance program.
- D. "Disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

- E. "Family Unit" or "Household" means a qualified person for assistance, his or her spouse, and any person related to the individual or spouse by blood, marriage, or adoption. This includes children under eighteen (18) years of age and any children over eighteen (18) who are legally dependent on the applicant, except emancipated minors. All minor children under 18 years of age must receive their assistance from their parents, unless they present a marriage license establishing their majority.
- F. "Indigent Decedent" means a deceased person who was a continuous resident of Mahaska County for at least twelve (12) consecutive months immediately prior to death and has insufficient income, assets, and benefits to pay for the cost of burial or cremation.
- G. "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.
- H. "Needy Person" means a qualified person or the family unit of that person who, because of circumstances which are not attributable to that person, such as involuntary termination of employment or disability, needs immediate assistance. A "needy person" does not include those who need immediate assistance due to voluntary resignation of employment, disqualification from state or federal assistance due to the person's actions, including disqualification from state or federal assistance or enrollment in voluntary educational or training programs.
- I. "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 owned by any member of the family unit with a fair-market value that does not exceed \$5,000, irrevocable burial trust funds not to exceed \$6,000.00, homestead used as a place of residence if equity does not exceed \$15,000.00.
- J. "Poor Person" means a qualified person or family unit of that person who has no property, exempt or otherwise, and is unable, because of physical/mental disabilities, to earn a living by labor.
- K. "Qualified person" means an individual who is lawfully present in the United States, a resident of Mahaska County, and is at least 18 years of age unless the individual is an emancipated minor.

___03: FORM OF ASSISTANCE.

Assistance provided under this ordinance shall be purchased directly from the supplier for the applicant or the family unit through a direct-vendor payment system. Payments under section 6(h) for burial and cremation services shall be made directly to the funeral director upon receipt of an itemized accounting approved by the Director.

___04: ELIGIBILITY OF NEEDY PERSONS.

Assistance is to be provided for needy persons who are in need of immediate assistance 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.

To be eligible for assistance under this section, an applicant's income must not exceed the Federal poverty guidelines issued by the United States Department of Health and Human Services (HHS). Payments made on medical bills may be deduction from income. Applicants earning up to 200% of the Federal poverty guidelines will be considered on a case-by-case basis if just cause and extenuating circumstances can be shown by the applicant. If the Director finds there are extenuating circumstance, the Director shall document his reasons and rationale.

___05: ELIGIBILITY OF POOR PERSONS.

Assistance is to be provided for poor persons who are in need of immediate assistance, cannot obtain assistance 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.

Unless otherwise provided, the maximum level of benefits to be provided for each item of assistance for each person or that person's family unit shall be:

Each person or family unit will be eligible for assistance no more than two (2) times within any twelve-month period, calculated from the date of the second prior assistance payment.

A. Food

- (1) Referrals will be made to the Ecumenical Food Cupboard as available.
- (2) Food vouchers issued not to exceed \$50.00 per twelve-month period. Items such as steaks, sodas, tobacco, alcohol, or snack items shall not be purchased unless the Director expressly authorizes them in writing.
- (3) There will be no food vouchers issued to a person or that person's family unit if they receive the full amount of food assistance under the Supplemental Nutrition Assistance Program (SNAP).

B. Shelter

- (1) Benefit limits are the reasonable rental value not to exceed \$250.00 per family. If other less expensive housing is available as determined by the Director, the applicant may be required to move into the less expensive option. If the applicant does not wish to comply with the request to live in the less expensive housing, the Director may deny benefits for good cause.
- (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 past due. Mortgage payments will not be paid.
- (3) A needy person, family, or household may receive no more than \$250.00 for 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) Utility assistance shall cover only the actual cost of current usage, up to \$200.00 per month for heat and electricity and \$150.00 per month for water. Deposits, past balances, penalties, and franchise taxes are excluded.
- (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 (one to two month period of no payments allowed in a six 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, and gauze. There will be no assistance for controlled substances (including opioids, muscle relaxants, or other scheduled medications), unless medically necessary and supported by documentation.
- (2) Dental assistance for immediate need and to relieve severe pain if the Director determines that the applicant's health would otherwise be materially impaired. The costs will be according to Medicaid rates with three (3) visits allowed in a twelve (12) month period and a maximum paid of \$150.00 per visit.
- (3) Eyeglasses will be authorized only once, unless for circumstances not attributable to the client. Costs will be paid according to Medicaid guidelines, and client must pay for exam and one-half the cost of the glasses.
- (4) Drug and alcohol treatment will not be provided or covered.

E. Hospital Services

- (1) No hospital services will be provided.
- (2) General assistance will not cover Medicare premiums, deductibles, or coinsurance except for poor persons who are aged sixty-five (65) or older, those who are disabled, or those under 18 years of age.
- (3) Prior authorization will be required for medical services. For medical expenses, an applicant must first use the Iowa Health and Wellness Plan or any financial assistance program offered by the treating hospital, including charity care.
- (4) No out-of-state or out-of-county medical costs will be approved.
- (5) Medical payments will be made to local physicians up to \$150.00 per office visit.

- (6) Indigent persons in need of medical help must first apply through the local office of the Iowa Department of Health and Human Services for assistance.

F. Clothing.

- (1) Clothing that is actually needed shall be provided one (1) time in a twelve (12) month period.
- (2) A voucher for \$50.00 will be the maximum and will be payable to secondhand stores such as the Mahaska County Outreach or Goodwill stores.

G. Cremation Assistance.

- (1) Scope and Maximum County Contribution. The County may provide assistance for the disposition of the remains of an indigent decedent in an amount not to exceed \$1,800.00 for covered services. Only funeral directors within Mahaska County are eligible for payment.
- (2) Covered Services. Covered services are limited to: (a) transfer of the deceased from the place of death to the funeral home and/or crematory; (b) all preparation of the body required for cremation; (c) cremation; (d) a container for the ashes; (e) transportation to the gravesite, if necessary; and (f) coordination of graveside services only (no visitation and no service at a funeral home or place of worship).
- (3) Application and Pre-Approval. An application must be submitted by the representative of the deceased or the funeral director to the Director. No funds shall be approved until an application is received and reviewed. If the Director is unavailable, approval by the Board of Supervisors is required.
- (4) Exhaustion of Decedent's Funds; Reimbursement. Before County assistance is approved, all income, assets, and benefits belonging or due to the decedent must be applied to the costs; otherwise assistance shall be denied. If any personal funds or benefits later become available after County payment, the decedent's representative or funeral director shall promptly reimburse the County for assistance provided.
- (5) Vendor Acceptance and Billing. The funeral director must acknowledge and accept the limitations of assistance before services are rendered,

and upon completion shall submit an itemized accounting of services to the Director for payment processing.

(6) No Upgrades with Third-Party Funds. No person may contribute funds for any upgrade to the covered services. If such funds are accepted, the County's approval of assistance will be revoked and any funds already paid must be returned to the County.

(7) Disposition Decision. The County will not determine the disposition of remains except as required by Iowa Code Chapter 144C.

____07: REQUIREMENTS FOR RECEIVING ASSISTANCE

- A. No person shall receive more than two (2) months of assistance in a twelve month (12) 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 that exceeds normal limits may be granted if the applicant is not the cause of the extended need.
- B. No assistance will be issued to college students that reside in the college dorms.
- C. The applicant shall seek assistance for his needs from all other available resources before assistance 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, Workers' Compensation etc., shall be referred to the proper source and shall make application and accept assistance offered.
- D. An applicant who voluntary quits employment 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.
- E. Applicant must complete application, and establish his or her need for General Assistance.
- F. 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 bear upon the person's eligibility and need for assistance. Medical examinations

and statements may be required to determine work capabilities or eligibility for assistance.

- G. A false statement or incorrect statement on an application for assistance will be cause for denial of assistance.
- H. All applicants shall, if reasonably able, be required to reimburse Mahaska County for assistance received. If the 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.
- I. Failure to satisfactorily complete drug and alcohol treatment programs or do follow-up programs may be a basis for denial.
- J. 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.
- K. Applicant will also be required to sign a release and exchange of information form which will allow the Director to act in the applicant's best interest.
- L. Notwithstanding any other provision of this ordinance, the County will provide reasonable accommodations to applicants with disabilities consistent with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

____.08: APPLICATION PROCEDURES

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 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.) 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 the penalty of perjury and in compliance with Iowa Code chapter 622.

If the applicant or the family unit is or appears to be eligible for 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 assistance under this ordinance.

It is the obligation of each person applying to establish his or her eligibility for any category of assistance. The Director shall also receive anything that the person applying desires to submit to establish his or her eligibility or need including 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 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 for assistance within the last year, the Director need not receive a new application, but will update the 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 assistance 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 assistance 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 taken, 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 Supervisors' 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 applicant's 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, upon request, to the assistance case file. The Board's written decision constitutes final county action for purposes of Iowa Code Chapter 17A.

____.11: APPEAL HEARING

The Board of Supervisors shall hear applicant's appeal 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 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 time limits for the presentation of evidence. 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 Board may enter closed session pursuant to Iowa Code section 21.5 to review or discuss records required or authorized by law to be kept confidential. 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 of 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. An applicant may seek judicial review in the Iowa District Court as provided by law.

____.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 assistance benefits allowed by the Director, then the Director shall notify the applicant of the decision and the appeal process.

____.13: REIMBURSEMENT

All recipients of assistance 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 Board of Supervisors and the Director may make suitable arrangements to secure repayment from assets that cannot be immediately liquidated, if liquidation would otherwise make the recipient ineligible for aid. Mahaska County may also seek reimbursement from the assets of the recipient's estate.

____.14: REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Board may adjust benefit amounts by resolution from time to time; any amendment to this ordinance shall be adopted in accordance with Iowa Code chapter 331, including required notice and public hearing.

CHAPTER 5 – REGULATIONS

MAHASKA COUNTY ORDINANCE 50

AN ORDINANCE PROHIBITING THE USE, POSSESSION WITH INTENT TO USE, MANUFACTURE, AND DELIVERY OF DRUG PARAPHERNALIA

____.01 Purpose	____.07 Nuisance
____.02 Definitions	____.08 Penalty
____.03 Determination	____.09 Repealer
____.04 Possession	____.10 Severability
____.05 Manufacture, Delivery, or Offering For Sale	____.11 Effective Date
____.06 Legislative Intent	

____.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. Carburetor 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.

____.03: Determination

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.

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	
____.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.



MAHASKA COUNTY ORDINANCE 52

REGULATING SMOKING ON THE PREMISES OF THE MAHASKA COUNTY COURTHOUSE

____.01 Purpose
____.02 Definitions
____.03 Prohibition
____.04 Penalty

____.05 Posting
____.06 Repealer
____.07 Severability Clause
____.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

MAHASKA COUNTY ORDINANCE 53

AN ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN MAHASKA COUNTY, IOWA

____.01 PURPOSE.

The purpose of this ordinance is to designate the paved, undivided secondary roads under the jurisdiction of Mahaska County where all-terrain vehicles and off-road utility vehicles may be operated pursuant to Iowa Code section 321I.10. The Board of Supervisors has evaluated the traffic conditions on such roads under its jurisdiction including where all-terrain vehicles or off-road utility vehicles may be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. After evaluation, the Board of Supervisors authorizes all-terrain vehicles and off-road utility vehicles on all roadways described in Section 3.

____.02 DEFINITIONS.

Pursuant to Iowa Code section 331.302(5), this ordinance incorporates by reference the definitions set forth in Iowa Code section 321I.1.

____.03 OPERATION ON ROADWAYS.

All-terrain vehicles and off-road utility vehicles operated in compliance with Iowa Code chapters 321 and 321I may be operated on all paved, undivided secondary roads in Mahaska County except as follows:

- A. When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to section 306.41.
- B. When the secondary road or segment thereof is designated as a detour route pursuant to section 306.41.

____.04 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.

____.05 EFFECTIVE DATE.

This ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

MAHASKA COUNTY ORDINANCE 54

ESTABLISHING THE REGULATION OF COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED MAHASKA COUNTY, IOWA

____.01 Purpose	____.08 Effect and Transferability
____.02 Definitions	____.09 Miscellaneous
____.03 Applicability	____.10 Severability Clause
____.04 Application Process	____.11 Repealer
____.05 Siting and Design Standards	____.12 Effective Date
____.06 Discontinuance/Decommissioning	
____.07 Ancillary Agreements/Procedures	

____.01 **PURPOSE**

The purpose of this ordinance is to establish guidelines for the effective and efficient development and use of large-scale Commercial Wind Energy Conversion Systems (C-WECS) projects by regulating and requiring a C-WECS Special Use Permit for the siting, design, construction, operation, and decommissioning of Wind Energy Conversion Systems (WECS) to protect the public health, safety, and general welfare of the County's residents and businesses, and to protect the productivity of the County's farm ground. The requirements of this Ordinance shall apply to all C-WECS after the effective date of this Ordinance.

Because of the significant, long-lasting impacts on the County's residents and infrastructure resulting from large-scale C-WECS projects, the Mahaska County Board of Supervisors believes it is in the public's best interest that the Supervisors retain the final authority over the issuance of any C-WECS Special Use Permit for large-scale C-WECS projects and shall adhere to all the standards, procedures, and fees as set forth in this Ordinance.

____.02 **DEFINITIONS**

Wind Energy Conversion System (WECS) – any device, such as a wind charger or wind turbine, which converts the kinetic energy of wind to a form of usable electric energy

Commercial Wind Energy Conversion System (C-WECS) – A large-scale WECS or group of WECS in the same location with a generating nameplate capacity of 100 kW or greater and is used for production of electric power to be interconnected into the local utility electrical grid and built to produce energy primarily for on-grid utility customers located off the property. Individual turbines are usually interconnected to a power collection system and then connected to an existing or proposed high voltage transmission system. C-WECS projects may consist of a single WECS or multiple wind turbines, and cover small areas to extended areas of many square miles.

Commercial Wind Energy Conversion System (C-WECS) Special Use Permit – The Resolution approved by the Board of Supervisors granting the ability to allow the siting,

design, construction, operation, and decommissioning of any C-WECS in unincorporated Mahaska County.

Commercial Wind Energy Conversion System (C-WECS) Building Permit – The permit required to construct any C-WECS in unincorporated Mahaska County, pursuant to Section 4 of this Ordinance.

Applicant – The person or entity submitting the application for siting and operation of any WECS to the County under this Ordinance, which is normally expected to be the owner or operator of a WECS, or the owner of the C-WECS development project.

Communication Antenna – Only those antennae which are licensed with the Federal Communications Commission.

Components – All the physical facilities comprising a WECS; including turbines (i.e. the tower, nacelle, hub, motor, and blades), turbine foundation, transformers, crane pads, feeder lines, and any accessory buildings and equipment. Components shall include any substations that are constructed in conjunction with a C-WECS project.

Confinement Feeding Operation Building – The same meaning as found in Iowa Code Section 459.102(15).

Development Plan – The plan with all the required information and documentation to be submitted as a part of an application for the C-WECS Special Use Permit.

Final Development Plan – The plan with all the required information and documentation to be submitted as a part of an application for the C-WECS Building Permit.

Feeder Line – Any above or below-ground line that carries electrical power from one or more turbines or individual transformers associated with wind turbines to the point of interconnection. Feeder lines may be placed on private property or on public rights-of-way. Changes in public rights-of-way may be made as long as approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement negotiated with the affected landowner.

Meteorological Evaluation Tower (MET) – A tower which is erected primarily to measure wind speed and directions, plus other atmospheric/weather data relevant to siting and operating a WECS. METs do not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Non-Participating Landowner – Any landowner not under agreement with the owner or operator of the WECS.

Occupied Non-Residential Building – Any building (other than a residence) that is regularly occupied by humans, and that is open to the public, sells good or services, or a public, religious, or other non-profit institution.

Occupied Residence – A building designed for, and occupied on a regular basis (50% or more of the year, and is currently occupied or has been occupied in the last two years) as an abode.

Operator – The person or entity responsible for the day-to-day operation and maintenance of the WECS.

Owner – The person or entity or entities with an interest in the WECS, including their respective successors and assigns. Owner does not mean (1) the property owner from whom a lease, easement, or other property rights are acquired for locating the WECS (unless the property owner has an equity interest in the WECS); or (2) any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practical date.

Participating Landowner – A landowner under lease, easement, or other property agreements with the owner or operator of the WECS.

Professional Engineer – A qualified individual who is licensed in the State of Iowa as a professional engineer.

Project Area – The geographic area encompassing all components of a C-WECS project.

Property Line – The legal boundary between separately-owned real estate parcels, and between privately-owned parcels and publicly-owned land or public right-of-way.

Public Conservation Areas – Land owned by the County, State, or Federal agencies and managed for conservation/preservation purposes, including but not limited to Wildlife Management Areas, Conservation Areas, Parks, Preserves, Wildlife Refuges, and Waterfowl Production Areas. For purposes of this Ordinance, Public Conservation Areas also include land owned by non-profit conservation organizations and other privately-owned lands upon which permanent conservation easements have been granted to public agencies or non-profit conservation organizations, all as defined in Iowa Code 457A. Public Conservation Areas do not include land enrolled in the Conservation Reserve Program.

Rotor Diameter – The diameter of the circle described by the turbine's moving rotor blades.

Setback- The minimum required distance from a certain object, structure, or point to the center point of the foundation of the wind turbine at the natural ground level.

Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to antennae, buildings, sheds, cabins, residences, signs, storage tanks, towers, wind turbines, and other similar objects.

Substation – The apparatus that connects the electrical connection system of the WECS and increases the voltage for the connection with the utility's, transmission owner's, or WECS owner's transmission lines and shall be located entirely outside of the road right-of-way.

Tower – The vertical structure that supports the electrical generator, rotor blades, or meteorological equipment.

Tower Height – The total height of a turbine as measured from the ground to the tip of the blade when fully extended.

Transmission Line – Those electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electrical energy to customers.

Turbine – Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils, blades, or similar devices to capture the wind.

____.03 APPLICABILITY

After the effective date of this ordinance, it shall be unlawful to construct, erect, install, alter, or locate any WECS or within unincorporated Mahaska County without first obtaining a C-WECS Special Use Permit from the Mahaska County Board of Supervisors as outlined in this Ordinance.

No application for a C-WECS Special Use Permit shall be granted without first submitting all required information and documentation, and paying all associated fees to the County.

____.04 C-WECS PERMITS, REVIEW, AND APPROVAL PROCESS

1. **General.** Before any construction activities related to a C-WECS project can begin in unincorporated Mahaska County, a C-WECS Special Use Permit must be issued by the Mahaska County Board of Supervisors. For purposes of this paragraph, the installation of MET towers and access road associated with a C-WECS project shall not be deemed construction activities requiring a C-WECS Special Use Permit, provided that any such MET or Road must be installed in compliance with all other applicable county ordinances and regulations.
2. **Special Use Permit Application.**

The Mahaska County Economic Development Director (EDD) will receive a permit application from any person seeking to construct a C-WECS project. Each project shall require a separate application. The application shall contain:

- a. The name and address of the applicant, as well as the proposed owners or operators of the project, including the contact information (name, address, telephone, and email) of their authorized representatives. The application shall designate the entity who will be the permit holder of the C-WECS Special Use Permit.
- b. A Certified Abstractor's list of the names and addresses of all property owners located within 5,280 feet of any turbine in the project.
- c. A Development Plan for the project, which shall contain aerial images of the entire proposed project area, showing the approximate proposed location of the turbines, private access roads, feeder lines, substations, and all other components of the project. The Plan shall show property lines and setback distances under Section 5, as well as all public roads and public drainage facilities (i.e. ditches, culverts, and underground tile) in the project area. The Plan shall also identify any other turbines, communication antennae, and airports (including private airstrips) located within five miles of the project area; and all lakes, permanent water courses, and Public Conservation Areas within three miles of the project area boundaries. In providing the above information, the Plan shall use a GPS coordinate system that is compatible with the County's geographic information and data systems. The Plan shall also include a mailing address for the owner of each communication antenna identified.
- d. Project details, including the name of the project, anticipated number, generating capacity, tower height, and rotor diameter of the turbines must be provided with the Development Plan. The final number, generating capacity, tower height, and rotor diameter must be provided in the Final Development Plan during the C-WECS Building Permit application process.
- e. Documentation of each applicant's legal control over the private property necessary for the project, signed by the property owner. Such legal control must vest in the permit holder of the C-WECS Special Use Permit at the time of its issuance.
- f. A description of the public roads anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. As set forth in in Section 5, before construction commences on a project, all public road and public drainage crossings must be provided to the County Engineer, and approved for compliance with the County's Road Use and Public Drainage System Protection Agreements.

- g. A permit fee equal to \$1,000.00 for each C-WECS project, to be paid upon receipt of the final C-WECS Special Use Permit application.
- h. Any Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or other federal or state permits or approvals that are necessary for the project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.
- i. A decommissioning plan pursuant to Section 6.
- j. Such additional information as the County may request due to the unique circumstances of the project. Applicants are encouraged to have on-going discussions with the County Economic Development Director and County Engineer during preparation of the application.

3. **County Staff Review.**

Completed C-WECS Special Use Permit application shall be filed with the Economic Development Director (EDD). The EDD shall promptly provide a copy of the application to the County Engineer, County Treasurer, County Conservation Director, County Emergency Management Director, and any other relevant staff for review. Upon determination by the EDD that the requirements of this Ordinance have been satisfied, the completed C-WECS Special Use Permit application and any/all necessary supporting documentation shall be presented to the Mahaska County Board of Supervisors for approval. If the EDD determines that the application lacks the required information provided in Section 4, the EDD shall then provide the applicant's authorized representative written notice of the deficiency. The applicant may re-file an amended application once the deficiencies have been resolved.

4. **Public Hearing Required.**

Upon completion of the EDD's review of the application, the County shall schedule and make notification of a public hearing in accordance with Iowa Code Chapter 21, to be held no later than thirty days after the County has deemed the application complete. Representatives of the C-WECS Special Use Permit holder who are familiar with all aspects of the project must be present at the public hearing.

- 5. **Approval by Board of Supervisors.** In considering whether to approve an application for a C-WECS Special Use Permit, the Board of Supervisors shall proceed according to the following format:

- a. Within thirty (30) days following the C-WECS Special Use Permit application being deemed complete, the Supervisors shall review it for completeness and compliance with this Ordinance.
 - b. The Supervisors shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the public hearings.
 - c. The Supervisors shall consider such reasonable requirements or conditions to the C-WECS Special Use Permit as will ensure the development will satisfy the requirements of this Ordinance.
 - d. If the Supervisors conclude that all such criteria in the application and Development Plan have been met, the C-WECS Special Use Permit may be approved by Resolution.
 - e. Without limiting the foregoing, the Supervisors may attach to a C-WECS Special Use Permit conditions it deems necessary to protect the health, safety, and general welfare of the public; and, if the applicant is agreeable to such conditions, the Supervisors may approve the application by Resolution.
 - f. The Resolution shall direct the EDD to issue an approved C-WECS Special Use Permit to the applicant and grant them the ability to apply for a C-WECS Building Permit with the submission of a Final Development Plan which shall be reviewed and approved by the EDD within twenty-four (24) months of being issued the C-WECS Special Use Permit.
6. **C-WECS Building Permit Requirements.** In addition to the requirements of the C-WECS Special Use Permit, each C-WECS project must obtain an approved C-WECS Building Permit by the Economic Development Director (EDD) prior to the start of any construction. An approved C-WECS Building Permit shall be valid for twenty-four (24) months from the date of its issuance. The EDD will receive a C-WECS Building Permit application from any person or entity seeking to construct a C-WECS project. The application shall contain:
- a. The name and address of the applicant, as well as the proposed owners or operators of the project, including the contact information (name, address, telephone, and email) of their authorized representatives. The application shall designate the entity who will be the permit holder of the C-WECS Building Permit.
 - b. A Certified Abstractor's list of the names and addresses of all property owners located within 5,280 feet of any turbine in the project.

- c. A Final Development Plan for the project, which shall contain aerial images of the entire proposed project area, showing the approximate proposed location of the turbines, private access roads, feeder lines, substations, and all other components of the project. The Plan shall show property lines and setback distances under Section 5, as well as all public roads and public drainage facilities (i.e. ditches, culverts, and underground tile) in the project area. The Plan shall also identify any other turbines, communication antennae, and airports (including private airstrips) located within five miles of the project area; and all lakes, permanent water courses, and Public Conservation Areas within three miles of the project area boundaries. In providing the above information, the Plan shall use a GPS coordinate system that is compatible with the County's geographic information and data systems. The Plan shall also include a mailing address for the owner of each communication antenna identified.
- d. Project details, including the name of the project, the final number, generating capacity, tower height, and rotor diameter of the turbines must be provided with the Development Plan.
- e. Documentation of each applicant's legal control over the private property necessary for the project, signed by the property owner. Such legal control must vest in the permit holder of the C-WECS Building Permit at the time of its issuance.
- f. A description of the public roads anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. As set forth in in Section 5, before construction commences on a project, all public road and public drainage crossings must be provided to the County Engineer, and approved for compliance with the County's Road Use and Public Drainage System Protection Agreements.
- g. A permit fee equal to \$750.00 for each turbine in a C-WECS project, to be paid upon receipt of the final C-WECS Building Permit application.
- h. Any Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or other federal or state permits or approvals that are necessary for the project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.
- i. A decommissioning plan pursuant to Section 6.
- j. Such additional information as the County may request due to the unique circumstances of the project. Applicants are encouraged to have on-going

discussions with the County Economic Development Director and County Engineer during preparation of the application.

7. Modification.

The location of components may be modified from the Final Development Plan when necessary to address exigencies encountered during construction, subject to the following limitations:

- a. Any such modification shall remain subject to all setbacks and other requirements set forth in this Ordinance and the Ancillary Agreements in Section 7
- b. The location of turbines and project substations can only be modified from the Final Development Plan with approval of the EDD if the proposed relocation is 300 feet or less; or, for such modifications exceeding 300 feet, with the approval of the Board of Supervisors. Approval of a turbine or project substation modification by the EDD or the Board of Supervisors shall be deemed an approved amendment to the Final Development Plan and automatically amend the C-WECS Building Permit.
- c. Within 180 days from the completion of the project, the C-WECS Building Permit holder shall revise the Final Development Plan to show the exact “as-built” coordinates for all components, including any modifications. Failure to timely provide such coordinates shall be a material violation of this Ordinance.

____.05 SITING AND DESIGN STANDARDS

Setbacks. All turbines and project substations shall observe the following setbacks. All measurements shall be from the center point of the tower (or from the nearest above ground, non-fence structure at a substation site) to the nearest point on any occupied residence, occupied non-residential building, or confinement feeding operation building; or to the nearest property line of any other protected area.

a. Wind Turbines

Protected Area	Turbine Setback Requirement
Adjacent Property Lines	The greater of 2640 feet or 300% of total height
Occupied Residence	The greater of 2640 feet or 300% of total height
Unoccupied Non-Residential Building	The greater of 600 feet or 200% of total height
Confinement Feeding Operation Building	The greater of 2640 feet or 300% of total height

Public Road Right-of-Way	The greater of 600 feet or 200% of total height
Public Drainage Right-of-Way	
Open Ditch	300 feet
Tile (centerline)	100 feet
Public Conservation Area	The greater of 600 feet or 200% of total height
Cemetery	The greater of 2640 feet or 300% of total height
City Limits	The greater of 2640 feet or 300% of total height
Airports (public or private)	FAA requirements

b. Public and Private Airports

- i. The following landing areas shall be considered for the purposes of this Ordinance airports if, prior to the initial filing date of the Notice, are in operation or to which a sponsor has a valid Certificate of Site Approval as set forth in Iowa Administrative Code Rules 761-720.4 and 761-720.5:
 1. A public use airport as defined in Iowa Code Sections 329.1() and Iowa Administrative Code Rule 761-720.2; or
 2. A private use airport as defined in Iowa Code Sections 329.1() and Iowa Administrative Code Rule 761-720.2 that had: (i) obtained all necessary local, state, and federal approvals to construct and operate as a private-use airport; and (ii) received an airport identification assignment from the Federal Aviation Administration (FAA) pursuant to Federal Aviation Regulations Part 157.
- ii. The setback distance for airports shall be governed by the rules and regulations of the FAA and/or any laws or rules of the State of Iowa that are applicable. An applicant shall not construct a turbine in violation thereof.

c. Public Conservation Areas.

- i. For purposes of this Ordinance, Public Conservation Areas shall include any land enrolled in a conservation easement as defined in Iowa Code 457A.
- ii. Conservation Easements shall be recorded as other instruments affecting real estate are recorded. Unrecorded and un-inventoried conservation easements shall be deemed abandoned.

- iii. The United States Department of Agriculture Natural Resource Conservation Service of Iowa manages a database of conservation easements in Mahaska County on a publicly accessible website. Applicants are responsible for locating conservation easements within the project area and shall adhere to all State and Federal law as it relates to any violation or remedy with the terms of any conservation easement.

d. Substations and Accessory Facilities

- i. For purposes of this Ordinance, the setback distances for C-WECS substations and accessory facilities shall be ten (10) feet and measured from the nearest above-ground, non-fence structure at a substation site to the nearest point on any structure, property line, or other protected area, and shall be located entirely outside of the road right-of-way in accordance with other County Ordinances.
- ii. Feeder lines may be placed on private property or on public rights-of-way. Changes in public rights-of-way may be made as long as approval has been obtained from the governmental unit responsible for the affected right-of-way. When placing feeder lines on private property, the permittee shall place the feeder in accordance with the easement negotiated with the affected landowner.

e. Setback Waivers

- i. Property owners and municipalities may request a waiver from the setbacks as established in this Ordinance, except for the following protected areas: airports, cemeteries, public conservation areas, and public road rights-of-way; provided, a waiver shall not alter any other non-waived setback requirement.
 - ii. To effectuate such a waiver, the applicant must provide the EDD with a recordable instrument signed by all owner(s) (or the controlling governmental entity) of the affected protected area that specifically identifies the nature and extent of the waiver. All waivers must be approved by the Board of Supervisors for compliance with this Ordinance; and upon such approval, shall be recorded in the office of the Mahaska County Recorder by the applicant.
- f. **Color and Finish.** All turbines and towers that are part of a C-WECS shall be finished in accordance with FAA Advisory Circular 70/7460-1L.
- g. **Lighting.** All turbines and towers will utilize lights and an Aircraft Detection Lighting System (ADLS) in accordance with FAA Advisory Circular 70/7460-1L.

- h. **Noise.** Audible noise due to C-WECS sites operation shall not exceed 30dBC for any period of time, when measured at any occupied residence, occupied non-residence, or confinement feeding operation existing on the date of approval of the Special Use Permit. Noise level to be certified by a licensed engineer.
- i. **Shadow Flicker.** Occupied residences shall experience no more than thirty (30) hours per year of shadow flicker under planned operating conditions.
- j. **Signage.** All turbine sites shall be required to have individual 911 rural address signs at each access road. All other signs except those required for safety and directional purposes (or otherwise authorized by the County) shall be prohibited in the project area.

____.06 DISCONTINUANCE/DECOMMISSIONING

1. **Decommissioning Plan and Agreement.** The Applicant shall submit a Decommissioning Plan to the Economic Development Director (EDD) for approval by the Board of Supervisors in conjunction with the issuance of a Special Use Permit. The purpose of the Decommissioning Plan is to specify the procedure by which the Applicant or its successor will remove the C-WECS after the end of its useful life, or upon abandonment, and to restore the property for its original uses. Prior to the issuance of the Special Use Permit, the County and the Applicant or Owner shall enter into a separate Decommissioning Agreement which shall clearly lay out the rights and obligations of the County and the Applicant or Owner and its successor with respect to the management and Decommissioning of the C-WECS at the end of its serviceable life or upon abandonment. In the event of a conflict between this ordinance and the Decommissioning Agreement, this Ordinance shall control.
2. **Decommissioning Cost Estimate.** The Decommissioning Plan shall include decommissioning costs estimate prepared by an Iowa-licensed professional engineer.
 - a. The cost estimate shall provide the gross estimated cost to decommission the C-WECS in accordance with the Decommissioning Plan and those conditions. The Decommissioning costs estimate shall not include any estimates or offsets for the resale or salvage values of the Project equipment and materials.
 - b. The Applicant Owner or Developer or its successor, will update the Decommissioning cost estimate every five (5) years and reimburse the county for an independent review and analysis by an Iowa-licensed engineer of each Decommissioning costs estimate.
3. **Security**

- a. Prior to the Count's approval of the Special Use Permit, the Board shall require the Applicant or Owner to provide security for decommissioning. Such security shall be in the form of, at the County's sole option, cash in the full amount of the decommissioning cost estimate, a cash sinking fund, a letter of credit or a bond, the type and details of which shall be set out in the Decommissioning Agreement.
 - b. Upon receipt of the first revised Decommissioning cost estimate (following the 5th anniversary), any increase or decrease in the Decommissioning security shall be funded by the Applicant or Owner, or refund (if permissible by the form of security) within 90 days and will be similarly issued for every subsequent five-year updated decommissioning costs estimate.
 - c. The decommissioning security must be received prior to the issuance of the Special Use Permit and must stay in force in the duration of the life span of the C-WECS and until all decommissioning is completed. If the Board receives notice or reasonably believes that any form of security has been or may be revoked, the County may revoke the Special Use Permit and shall be entitled to take all action to obtain the rights to the form of security. If the County reasonably believes that a specified form of security is no longer sufficient to cover the decommissioning costs estimate, the County shall require the Applicant, Owner, or its successor to provide a different form of security that will be sufficient to cover the Decommissioning costs estimate in the County's reasonable judgment.
4. **Applicant/Successor Obligation.** Within six (6) months after the end of the useful life of the C-WECS for electrical power generation or transmission, or after abandonment, the Applicant, Owner or its successor, at its sole costs and expense shall commence to decommission the C-WECS in accordance with the Decommissioning Plan and Agreement approved by the Board and complete the Decommissioning within six (6) months thereafter. If the Applicant, Owner or its successor fails to commence decommissioning within six (6) months, the underlying property owner shall commence decommissioning activities in accordance with the Decommissioning Plan within six (6) months, after being notified by the County of the Applicant or Owners failure to decommission the C-WECS, and shall complete the decommissioning within six (6) months. Following the completion the decommissioning of the entire C-WECS arising out of a default by the Applicant, Owner, or its successor, the security funds held by the County shall be distributed to the underlying property owners to reimburse them for the actual costs incurred by them to Decommission the Project. In the event that any funds remaining in the security fund after the property owners have been reimbursed for their actual decommission costs, such remaining funds shall become the property of the County.

5. **Applicant Reporting Requirements.** The Applicant shall notify the County in writing within thirty (30) days of the end of the useful life of the Project or of its abandonment of the C-WECS. In addition, the Applicant or Owner shall provide the County with a copy of the Replacement Tax Return filed with the Iowa Department of Revenue during each year of operation of the Project. Said copy shall be provided to the County within fourteen (14) days of filing.
6. **Applicant/property owner default**
- a. If the Applicant Owner Developer or its successor or the underlying property owners fail to decommission the C-WECS as required by Section 7 of this ordinance, the County shall have the right to exercise all legal remedies available to its to enforce the decommissioning obligations of the Applicant, Owner, or its successor and the underlying property owners. The county shall also have the right but not the obligation, at its option to commence decommissioning activities and shall have access to the property, shall own the full amount of the decommissioning security, and the rights to the C-WECS equipment and materials on the property whether or not the County opts to Decommission the Project.
 - b. Prior to the issuance of the Special Use Permit, the Applicant or Owner and the underlying property owner shall deliver a legal instrument to the EDD granting the County the following rights
 - i. the right to access the property,
 - ii. an interest in the C-WECS equipment and material to complete the decommissioning upon the Applicant's or Owner's default, and
 - iii. an interest in the Decommissioning security fund. Such instrument(s) shall bind the Applicant, Owner, and property owners and their successors, heirs and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the Applicant, including under the County's zoning powers.
7. **Equipment/ Building Removal.** All physical improvement, material, and equipment related to the C-WECS Turbines and blades, shall be removed in their entirety unless the property owner consents in writing to a different removal depth. The soil grade will also be restored following disturbance caused in the removal vocal process. Perimeter fencing will be removed and recycled or reused. Where the current or future landowner prefers to retain the fencing, these portions of fence shall be left in place.
8. **Infrastructure Removal.** All access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material

would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by that landowner. Access roads will be removed within areas that were previously used for agricultural purposes and top soil will be redistributed to provide substantial similar growing medial as was present within the areas prior to site disturbance.

9. **Partial Decommissioning.** If decommissioning is triggered for a portion, but not the entire C-WECS, then the Applicant, Owner or its successor will commence and complete the decommissioning, in accordance with the Decommissioning Plan for the applicable portion of the C-WECS; the remaining portion of the C-WECS would continue to be subject to the Decommissioning Plan. Any reference to Decommissioning the Project shall include the obligation to decommission all or a portion of the Project whichever is applicable with respect to a particular situation.

____.07 ANCILLARY AGREEMENTS/PROCEDURES

Issuance of a C-WECS Special Use Permit is strictly conditioned on the applicant executing and adhering to the following:

1. **Roads.** Applicants shall adhere to the Mahaska County Road Use and Repair Agreement, and in doing so, shall identify all roads to be used for the purpose of transporting WECS, substation parts, concrete, and/or equipment for construction, operation, or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authorities prior to construction.
2. **Existing Road Conditions.** Applicants shall conduct a pre-construction survey, in coordination with the impacted local road authorities to determine existing conditions of roads identified pursuant to Section 7.1. The survey shall include photographs or video and written documentation of the condition of the identified road facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the County Engineer during all phases of construction.
3. **Post Completion Survey.** Applicants and the County Engineer will meet upon completion of the project and agree as to the necessary action needed to return roads to the existing road conditions as identified in Sections 7.1 and 7.2.
4. **Required Financial Security.** Applicants shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the identified roads, bridges, and associated infrastructure to pre-construction conditions. Financial security in a manner reviewed by the County Treasurer and the County Engineer, and approved by the Board of Supervisors, shall be submitted covering 130% of costs of all required improvements. This requirement may be waived or modified by the Board of Supervisors upon recommendation from the County Engineer.

5. **Safety.** All wiring between wind turbines and the C-WECS substations shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of the landowners for this line, such option may be approved by the Board of Supervisors. Wind turbines and meteorological towers shall not be climbable up to fifteen feet above ground level. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and C-WECS entrances. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation, and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
6. **Guyed Towers.** For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors, or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
7. **Emergency Response Plan.** An Emergency Response Plan (ER Plan) provided by the applicant shall be reviewed by the County Director of Emergency Management and the Director of Emergency Services, and shall be approved by the Board of Supervisors. Said ER Plan shall contain response procedures to be followed in the event of a fire, collapse, personal injury, or other emergency at a project. The ER Plan shall contain 24-hour contact information for the project.
8. **Electrical Codes and Standards.** All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
9. **Uniform Building Code.** All WECS shall comply with the State Building Code adopted by the State of Iowa.

.08 EFFECT AND TRANSFERRABILITY OF C-WECS SPECIAL USE PERMIT

1. No construction activities on a project may begin until a C-WECS Special Use Permit has been issued, except as permitted in Section 4.1.
2. Any material violation of any provision of this Ordinance that remains uncured after thirty (30) days' written notice from the County to the permit holder shall be grounds for revocation of the C-WECS Special Use Permit.
3. If construction on the project has not begun within twenty-four (24) months from the issuance date of the approved C-WECS Special Use Permit, the C-WECS Special Use Permit shall be automatically revoked without further action by the County. In such event, no work on the project may take place unless and until a

new C-WECS Special Use Permit is issued, and any portion of the project then completed shall be deemed a discontinued use.

4. Only the holder of the C-WECS Special Use Permit shall own the project, and such holder shall be the entity responsible for observing all requirements of this Ordinance. The permit holder shall be responsible to maintain all components of the C-WECS project in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in Section 7.
5. No C-WECS Special Use Permit shall be transferred or assigned, voluntarily or involuntarily, without the written approval of the Mahaska County Board of Supervisors, which consent may be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the permit holder under this Ordinance and the Ancillary Agreements listed in Section 7. Requests for approval of a C-WECS Special Use Permit transfer shall be directed to the EDD.

____.09 MISCELLANEOUS

1. **Condemnation Waiver.** Issuance of a C-WECS Special Use Permit shall be conditioned on the permit holder's enforceable promise, supported by the consideration of the issuance of the C-WECS Special Use Permit, that the permit holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project, except for transmission lines as regulated by Iowa Code 478.
2. In any action brought by the County against the permit holder of a C-WECS Special Use Permit to enforce the provisions of this Ordinance, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.

____.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 REPEALER

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

____.12 EFFECTIVE DATE

This Ordinance shall become effective upon passage and publication pursuant to Iowa Code Section 331.302(8).

PASSED AND APPROVED this 5th day of September, 2023.

CHAPTER 6 – ELECTIONS

MAHASKA COUNTY ORDINANCE 60

REPEALED

MAHASKA COUNTY ORDINANCE 61

REPEALED

MAHASKA COUNTY ORDINANCE 62

AN ORDINANCE ESTABLISHING THE VOTING PRECINCTS OF MAHASKA COUNTY, IOWA

____.01 Purpose
____.03 Repealer

____.02 Voting Precincts
____.04 Effective Date

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:

- A. Precinct One shall consist of Adams Township, that portion of Lincoln Township lying outside the corporate limits of the city of Oskaloosa except census blocks 1035, 1036, 1041, 1043, 1044, 1045, 1046, 2025, and 3028, Monroe Township, and that portion of Spring Creek Township lying outside the corporate limits of the city of Oskaloosa except that part of census block 2029 within the corporate limits of the city of Oskaloosa shall be included in Precinct One. Precinct One shall include the city of Keomah Village and the city of University Park.
- B. Precinct Two shall consist of Black Oak Township, Richland Township, and Scott Township. Precinct Two shall include the city of Leighton and that portion of the city of Pella lying within Mahaska County.
- C. Precinct Three shall consist of Cedar Township, Harrison Township, and White Oak Township. Precinct Three shall include that portion of the city of Eddyville lying within Mahaska County, the city of Fremont, and the city of Rose Hill.
- D. Precinct Four shall consist of East Des Moines Township, that portion of Garfield Township lying outside the corporate limits of the city of Oskaloosa, Jefferson Township, and West Des Moines Township. Precinct Four shall include the city of Beacon. Precinct Four shall include those portions of Lincoln Township in Census Block 1043, 1044, 1045, 1046, 2025, and 3028.
- E. Precinct Five shall consist of Madison Township, Pleasant Grove Township, Prairie Township, and Union Township. Precinct Five shall include that portion of the city of Barnes City lying within Mahaska County and the city of New Sharon.
- F. Precinct Six shall consist of the city of Oskaloosa Ward 1.
- G. Precinct Seven shall consist of the city of Oskaloosa Ward 2 and census blocks 1035, 1036, and 1041 in Lincoln Township.

H. Precinct Eight shall consist of the city of Oskaloosa Ward 3.

I. Precinct Nine shall consist of the city of Oskaloosa Ward 4.

____.03: REPEALER.

Ordinance 61 is hereby repealed.

____.04: EFFECTIVE DATE.

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

CHAPTER 7 – MISCELLANEOUS

MAHASKA COUNTY ORDINANCE 70

2014 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.

MAHASKA COUNTY ORDINANCE 71

2020 ORDINANCE READOPTING THE CODE OF ORDINANCES OF MAHASKA
COUNTY, IOWA

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

____.01 Purpose
____.02 Adoption Of Mahaska County Code of 2020
____.03 Code of Ordinances

____.04 Repealer
____.05 Effective Date

___01. Purpose. Iowa Code Section 331.302(10)(a) requires that every five years a County shall compile its Code of Ordinances.

____02. Adoption of Mahaska County Code of 2020. 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, as amended, 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 14: an Ordinance establishing the Northwest Urban Renewal Area.

Ordinance 15: an Ordinance establishing a local option sales tax for certain incorporated cities.

Ordinance 16: an Ordinance establishing the division of taxes for the Prairie Wind Urban Renewal Area.

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 24: an Ordinance restricting speed of motor vehicles on certain county roads.

Ordinance 25: an Ordinance establishing a policy for the county secondary road system.

Ordinance 26: REPEALED

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 53: an Ordinance regulating the use of ATV and Off-Road vehicles on secondary roads.

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. Repealer. Iowa Code Section 331.302(4) requires that any amendment to an ordinance or to a code of ordinances shall specifically repeal the ordinance or code, or the section, subsection, paragraph, or subpart to be amended, and shall set forth the ordinance, code, section, subsection, paragraph, or subpart as amended. Therefore,

Mahaska County Code of 2014 and Ordinance 24, 26, and 53 are herein repealed and replaced as set out in the Mahaska County Code of 2020.

___05. Effective Date. This Ordinance shall be effective after its final passage, approval, and publication as provided by law.

SUMMARY OF SUBSTANTIVE CHANGES FROM PRIOR CODE OF ORDINANCES:

Ordinance 24: Incorporate all roadways previously included in Ordinance 26

Ordinance 26: REPEALED

Ordinance 31: Modify fee scheduled listed in Section 1.5; modify contractor license period in Section 1.6(2); typographical corrections

Ordinance 32: Expand ordinance to include both residential and non-residential buildings; changes to building requirements in Section .07; modify fee scheduled listed in Section .09; modify fine amount listed in Section .10; remove the County Auditor from the approval process

Ordinance 53: Amend Section .04(16) striking the term “with” and replace with “without”

NEW ORDINANCES:

Ordinance 71: Ordinance adopting Code of Ordinances, 2020.

2026 ORDINANCE READOPTING THE CODE OF ORDINANCES OF MAHASKA
COUNTY, IOWA

____.01 Purpose
____.02 Adoption Of Mahaska County Code of 2026
____.03 Code of Ordinances
____.04 Repealer
____.05 Effective Date

02. Adoption of Mahaska County Code of 2026. 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, as amended, the Mahaska County Code of Ordinances:

Ordinance 13: Assessment Of Wind Energy Conversion Property

Ordinance 15: 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

Ordinance 16: An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Prairie Wind Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

Ordinance 20: An Ordinance Establishing The Area Service System B Road Classification In Mahaska County, Iowa

Ordinance 21: Area Service "C" Road Classification

Ordinance 22: 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

Ordinance 23: An Ordinance Providing For The Coordination Of Utility Line Installation, The Issuance Of Utility Permits, The Collection Of Inspection Fees, And Penalties For Violations

Ordinance 24: An Ordinance Restricting The Speed Of Motor Vehicles On Designated Roads In Mahaska County, Iowa

Ordinance 25: An Ordinance To Establish A Policy For The Construction And Reconstruction Of Roadways And Bridges On The Mahaska County Secondary Road System

Ordinance 26: REPEALED

Ordinance 27: An Ordinance Designating Particular Highways As One-Way In Mahaska County, Iowa

Ordinance 30: Ordinance On Groundwater Protection And Solid Waste Disposal Facilities/Permits

Ordinance 31: On-Site Wastewater Treatment and Disposal

Ordinance 32: Providing Rules And Regulations For The Approval Of 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

Ordinance 33: Mahaska County Flood Plain Management Ordinance

Ordinance 34: Hazardous Substances

Ordinance 35: REPEALED

Ordinance 36: Regulation Of Private Water Wells

Ordinance 37: An Ordinance for Rural Building Permits

Ordinance 40: An Ordinance Establishing A Cemetery Commission

Ordinance 41: Mahaska County General Assistance Ordinance

Ordinance 50: An Ordinance Prohibiting The Use, Possession With Intent To Use, Manufacture, And Delivery Of Drug Paraphernalia

Ordinance 51: Regulating Parking Of Vehicles On County Roads

Ordinance 52: Regulating Smoking On The Premises Of The Mahaska County Courthouse

Ordinance 53: An Ordinance Regulating The Operation Of All-Terrain Vehicles And Off-Road Vehicles In Mahaska County, Iowa

Ordinance 54: Establishing The Regulation of Commercial Wind Energy Conversion Systems In Unincorporated Mahaska County, Iowa

Ordinance 55: An Ordinance Establishing The Regulation Of Dangerous Dogs Within Mahaska County, Iowa

Ordinance 56: An Ordinance Establishing The Regulation Of Dangerous Animals Within Mahaska County, Iowa

Ordinance 60: REPEALED

Ordinance 61: REPEALED

Ordinance 62: An Ordinance Establishing The Voting Precincts Of Mahaska County, Iowa

Ordinance: 2014 Ordinance Readopting The Code Of Ordinances Of Mahaska County, Iowa

Ordinance 71: 2020 Ordinance Readopting The Code Of Ordinances Of Mahaska County, Iowa

Ordinance 72: 2026 Ordinance Readopting The Code Of Ordinances Of Mahaska County, Iowa

___ 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. Repealer. Iowa Code Section 331.302(4) requires that any amendment to an ordinance or to a code of ordinances shall specifically repeal the ordinance or code, or

the section, subsection, paragraph, or subpart to be amended, and shall set forth the ordinance, code, section, subsection, paragraph, or subpart as amended. Therefore, Mahaska County Code of 2014 and Ordinance 24, 26, and 53 are herein repealed and replaced as set out in the Mahaska County Code of 2020.

____05. Effective Date. This Ordinance shall be effective after its final passage, approval, and publication as provided by law.