TITLE 1: INTRODUCTION

Chapter 1: Adoption of Lee County Code of Ordinances

1-1-1 Purpose
1-1-2 Repeal
1-1-3 Disclaimer
1-1-4 Certification
1-1-5 Effective

1-1-1 PURPOSE. All of the provisions of the "CODE OF ORDINANCES OF LEE COUNTY, IOWA, 2006," shall be in force and in effect on and after the effective date of this ordinance.

1-1-2 REPEAL. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

1-1-3 DISCLAIMER. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the county or authorizing the issuance of any bonds of said county or any evidence of said county's indebtedness or any contract or obligation assumed by said county; nor shall said repeal affect the administrative ordinances or resolutions of the Board of Supervisors not in conflict or inconsistent with the provisions of the "CODE OF ORDINANCES OF LEE COUNTY, IOWA, 2006; nor shall it affect any other right or franchise conferred by any ordinance or resolutions of the Board of Supervisors or any other person or corporation; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered on or prior to the effective date of the ordinance.

1-1-4 CERTIFICATION. An official copy of the "CODE OF ORDINANCES OF LEE COUNTY, IOWA, 2006" adopted by this ordinance, including a certificate of the County Auditor as to its adoption and the effective date, is on file in the office of the County Auditor, and shall be kept available for public inspection.

1-1-5 EFFECTIVE. This ordinance shall be in full force and in effect from and after the publication of this ordinance, as required by law.

TITLE 1: INTRODUCTION

Chapter 2 General Provisions

1-2-1 Definitions
1-2-2 Extension of Authority
1-2-3 Grammatical Interpretation
1-2-4 Prohibited Acts Include Causing, Permitting
1-2-5 Construction
1-2-6 Amendment
1-2-7 Severability
1-2-8 Right of Entry
1-2-9 Standard Penalty
1-2-10 County Infractions

1-2-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the County, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless a different meaning is specially defined and more particularly directed to the use of such words or phrases:

1. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;

2. "County" means Lee County, Iowa;

3. "Fiscal Year" means July 1 to June 30;

4. "Law" denotes applicable federal law, the Constitution and statues of the State of Iowa, the Ordinances of the County; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

5. "May" confers a power;

6. "Month" means a calendar month;

7. "Must" states a requirement;

8. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm' and "affirmed" shall be equivalent to the words "swear" and "sworn";

9. "Ordinance" means a law of the County; however, an administrative action, order or directive, may be in the form of a resolution;

10. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

11. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

12. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

13. "Preceding" and "following" mean next before and next after, respectively;

14. "Property" includes real and personal property;

15. "Real property" includes lands, tenements and hereditaments;

16. "Shall" imposes a duty;

17. "State" means the State of Iowa;

18. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this County which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

19. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

20. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the County;

21. "Written" includes printed, typewritten, mimeographed or multigraphed;

22. "Year" means a calendar year;

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning

1-2-2 EXTENSION OF AUTHORITY. When an act is required by an Ordinance the same being such that it may be done as well be an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-2-3 GRAMMATICAL INTERPRETATION. The following frammatical rules shall apply in the Ordinances of the County:

1. Gender. Any gender includes the other gender;

2. Singular and Plural. This singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses an vose versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-2-4 PROHIBITIED ACTS INCLUDE CAUSING, PERMITTING. Whenever in the Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal

1-2-5 CONSTRUCTION. The provisions of the Code and all proceeds under it are to be contstrued with a view to affect its objects and to promote justice

1-2-6 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the County. (Section 331.302 Code of Iowa)

1-2-7 SEVERABILITY. If any section, provision or part of the County Code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the County Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-2-8 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the County, any authorized official of the County may, upon presentation of proper credentials, enter such building or premises at reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court or competent jurisdiction in obtaining such entry.

1-2-9 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days (Section 331.302 §2 of the Code of Iowa).

1-2-10 COUNTY INFRACTIONS. A violation of this Code of Ordinances or any ordinance or code therein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a county infraction punishable by civil penalty as provided herein (Section 331.302.307 of the Code of Iowa)

1. Penalties. A county infraction is punishable by the following civil penalties:

A. First Offense – Not to exceed $750.00

B. Each Repeat Offense – Not to exceed $1,000.00

C. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Civil Citations. Any officer authorized by the County to enforce this Code of Ordinance may issue a civil citation to a person who commits a municipal infraction. Such civil citation may be issued and served in accordance with Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed.

3.Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude the County from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injective relief.

4.Criminal Penalties. This section does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinance or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the County to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

TITLE II: PUBLIC SERVICES

CHAPTER 1 GENERAL ASSISTANCE

2-1-1 Purpose
2-1-2 Categories of Eligibility
2-1-3 Definitions
2-1-4 General Eligibility
2-1-5 Forms of Assistance

2-1-6 Claims, Reviews and Appeals
2-1-7 Severability Clause
2-1-8 Repeal of Previous Ordinance

2-1-1 PURPOSE. It is the purpose of the Lee County Board of Supervisors to provide General Assistance to those persons who are legal residents of Lee County in accordance with Chapter 252, Code of Iowa, in an orderly manner without regard to race, religion, gender, disability or political affiliation. All individuals are given the right to apply for benefits and are entitled to be treated with

dignity and respect. Lee County General Assistance benefits are intended to fill short-term needs and are considered to be "last resort" funding for very low-income persons unable to access state and federal assistance programs. All applicants will first be placed on a waiting list until information contained in their application can be verified and eligibility for the specific type of assistance requested. The Board of Supervisors hereby delegates authority to a General Assistance Director appointed by the Board who may in turn employ persons to operate this program following this ordinance. The general assistance director shall use all due diligence in the attempt to verify all information in the application and make an initial determination as to eligibility within 30 days of application. If the director is unable to do so within the time permitted, the director, upon written notice to the applicant may take not more than an additional thirty (30) days to verify necessary information.

2-1-2 CATEGORIES OF ELIGIBILITY. There are three general categories of eligibility for General Assistance in Lee County:

A. Assistance for poor persons

B. Short term assistance for needy persons;

C. Interim assistance for poor and needy persons who are in immediate need and are awaiting approval and receipt of assistance under state or federal programs.

Assistance for persons qualified for services under the Lee County Mental Health Services Management Plan will be governed by the provisions of that plan.

2-1-3 DEFINITIONS:

1. "Board" refers to the Board of Supervisors of Lee County

2 "Community Health Center" refers to a federally designated and supported health center as defined by the federal Public Health Service Act.

3 "Days" as referenced in the Claims, Reviews and Appeals section refers to calendar days.

4 "Director" refers to the General Assistance Director appointed by the Board of Supervisors pursuant to Ch. 252.26 of the Code of Iowa, or an individual supervised by the Director.
5 "General Assistance" is a payment or payments made on behalf of an eligible person or household for rent, utilities, medical services, transportation or funeral services.
6 "Income" refers to gross income received from wages, social security, public assistance, unemployment compensation or any other source. Food stamps, utility and housing assistance vouchers, or food from charitable organizations are exempt, as well as income earned by children under age 18 who attend school. Income received by other adult persons in the dwelling unit may be used in the determination of benefits.
7 "Household" is the adult applicant applying for general assistance, that person's spouse, children under 18 years, and children over age 18 who are incapacitated and dependent upon the applicant for support. Other persons living in the same dwelling unit may be considered "household members" only if they are related by blood or marriage to individuals who are "household members.
8 "Needy Person" is defined as an individual without income or resources to provide the necessities of life and those persons legally dependent on them.
9 "Poor Person" is defined as an individual without income or resources to provide the necessities of life. Such disability should be verifiable by a recognized medical or mental health professional.
10 "Resources" includes all liquid assets including cash on hand; checking, savings, and share draft accounts; stocks, bonds and other similar instruments; boats, campers, motor vehicles, real estate and household items with individual retail value in excess of $500.00 or total items with $2,000.00 combined value. Exempt from resource limitations are one licensed motor vehicle with a value under $2000, the homestead being occupied by the applicant, a burial plot and household furnishings to the extent exempt from civil execution.
11 "Utilities" includes electricity, water, natural gas, fuel oil, propane, and other heating fuels approved by local codes for space heating or cooking. It specifically does not include telephone, internet access, satellite or cable television.
12 "Vendor Payment" is a county auditor's warrant to a supplier of goods or services.

2-1-4 GENERAL ELIGIBILITY Persons wishing to apply for Lee County General Assistance will be required to complete and sign an application form approved by the Board, and to provide requested verification of information relevant to the determination of eligibility. Applicants may also be required to sign releases of information to permit the general assistance worker to obtain and/or verify information relevant to program eligibility. Since the General Assistance program is a "last resort" funding for very low-income persons, it is expected to exhaust and accept assistance from all other federal, state and charitable resources prior to receiving county assistance. Examples of this include, but are not limited to, assistance available from unemployment insurance, worker's compensation, Social Security, prescription drug manufacturer indigent assistance, low rent housing, Medicare, Medicaid, and the Family Investment Program. Applicants will also be required to sign necessary documents for the Social Security interim assistance program and be willing to repay the county for expenses incurred on their behalf when retroactive approval for a state or federal program results in a lump sum

payment. Similar repayment will be required if lump sum payment is received from a court or insurance settlement. Persons under age 18 are not eligible for assistance unless living in an eligible household with their parent(s) or legal guardian. Payment will only be made for expenses incurred during approved periods of eligibility and not for unpaid charges of any sort incurred prior to month of application. General Assistance will not pay for rent or utility deposits.

Specific Eligibility Factors - Poor Persons:

INCOME: Income must be below the current payment standard for the Family Investment Program, based on household size. When there is household income below the F.I.P. standard, then that income, plus allowable rent and utility payments, shall not exceed the F.I.P. standard. Income is counted for the calendar month prior to application.

RESOURCES: Household Resources may not exceed $500.

DISABILITY: Applicants must meet the definition of a "poor person" as found in Chapter 252 of the Code of Iowa. Applicants are required to apply for disability benefits from the Social Security Administration (and/or Veterans Administration if applicable) and must cooperate with the disability determination process of these agencies. If a person is deemed not disabled by these organizations, or does not cooperate with their disability determination process, and said determination is not actively under appeal, that person will not be considered a "poor person" for the purposes of this ordinance. If a person's inability to work is related to an employment related injury, they are expected to file a request for compensation with that employer's worker's compensation carrier. Lee County reserves the right to require a physical or mental examination at the county's expense to evaluate an applicant's ability to work.

EMPLOYMENT: Specific programs may exist to allow persons with a disability to work. A "poor person" is expected to participate in one of these programs if available and appropriate for that individual's condition. The "suitable employment" requirements of unemployment compensation are not applicable to the General Assistance program.

FULL TIME STUDENTS: Full time students are not eligible for General Assistance benefits unless they are under age 19 and in a program leading to a high school diploma. Exception may be made for persons engaged in unpaid vocational training provided through the Division of Vocational Rehabilitation Services.

APPLICATION: Application shall be made in person, and shall be reviewed in person every 61 days or less. Responsibility of scheduling appointments on a timely basis rests with the applicant.

SANCTIONS: Persons who would otherwise be eligible for state or federal public assistance programs but who have been sanctioned for any reason are not eligible to receive Lee County General Assistance during the time that the sanctions are in force. Any person who is found to have provided false information to Lee County General Assistance in order to receive benefits will have their benefits immediately cancelled, will be ineligible to receive further benefits and may be referred to the Lee County Attorney for possible criminal prosecution.

Specific Eligibility Factors - Needy Persons:

INCOME: Income must be below the current payment standard for the Family Investment Program, based on household size. When there is household income below the F.I.P. standard, then that income, plus rent and utility payments, shall not exceed the F.I.P. standard. Income is counted for the calendar month prior to application.

RESOURCES: Household resources may not exceed $500.

EMPLOYMENT: All applicants and adult members of the household are expected to have active employment applications on file at Iowa Workforce Development and other private employment services where an application fee is not charged. Applicants must accept employment if offered, regardless of whether it is deemed "suitable employment" by Iowa Workforce Development standards, and shall be found ineligible if they voluntarily left employment immediately prior to application.

FULL TIME STUDENTS: Full time students are not eligible for General Assistance benefits unless they are under age 19 and in a program leading to a high school diploma.

APPLICATION: Application shall be made in person, and shall be reviewed in person every sixty-one (61) days or less. Responsibility of scheduling appointments on a timely basis rests with the applicant.

SANCTIONS: Persons who would otherwise be eligible for a state or federal public assistance program but who have been sanctioned for any reason are not eligible to receive Lee County General Assistance during the time these sanctions are in force. Any person who is found to have provided false information to Lee County General Assistance in order to receive benefits will have their benefits immediately cancelled, will be ineligible to receive further benefits and may be referred to the Lee County Attorney for criminal prosecution.

TIME LIMITS: Since Lee County General Assistance is a short-term emergency assistance program, needy persons may only receive General Assistance benefits for a total of 12 months during their lifetime. Each approved application shall entitle the applicant to up to six months benefits. After a six-month waiting period the applicant may re-apply for additional benefits up to six additional months. Individuals receiving general assistance at the time of the adoption of this ordinance shall become ineligible under the time limits of this ordinance or following 24 months of eligibility during their lifetime, whichever comes first. The lifetime limitation will also apply to the time benefits that were received while classified as a "poor person".

2-1-5 FORMS OF ASSISTANCE.

Medical, and Prescription:

Lee County General Assistance is considered the funding source of last resort for meeting medical needs. Providers of medical service with offices inside Lee County shall be used unless the initial attending physician refers to a specialist located outside of Lee County. This local provider restriction does not apply to the University of Iowa Hospitals, or to referrals to Community Health Centers. Lee County will not provide medical assistance for persons who are disqualified for any Medicaid coverage due to their failure to pay premiums, co-payments or spend-downs.

PHYSICIAN: A maximum of one local physician's office visits per month will be approved. In addition, up to $500 of in-hospital physician services will be approved. The maximum payment for a physicians office visit shall be $45. Lee County residents living in a community where a Community Health Center is located are to use the services of that center.

PRESCRIPTION DRUGS: Maximum prescription payments shall be $500 per six-month eligibility period. Prescriptions written are to be filled by taking advantage of the drug manufacturers assistance programs or, if not available, generic forms of medication if available. Lee County general assistance will not pay for any medications whose purpose is to enhance sexual functioning or treat infertility.

HOSPITAL: Local hospital stays are limited to emergency situations, with maximum payment per admission not to exceed $500. It is the county's intent that the facilities of the University of Iowa be used whenever possible. Low income persons who are in need of medical care which can be provided at the University of Iowa Hospitals and clinics will be referred to the Department of Human Services for payment assistance through the Medicaid program. Applicants may be required to pay a premium for this coverage in accordance with state rules.

Rent: Maximum rent payments shall be $100 per month. If utilities are included in the rent then rent payments may be increased giving consideration to utilities allowance below. Lee County will not make rent payments to persons who are related to the applicant. Rent shall be paid only to the verified owner of the property or their designee.

Utilities: May 1 through September 30th the maximum monthly utility payment is $55. October 1 through April 30th the maximum monthly utility payment is $85.

Funerals: Lee County will pay for funeral expenses not to exceed $1,000 paid directly to the funeral home. This application may be made with the assistance of the involved funeral director. Any resources available to the estate, other than sentimental property with a nominal value, including but not limited to life insurance, bank accounts, cash on hand, real estate and veteran's benefits will be deducted from the amount paid by the county.

Transportation:

MEDICAL: Lee County will reimburse transportation provided to income eligible persons to receive medical care provided at University of Iowa Hospitals when hospital transportation is not available, eligible out of town medical providers, or Community Health Centers if no transportation is available from other sources without charge. This transportation reimbursement will be limited to payments to the RTA or 10-15 transit, or reimbursement of fuel expenses to private volunteer drivers..

TRANSIENTS: Lee County will reimburse the local bus company or railroad for the cost of a one way ticket not to exceed $150 per person to allow an otherwise eligible person or persons without a permanent residence in Lee County to leave our county. If these persons have a motor vehicle but are unable to travel further due to their resources being exhausted, Lee County will reimburse a local vendor the cost of one tank of gas and up to two quarts of motor oil if needed to allow them to continue their journey. Persons who are provided this aid are not eligible for additional assistance from Lee County for five years following the receipt of this aid.

2-1-6 CLAIMS, REVIEWS, AND APPEALS

Claims: All vendors must submit an IRS form W-9 as required to receive payment from Lee County. Claims must be submitted within 60 days of provision of goods or services, or within 60 days of claim rejection/partial payment by a third party payor. Exception is made for the University of Iowa Hospitals due to the nature of the State Papers program. Failure to submit bills within the time period allowed will require that the bill be submitted to the General Assistance Director for review. If the claim is not submitted within 60 days the Board will be (a) whether, in fact, the claim is due and owing; (b) whether the late submission is part of a pattern of practice of late submissions of claims; (c) and whether the late submission results in some undue hardship to Lee County. If any of those conditions are found by the Board to be true, upon hearing, the parties agree that the vendor waives his right to payment. Upon approval of the claim, payment shall be submitted to the vendor within thirty (30) days unless it is determined by the Board that the payment of the delinquent claim(s) shall result in fiscal hardship which could jeopardize services to existing recipients. In such a case, the claim would be paid the beginning of the following fiscal year.

Reviews: Any applicant or vendor who is denied benefits or payment from Lee County General Assistance may file a written request for a review of this denial with the General Assistance Director within 15 days of such denial. The General Assistance Director will schedule an interview within 15 days if requested and will render a decision within a week of said review. The General Assistance Director has the authority to review handling of the application to determine that the rules in this ordinance were applied correctly, but does not have the authority to make an exception to these rules.

Appeals: If an applicant or vendor does not agree with the decision of the General Assistance Director or wishes to request an exception to these rules they must make a written request for an appeal hearing to the Board within 45 days of the original denial of benefits or payment. This hearing will be held in accordance with Chapter 21 of the Code of Iowa (open meetings law) and is subject to being closed under the provisions of this chapter. The decision of the Board will be final.

2-1-7 REPEAL OF PREVIOUS ORDINANCE.

This ordinance replaces any previous General Assistance ordinances adopted by the Board of Supervisors on the effective date of this ordinance. The effective date of this ordinance is May 1, 2005.

TITLE IV: STREETS, ROADS, PUBLIC WAYS

CHAPTER 1 AREA SERVICE SYSTEM B ROADS

4-1-1 Purpose
4-1-2 Definitions
4-1-3 Powers of the Board
4-1-4 Authority to Establish
4-1-5 Notice of Hearing
4-1-6 Hearing Area Service System B Road Established by Resolution
4-1-7 Maintenance Policy
4-1-8 Exemption from Liability

4-1-1 Purpose. The purpose of this Ordinance is to classify certain roads on the area service system in Lee County to provide for a reduced level of maintenance.

4-1-2 Definitions. For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

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

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

b. "Area Service System B" roads shall not require standards of maintenance equal to 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 Lee County.

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

4-1-3 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 Lee County.

4-1-4 Authority to Establish. The Board of Supervisors of Lee County is empowered under authority of Chapter 309, 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 Lee County after consultation with the county engineer.

4-1-5 Notice of Hearing. The Board shall fix a time and place for a hearing and cause notice to be published as provided by law. The notice shall set forth the termini of the area service system B road as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

4-1-6 Hearing-Area Service System B Road Established by Resolution. On the day fixed for the hearing or, any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the Board shall consider any and all relevant evidence and if the Board finds that the proposed Area Service System B road is practicable, it may establish it by proper resolution.

4-1-7 Maintenance Policy. Only the minimum effort, expense, and attention will be provided to keep area service system B roads open to traffic. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. For the various maintenance activities, the minimum maintenance on Area Service 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.

4-1-8 Exemption from Liability. As provided in Section 309.57 §6, Code of Iowa, 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.

CHAPTER 2 SNOW AND ICE REMOVAL ON SECONDARY ROADS

4-2-1 Purpose
4-2-2 Level of Service
4-2-3 Sequence of Service
4-2-4 Limitation of Service
4-2-5 Emergency Conditions

4-2-1 Purpose. The purpose of this Chapter is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 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.

4-2-2 Level of Service. Clearance of snow or ice and maintenance of the

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

4-2-3 Sequence of Service. In the implementation of snow and ice removal and other maintenance of the county's Secondary Road System during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this Section of this Chapter, 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 shall prevail unless it is clearly erroneous.

1. Paved Routes

a. The initial effort will be to get all routes open to two- lane traffic as soon as possible. As roads are being plowed, intersections, hills and curves may have placed on them, salt, sand, and other abrasives.

b. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.

c. The truck mounted snow plows and spreaders will not normally be in operation between the hours of 5:00 p.m. and 5:00 a.m.. The trucks may be called off the road if snow and/or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the engineer or his delegated representative.

d. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of gravel roads may be delayed.

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

f. After roads have been plowed as provided in this section, the remaining portions may have placed on them, salt, sand or other abrasives. The intersections, hills and curves may be re-salted, re-sanded or have other abrasives replaced on them between snowstorms.

g. Salting, sanding or placing other abrasives upon roads due to freezing precipitation may occur during the hours of 5:00 a.m. to 5:00 p.m.

2. Unpaved Roads

a. The initial effort will be to get all routes opened to one- lane traffic as soon as possible after a storm has passed. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.

b. Motor graders and/or truck plows will not normally be in operation between the hours of 5:00 p.m. and 5:00 a.m. Gravel roads may not be plowed if the wind is causing continual drifting.

c. Snow may not be removed from roads designated at Level B.

d. The placing of salt, sand or other abrasives upon roads due to freezing precipitation will not normally be performed.

3. 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.

The County may replace or repair mailboxes destroyed or damaged during the snow or ice removal operations.

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.
4-2-4 Limitation of Service. The policy and level of service provided for in this Chapter shall not include the performance of the following services:

1. Sanding, salting, or placing of other abrasives upon the roadway that are slick, slippery, and dangerous due to the formation of frost.

2. 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.

4-2-5 Emergency Conditions

1.The sequence of service may be suspended during "Emergency" conditions. An "Emergency" condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through a physician's or sheriff's office. The County will respond to all "Emergency" conditions, either during or after a snowstorm.
2.The provisions of the Ordinance 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 Chairperson of the Board of Supervisors.
CHAPTER 3 CLASS "C" ROADS

4-3-1 Purpose
4-3-2 Definitions
4-3-3 How Established
4-3-4 Access
4-3-5 Signs
4-3-6 Trespass
4-3-7 Reclassification
4-3-8 Powers of the Board
4-3-9 Exemption from Liability

4-3-1 PURPOSE. The purpose of this Chapter 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 Section 309.57, Code of Iowa.

4-3-1 DEFINITIONS. For use in this ordinance, certain terms or words used herein shall be defined as follows:

1. Board: shall mean the Board of Supervisors of Lee County.
2. County: shall mean Lee County.
3. County Engineer: shall mean the County Engineer of Lee County.

4-3-3 HOW ESTABLISHED.

1. 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 person who will have access rights to the road. The resolution shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, to the agent or employee of any public utility, or to any peace officer, magistrate or public employee whose duty it is to supervise the use or perform maintenance of the road.

2. NOTICE OF ACTION: Before the Board may take action 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 Section 331.305, Code of Iowa.

3. BOARD ACTION: At the meeting, the Board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the Board, at that meeting or a date to which it is adjourned may take action on the petition after consultation with the County Engineer.

4-3-4 ACCESS. Access to any Area Service "C" road shall be restricted by means of a gate or other barrier, as determined by the County Engineer. The gate shall be purchased and installed by the County, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

4-3-5 SIGNS. Area Service "C" roads shall have signs conforming to the Iowa State Sign Manual installed and maintained by the County at all access points to Area Service "C" roads from other public roads, to warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads, and to warn the public that access is limited.

4-3-6 TRESPASS. Entering an Area Service "C" road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in Section 716.7, Code of Iowa.

4-3-7 RECLASSIFICATION. A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

4-3-8 POWERS OF THE BOARD. All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Section 309.67, Code of Iowa.

4-3-9 EXEMPTION FROM LIABILITY. As provided in Section 309.57, Code of Iowa, 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.

CHAPTER 4 E911 RURAL ADDRESSING

4-4-1 Purpose
4-4-2 Definitions
4-4-3 Base Maps
4-4-4 Address System
4-4-5 Implementation of System
4-4-6 Road Markers
4-4-7 House Numbers
4-4-8 Mobile Home Parks
4-4-9 Maintenance of the Uniform Rural Address System
4-4-10 New Structures
4-4-11 Penalty

4-4-1 Purpose. The purpose of this Ordinance is to establish the standards and guidelines for the County-wide signing and addressing system necessary for the successful implementation of the E-9-1-1 System, to promote the convenience, safety and general welfare of the residents of Lee County and provides for a penalty.

4-4-2 Definitions. For use in this Chapter, certain terms or words are hereby defined. Words used in the present tense shall include the future tense, the singular number shall include the plural and the plural includes the singular. The words "shall" and "will" are mandatory and the word "may" is permissive.

1. Base Map. The official map(s) used by the agency coordinating the uniform rural address system in Lee County which displays the official name for every rural roadway and the designated address for every business and residence.

2. Building. A roofed and/or walled structure built for permanent use.

3. County Engineer. The Lee County Engineer or designated representative.

4. Mobile Home Park. Any location where two or more mobile or modular homes are located.

5. Person. Any individual, firm, corporation, partnership, unincorporated association or other entity.

6. Private Road. A non-public roadway officially recognized by the Lee County Board of Supervisors as an access for vehicles from a public road to a private driveway leading to a building. These roads are not recognized as public roadways by the State of Iowa or Lee County and are, therefore, not maintained as such.

7. Public Road. All land between the right-of-way lines perpetually dedicated to the City, County, State or Federal government as an access for vehicles. The term does not include public easements on private property where the roadway has not been dedicated to a jurisdiction or the jurisdiction has not accepted ownership. These roads are recognized by the State of Iowa and Lee County as public roadways and maintained by the appropriate jurisdiction.

8. Resident. The landowner, tenant, or person in charge of a house or business fronting on public or private property.

9. Road Marker. The street name sign along with the required hardware and post.

10. Subdivision. The division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.

11. Unincorporated Area. All land located outside the city limits of municipalities which are incorporated with the State of Iowa. Such land is under the jurisdiction of the Lee County Board of Supervisors.

4-4-3 Base Map(s). The Lee County Board of Supervisors, by resolution, shall adopt the Base Map(s) as the official addressing maps and no other property numbers shall be used or displayed in the unincorporated area of Lee County. The Base Map(s) shall be kept on file with the Environmental Division of the Lee County Health Department in Fort Madison, Iowa.

4-4-4 Address System. The uniform rural address system shall extend over the entire unincorporated areas of Lee County. The reference point for the Base Map(s) is the Northwest Corner of Section 6, Township; 69 North, Range ? West of the 5th P.M., Lee County, Iowa. The north-south base line is the west line of Cedar, Harrison and Van Buren Townships. The east-west line is the north line of Cedar, Marion and Pleasant Ridge Townships.

All streets, roads, highways and other public thoroughfares running generally north and south shall be designated "Avenues." Numbering will begin with one hundred (100) on the western boundary of Lee County and increase consecutively ten (10) avenues per section to the far eastern edge of Lee County.

All streets, roads, highways and other public thoroughfares running generally east and west shall be designated as "Streets." Numbering will begin with one hundred (100) on the northern boundary of Lee County and increase consecutively ten (10) streets per section to the southern edge of Lee County.

All diagonal streets, roads, highways and other public thoroughfares will be assigned a common name and call "Road".

Whenever possible, one hundred (100) numbers shall be allowed for each mile section. For "Avenues" the east side will have even numbers and the west side will have odd numbers. For "Streets" the north side will have odd numbers and the south side will have even numbers.

The responsibility for naming all public and private "Avenues", Streets" and "Roads" for the Base Map(s) shall be with the Lee County Board of Supervisors.

4-4-5 Implementation of System. The E-9-1-1 Board shall:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to that map.
3. Assign addresses in accordance with the system selected by the Lee County Board of Supervisors.
4. Develop, print, and make available road signs in accordance with Department of Transportation specifications.
5. Develop, print, and make available rural reference maps.
6. Notify post offices, rural emergency providers, dispatchers, emergency vehicles and county offices, located in adjacent counties whereby such districts overlap into Lee County of the effective date of the system and the address assignments.
7. Notify all residents affected by this mandatory system, by publication and posting, of the following:

a. How to use the system.
b. That road markers have been placed.
c. That permanent address markers have been placed indicating the assigned house number.
d. That maintenance of the system is required and where replacement markers can be obtained and how to place them.
e. How to obtain address markers for new structures.
f. There is a penalty for refusing to use the system and for removing, damaging, defacing, altering or destroying the address marker.
8. Distribute the markers.

4-4-6 Road Markers. The County Engineer shall supervise the installation of road markers at each road intersection in Lee County whereby the provisions of this Ordinance apply. Such markers shall be in place on or before the date the system takes effect.

4-4-7 House Numbers. The E-911 Board shall provide for every person owning, controlling, occupying or using any house, store, storeroom or building situated on premises fronting any public or private roadway as provided in 4-4-4, a permanent marker on such premises indicating the assigned number.

The permanent marker with the house number affixed should be placed to the right of and within twenty (20) feet of the center of the driveway on the right of way line as one faces the property from the road. The Volunteer Fire Departments of Lee County will be responsible for the distribution and placement of house markers at all locations that have been given an address at the time this ordinance goes into effect.

The provisions of this ordinance shall not apply to accessory buildings but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor and approved by the E-911 Board.

Any house number existing at the time the provisions of this Chapter take effect and that is different than the newly assigned number shall be removed by the resident at the time the new number is installed.

4-4-8 Mobile Home Parks. All mobile home parks will have lot numbers posted in front of each developed mobile home lot. The cost of these signs for all existing mobile home parks will be paid for by the E-911 Board; however, future mobile home parks will have to buy these lot number signs from the E-911 Board. The mobile home park owner will be responsible for the maintenance of the lot number signs.

4-4-9 Maintenance of the Uniform Rural Address System. The E-911 board shall be responsible for the enforcement and maintenance of the uniform rural address system in Lee County. These duties shall include providing markers for new addresses (at a cost to the owner), providing replacement address markers (at no cost to the owner), replacing street markers as needed and in conjunction with the County Engineer, updating maps, making available new maps on a periodic basis, making periodic checks of the rural areas of Lee County to insure that the provisions of this Ordinance are being complied with any other duties necessary to insure the continued maintenance of the uniform rural address system of Lee County. All replacement house markers must be distributed from the E-911 Board.

4-4-10 New Structures. Every person erecting a building as set forth under the provisions of Section 7 of this ordinance but after the date the uniform rural address system becomes effective shall, within seven (7) days of commencement of construction, notify the Environmental Division of the Lee County Health Department in Fort Madison, Iowa, who shall within fourteen (14) days assign a number to such structure. The owner shall purchase an address marker from the E-911 Board and install said marker in compliance with this Ordinance.

4-4-11 Penalty. Refusal to use the Uniform Rural Address System, or the removal, damaging, defacing, alteration, or destruction of the Uniform Rural Address Marker which indicates a premises assigned number or the removal, damaging, alteration or destruction of a rural address system marker or road marker intentionally by one who has no right to so act may be punished by fine of not more than two hundred dollars ($200.00) or by imprisonment of not more than thirty (30) days. In addition, any violator of this section shall be a county civil offender which violation will result in a civil penalty not exceeding five hundred dollars ($500) for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding seven hundred fifty dollars ($750) for second offense, not more than one thousand dollars ($1000) each repeat offense. Failure to resolve the infraction after ten (10) days from receipt of certified letter will result in fines.

CHAPTER 1 WELLS

5-1-1 Purpose

5-1-2 Definitions
5-1-3 Applicability
5-1-4 General
5-1-5 Inspection
5-1-6 Variances
5-1-7.1 Abandoned Wells
5-1-7.3 Monitoring Wells

5-1-1 PURPOSE. An Chapter setting forth the requirements for construction, repair or rehabilitation for non-public water well; providing for a permit and setting a fee for that permit; providing for variances; providing for the plugging of abandoned wells, setting forth the procedures in accordance with the Iowa Administrative Code, 567-39 and providing for penalties for violation.

5-1-2 Definitions. All terms used herein are defined in Chapter 49 and Chapter 38 of the Iowa Administrative Code, Iowa Department of Natural Resources, and shall have the same definition and meaning as given therein, except as follows:

1. "Administrative Authority." The Administrative Authority is the Lee County Board of Health, and shall include its agents and employees.

2. "Abandoned Well." A well whose use has been permanently discontinued. A well shall be considered abandoned when its condition is such that its continued use is impractical or no longer desired. Additionally, a water well which is in a state of disrepair such that its continued existence for use constitutes an actual or potential hazard to the ground water source is an "abandoned well".

3. "Department." Department means the Lee County Health Department.

4. "Person." A person is any individual, firm, association, or corporation recognized as a legal entity and capable of suing or being sued in its own names.

5. "Water Well." An excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. Water well does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

5-1-3 Applicability.

1. This act shall apply to all non-public water wells, including those constructed after the effective date of these rules and include existing wells undergoing major rehabilitation or reconstruction within Lee County, Iowa.

2. This resolution shall have general application within Lee County, Iowa except as follows:

a. This resolution shall not apply to any structure where county regulation would be void or prohibited by law.

5-1-4 General.

1. Except as provided in sub-paragraph B, no person, specifically including landowner or contractor, shall begin any new construction, major rehabilitation or reconstruction of any non-public water well within the scope of this Ordinance unless all of the following conditions are met. Nothing in these rules shall be construed as exempting public water supply wells from construction permits and water withdrawal permits as required by the Department of Natural Resources.

a. A permit must be obtained from the department. A permit will remain valid for a period of six (6) months from the date of issuance.
b. Application forms for permits shall be provided by the department. The application form must be completed before a permit may be issued. The application may request any information as may be necessary or helpful in record keeping and in determining compliance with this Ordinance and Chapter 38.4 of the Iowa Administrative Code.

2. The application for permit must be signed by the landowners and/or persons in possession of the land and shall contain the following: "The undersigned applicant hereby grants permission to the Lee County Health Department to enter upon the property of the proposed well site to conduct necessary inspection and testing."

b. Requirements of Chapter 49 must be met as published in the Iowa Administrative Code.
c. The fee for the issuance of the permit shall be established by resolution of the Lee County Board of Health. The fee should cover the cost of the necessary inspection, processing and administration. The Board of Health may, from time to time, change the amount of the fee, by resolution. The fee must be paid prior to the issuance of the construction and/or provisional permit. The fee is non-refundable and the provisional permit is non-transferable.
d. Each permit shall include notification that a private well construction permit is not a water withdrawal permit and does not eliminate the necessity of obtaining any water withdrawal permits required in Chapters 5l and 52 of the Iowa Administrative Code from the Department of Natural Resources.

2. The following types of excavations or drillings are exempt from the requirements of this section: soil boring, percolation test holes, and sand and gravel and limestone exploration holes, excavations for storing and extracting natural gas and other products, gravel pits, quarries and temporary de-watering well. Test holes used to determine the availability, quality or depth of groundwater are also exempt provided that all the following conditions are met:

a. The use of the test hole is limited to the conduct of the test only.
b. The duration of the test is not more than seven consecutive days.
c. The test hole is properly closed immediately after the test is completed in accordance with Chapter 39 "Requirements for Properly Plugging Abandoned Wells."

3. A private water well must be constructed by a well driller registered with the Department of Natural Resources.

4. Denial of a permit. The Department may deny a private well construction permit if granting the permit would lead to the violation of state law, would result in groundwater contamination, would lead to withdrawal from a protected source; or the Administrative Authority determines that the well would threaten public health or the environment. Any applicant aggrieved by a decision issued under the provisions of this resolution may file a notice of appeals with the Lee County Board of Health. The notice of appeal must be filed within thirty (30) days of the date of the permit decision.

5-1-5 Inspection.

1. The Department shall have the duty to conduct on-site inspections with each well subject to the permit requirements of Section 3.
2. If the Department has reason to believe that a violation of this ordinance exists, the Department shall investigate and may apply for an Administrative Search Warrant, should permission to inspect the premises be denied.

5-1-6 Variances.

1.Where specific design requirements are not met for non-public water wells as set forth in the Iowa Administrative Code, the Department may:
2.
a. Issue a permit provided there is substantial compliance with the applicable rules as contained in the Iowa Administrative Code and as contained herein; and the water obtained from the well is not polluted or contaminated as defined in the Iowa Administrative Code definitions.
b. If the requirements of Subsection 1 herein are not met, the Department may, issue a provisional permit, which will grant a variance from the requirements for a period of one year. That permit may be renewed. The permit shall require semiannual testing of the water from the well for bacterial and/or nitrate levels. One of the semiannual samples required will be conducted under the direct supervision of the Department. The analysis shall be conducted by an approved laboratory, and shall be at the homeowners' expense. The Department shall be provided a copy of the results of each test.
c. If the results from the semiannual testing required by the issuance of the provisional permit are unacceptable relative to drinking water quality as determined by the approved laboratory, an appeal for a variance may be made to the Administrative Authority provided the well owner establishes:

1. That continued use of the well water will not be a health hazard to the occupants, and
2. That a notice shall be posted directly above every faucet in the residence stating in effect "NOTICE: This water does not meet the standards for drinking water quality as specified in the Safe Drinking Water Act." Approved placards must be obtained from the Department.

d. Should a variance be denied or not renewed, the Department shall issue notification that the use of the well must cease within 90 days. Failure to comply shall constitute a violation of this Chapter.

5-1-7 Abandoned Wells.

1. The owner whose land upon which an abandoned well is located must rehabilitate or reconstruct the well to meet the requirements of this Chapter or plug the well.
2.Any person, landowner, or contractor who plugs an abandoned well within the scope of this resolution shall do so in accordance with the standards set forth by Chapter 39 of the IAC "Requirements for Properly Plugging Abandoned Wells."

5-1-7.1 Monitoring Wells. Any person, landowner or contractor who installs a monitoring well shall do so in accordance with the standards set forth in Chapter 110 of the Iowa Administrative Code "Hydrogeologic Investigation and Monitoring Requirements". The Department shall be notified upon abandonment of a permitted monitoring well.

CHAPTER 2 SEWAGE TREATMENT SYSTEMS

5-2-1 Purpose
5-2-2 Definitions
5-2-3 Scope
5-2-4 Construction, Use and Operation of On-Site Sewage Treatment Systems
5-2-5 Variances
5-2-6 Inspections
5-2-7 Connection to an Available Sanitary Sewer
5-2-8 Fine Water for Non-Residential Structures
5-2-9 Sand Filters
5-2-10 Maintenance

5-2-1 Purpose. A Chapter establishing rules and regulations governing the construction, use and operation of on-site sewage treatment systems; providing for variances; establishing permits for construction and repair; providing a fee for permits and establishing penalties for violation.

5-2-2 Definitions.

1. All terms used herein which are defined in Iowa Administrative Code 567, Chapter 69 for the Department of Natural Resources shall have the same definition and meaning as given therein, except as follows:

a. Administrative Authority. The Administrative authority is the Lee County Board of Health, and shall include its agents and employees.
b. Person. A person is any individual, firm, association or corporation recognized as a legal entity and capable of suing or being sued in its own name.

5-2-3 Scope.

1. This act shall apply to all dwellings or other facilities, buildings or structures meeting one of the following criteria.

Any dwelling, facility building or structure that is:

a. Designed to serve fifteen or less people or the equivalent of fifteen (15) or less people;
b. Producing fifteen hundred (1,500) gallons or less of sewage per day;
c. Within the Department of Natural Resources regulations under Iowa Adminstrative Code 567, Chapter 69.

2. This Ordinance shall have general application within Lee County, Iowa except as follows:

a. This Ordinance shall not apply to any cities of over 25,000 population as determined by the latest federal census.
b. This Ordinance shall not apply to any structure where county regulations would be void or prohibited by law.

5-2-4 Construction, use and operation of on-site sewage treatment systems.

1. Every dwelling shall have either an on-site sewage disposal system or be connected to a public sewage disposal system. Every office building, tavern, restaurant, service station and structures wherein a person or persons work must have either an on-site sewage treatment system or be connected to a public sewage disposal system.

2. No person shall begin any new construction, reconstruction or alteration of any on-site sewage treatment system within the scope of this Ordinance unless all of the following requirements are complied with:

a. The construction, reconstruction or alteration meets the requirements of the Department of Natural Resources as published in the Iowa Administrative Code in the matter of construction, materials, the design of the system and the system's location relative to other fixtures, installations and property boundaries.

1. The following additional specifications relating to subsurface absorption system installations shall be adhered to:

a. All lateral absorption lines shall be placed on a minimum of 7 1/2 foot centers, to maintain adequate separation.
b. No single lateral line shall exceed one hundred (100) feet in length.

2. The following specifications relating to sand filter installations shall be adhered to:
When a single cell sand filter system is installed, a minimum of thirty (30) inches of sand shall be used as a filter media. Drainage fabric may be substituted for three inches of pea gravel, or as per local availability.
b. The appropriate construction and/or provisional permit or permits must be obtained from the Administrative Authority.

1. Application forms for permits shall be provided by the Administrative Authority. The application form must be completed before a permit may be issued. The application may request the following:

a. A site evaluation.
b. Percolation test.
c. A written authorization signed by the owner of the property, or person in possession of the property, granting permission to representatives of the Administrative Authority to enter upon the property during the construction of the on-site sewage systems at such times as is necessary to inspect the system and insure compliance with this Ordinance.
d. Such other and further information as may be necessary or helpful for record keeping and determining compliance with the Ordinance.

2. The fee for the issuance of the permit shall be established by resolution of the Lee County Board of Health. The fee should cover the cost of the necessary inspection, processing, and administration. The Board of Health may, from time to time, change the amount of the fee, by resolution. The fee must be paid prior to the issuance of the construction and/or provisional permit. The fee is non-refundable and the provisional permit is non-transferable.

c. The permit shall be valid for six (6) months from the date of issuance. Construction must be completed during this period or a new permit must be obtained.

3. No person shall construct, cause to be constructed, or operate after construction a new sewage disposal system not meeting the Department of Natural Resources' requirements and the requirements of this Ordinance. When a new residence is connected to an existing sewage system, all requirements of this Ordinance and of Iowa Administrative Code, Department of Natural Resources, Chapter 69, relating to on-site sewage treatment, shall be met.

4. No person shall discharge, empty or cause to be discharged or emptied any sewage into open ditch, on or along the public right of way, or into any stream, pond, lake, natural or artificial water way, county drainage tile, land drainage tile, subsurface water drainage tile, abandoned well, sink hole or any surface ground. With the approval of the Administrative Authority, after secondary treatment of the sewage by a method approved by the Department of Natural Resources, sewage may be drained into all of the above named, with the exception of abandoned wells and sink holes.
5. No person shall cause treated or untreated sewage to be discharged onto the property of another, unless a valid and enforceable easement has been filed with the County Recorder.

6. No permit may be issued for construction or major alteration of an on-site sewage disposal system for which a waiver under Section 6(b)(2) has been applied for and received.

7. Each individual dwelling or structure must have either its own connection to a public sewage disposal system or its own individual on-site sewage treatment system.

8. The Administrative Authority shall have the power to issue permits for temporary variances from this subsection. Said variances may be allowed, if and only if, two dwellings on the same tract of land are occupied by individuals related within the second degree of consanguinity and the existing on-site disposal system can adequately handle the additional sewage load.

9. Every retail dealer or distributor of septic tank systems or their component parts shall notify the Lee County Health Department within two (2) business days of the sale of any septic tank or septic tank system intended for installation within the geographic boundaries of Lee County, Iowa. The dealer or distributor shall inform the Lee County Health Department of the following:

a. The name and address of the buyer.
b. The address and location of the site of intended installation.
c. Date of sale.

The notice may be either oral or written. This provision shall be enforceable only against dealers or distributors who are served with a notice of this provision. The Administrative Authority shall make every effort to serve all area dealers or distributors.

5-2-5 Variances.

1. One or more of the requirements of the Department of Natural Resources regarding design, construction and materials used in construction of an on-site sewage disposal system may be waived for good cause shown.
a. Where specific design requirements of the Department of Natural Resources are waived, the effluent produced by the on-site sewage disposal system must, after being fully treated by the system, meet and continue to meet, throughout the period of the use of the system, the Department of Natural Resources' standards for safe discharge.
b. Installation and operation shall conform to the manufacturer's installation, and the department shall be provided with a copy of the manufacturer's installation instructions. All mechanical aerobic units shall meet prescribed Class I standards of the National Sanitation Foundation.
c. Maintenance shall be provided under a maintenance contract, and the department shall be provided with a copy of the maintenance contract conforming to the manufacturer's instructions. A copy of annual laboratory results of effluent sampling. The annual effluent sample shall be conducted under the direct supervision of the Department during the early spring of each year. The analysis shall be conducted by an approved laboratory, and shall be at the homeowner's expense.
d. Continuation of the use and operation of the unit, for which a variance is granted, as originally installed, is subject to the issuance of an annual provisional permit. Issuance of the annual provisional permit is based on the discharge criteria established and considered acceptable for surface discharge as stated in the Iowa Administrative Code 567-69.9 (1)C, and compliance with manufacturer's specifications for system operation.
e. If no maintenance contract is in effect, or if results of the annual effluent sample are unacceptable, the homeowner may be required to provide laboratory copies of effluent samples conducted midsummer and early fall, at the homeowner's expense. The issuance of the provisional permit by the Administrative Authority does not relieve the homeowner of the responsibility for complying with other local and state requirements applicable.

f. If at any given time, two consecutive samples exceed maximum discharge criteria, an additional sample shall be taken within thirty (30) days. Unacceptable results from the additional sample shall result in the addition of secondary treatment of the same magnitude as prescribed in the Iowa Administrative Code 567, Chapter 69 (or some other approved means such as continuous chlorination), to be initiated within one year of notification.
g. Disinfection is required of the effluent discharging to a stream utilized for whole body contact.

2. The requirements of the Department of Natural Resources may be waived only a site by site basis. No blanket waivers are available.

3. Applications for variances must be in writing and contain sufficient information to substantiate the need and the propriety of the variance.

4. Where variances are granted, the issuance of the variance shall appear on the permit, along with the reasons for the issuance of the variance.

5. The Administrative Authority shall maintain a record of all permits and variances issued.

5-2-6 Inspections.

1. No on-site sewage disposal system shall be constructed in such a fashion as to deny final inspection or sampling procedures by the Administrative Authority. Upon passage of final inspection the permit issued shall be endorsed as meeting requirements of this Ordinance.

2. Whenever the Administrative Authority has reason to believe that a violation of this ordinance exists, agents or employees of the Administrative Authority may inspect such premises with the permission of the owners, or occupiers. If permission is not given, an Administrative Search Warrant may be obtained. If approved by the issuing Magistrate, samples may be taken for the purposes of analysis.

5-2-7 Connection to an available sanitary sewer.

1. Any occupied structure or dwelling situated within two hundred fifty (250) feet of a public sanitary sewer shall be connected to the public sanitary sewer. If the structure or dwelling is under construction, the connection shall be made prior to occupancy. If the structure is an existing structure or dwelling, the connection shall be made within one (1) year of the service of notice from the Administrative Authority upon the owners or occupiers of the premises.

2. This requirement may, in the discretion of the Administrative Authority, be waived or modified if, and only if, one (1) or more of the following criteria are met:

a. No easements for the connection of a sewage line may be obtained.
b. The existing or on-site structure dwelling has an on-site sewage treatment system that meets or exceeds the requirements of this Ordinance.
c. The cost that the owners of the structure or dwelling must pay to make the connection, including the cost of obtaining the necessary easements, exceed by a factor of two (2) or more, the cost of constructing an on-site sewage treatment system.
d. There exists a natural or man-made obstruction between dwellings within two hundred fifty (250) feet which makes it impossible and inadvisable to connect the sanitary sewer system. When the connection to the sanitary sewer cannot be made by gravity flow line, it shall be deemed inadvisable to make the connection to the public sanitary sewer system.
e. The municipality or other agency operating the sanitary sewer system refuses to allow the connection.

3. Any waiver issued hereunder is subject to periodic review and may be revoked if the criteria for the issuance of the waiver is no longer met. If the waiver is to be revoked, notice shall be given to the owner and occupants of the dwelling or structure and a connection shall be made within one year of the receipt of the notice.

5-2-8 Flow rates for non-residential structures. Flow rates for non-residential structures shall meet the standards set in the U.S. Public Health Service Manual of Septic Tank Practices or be approved by the Department of Natural Resources.

5-2-9 Sand Filters.

1. Use. Sand filters shall be used when a percolation rate in excess of one (1) inch per sixty (60) minutes is established by a percolation test. Sand filters may also be used when an absorption system cannot be economically placed on the development site or in the existing lot.

5-2-10 Maintenance. It shall be the responsibility of the owner of the dwelling on which any on-site sewage treatment system is placed, to provide for the maintenance of the system and periodic pumping of the septic tank as required, to maintain effluent standards. Failure to properly maintain an on-site sewage treatment system shall be punishable as provided herein.

CHAPTER 3 LEAD ORDINANCE

5-3-1 Purpose
5-3-2 Definition
5-3-3 Intent and Applicability
5-3-4 Under Sale of Lead-Based Paint
5-3-5 Disposal of Lead-Based Paint
5-3-6 EBL Inspections
5-3-7 Refusal of Admittance
5-3-8 Hazard Reduction
5-3-9 Retaliatory Actions
5-3-10 Hearings
5-3-11 Jurisdiction
5-3-12 Enforcement
5-3-13 Exemption
5-3-14 Penalty
5-3-15 Separability of Provisions
5-3-16 Variances

5-3-1 Purpose. The purpose of this chapter is to control lead hazards in residential dwellings and child-occupied facilities, including establishing standards for inspections and providing penalties for violation of the provisions hereof.

5-3-2 DefinitionS. The following words shall have the following meaning for the purpose of this regulation:

1. Certified elevated blood lead (EBL) inspector/risk assessor – means a person who has met the requirements of the Iowa Administrative Code 641-70.5(135) for certification or interim certification and who has been certified by the Iowa Department of Public Health.

2. Chewable Surface – means an interior or exterior surface (such as a windowsill) painted with lead-based paint that a young child can mouth or chew.

3. Child-occupied facility – means a building, or portion of a building, constructed prior to 1978, visited by the same child under the age of six years on at least two different days within any week (Sunday through Saturday period, provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours). Child occupied facilities may include, but are not limited to, day-care centers, pre-schools, and kindergarten classrooms.

4. Clearances Testing – means an activity conducted following interim controls, lead abatement, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation to determine that the hazard reduction activities are complete. Clearance testing includes a visual assessment, the collection and analysis of environmental samples, the interpretation of sampling results, and the preparation of a report.

5. Deteriorated paint – means any interior or exterior paint or other coating that is cracking, flaking, chipping, peeling, or chalking, or any paint or coating located on an interior or exterior surface that is otherwise damaged or separated from the substrate of a building component..

6. Dripline – means the area within three feet surrounding the perimeter of a building.

7. Dust-lead hazard – means surface dust in residential dwellings or child-occupied facilities that contains a mass-per-area concentration of lead greater than or equal to 40 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present in a residential dwelling or child-occupied facility when the weighted arithmetic mean lead loading for all single-surface or composite samples of floors and interior windowsills is greater than or equal to 40 micrograms per square foot on floors, interior windowsills, or common foot on interior windowsills and 400 micrograms per square foot on window troughs based on wipe samples. A dust-lead hazard is present on floors, interior windowsills, or window troughs in an unsampled common area in a multi-family dwelling if a dust-lead hazard is present on floors, interior windowsills, or common area group on the property. If dust samples are not taken, it may be assumed that surfaces in rooms with hazardous lead-based paint or where renovation, remodeling, or repainting has occurred recently are dust-lead hazards.

8. Elevated blood lead (EBL) child – means any child who has had one various blood lead level greater than or equal to 20 micrograms per deciliter or at least two venous blood lead levels of 15 to 19 micrograms per deciliter.

9. Elevated blood lead (EBL) inspection – means an inspection to determine the sources of lead exposure for an elevated blood lead (EBL) child and the provisions within ten working days of a written report explaining the results of the investigation to the property owner and occupant of the residential dwelling or child-occupied facility being inspected and to the parents of the elevated blood lead (EBL) child. A certified elevated blood lead (EBL) inspector/risk assessor shall not determine that a residential dwelling is free of lead-based paint as a result of an elevated blood lead (EBL) inspection.

10. Friction surface – means an interior or exterior surface that is subject to abrasion or friction including, but not limited to, certain window, floor, and stair surfaces..

11. Hazardous lead-based paint – means lead-based paint that is present on a friction surface where there is evidence of abrasion or where the dust-lead level on the nearest horizontal surface underneath the friction surface (e.g., the windowsill or floor) is equal to or greater than the dust-lead hazard level, lead-based paint that is present on a chewable surface, or any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of a residential building or child-occupied facility.

12. Impact surface – means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of doorframes.

13. Lead-based paint – means any paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram of lead per square centimeter or more than 0.5 percent by weight. Lead-based paint is present on any surface that is tested and found to contain lead equal to or in excess of 1.0 milligram per square centimeter or more than 0.5 percent by weight and on any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

14. Lead-based paint hazard – means hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard.

15. Local board – means the local Board of Health as authorized by Iowa Code, Chapter 137.

16. Mid-yard – means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

17. Occupant – means any person living, sleeping, cooking or eating in, or having any actual possession of, a dwelling or dwelling unit.

18. Owner - means any person who, alone or jointly with others: (1) has legal title to any dwelling, with or without accompanying actual possession thereof, or (2) has charge, care or control of any dwelling by acting as the agent of the owner or as the executor, administrator, trustee, or guardian of the estate of the owner.

19. Paint-lead hazard – means the presence of hazardous lead-based paint in a residential dwelling or a child-occupied facility.

20. Play area – means an area of frequent soil contact by children of less than six years of age as indicated by, but not limited to, factors including the following; the presence of play equipment (sandboxes, swing sets, and sliding boards), toys, or other children's possessions; observations of play patterns; or information provided by parents, resident, caregivers, or property owners.

21. Residential building – means a building containing one or more residential dwellings.

22. Residential dwelling – means (1) a detached single-family dwelling unit, including the surrounding yard, attached structures such as porches and stoops, and detached building and structures including, but not limited to, garages, farm buildings, and fences; or (2) a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or part, as the home or residence of one or more persons.

23. Retaliation – means harassment, termination of the tenancy, discontinuation of utilities or other services, and any other action taken against the lessee.

24. Soil-lead hazard – means bare soil on residential real property or on the property of a child-occupied facility that contains total lead greater than or equal to 400 parts per million for the drip-line, mid-yard, and play areas. A soil-lead hazard is present in a dripline, midyard, or play area when the soil-lead concentration from a composite sample of bare soil is greater than or equal to 400 parts per million. If soil samples are not taken, it may be assumed that bare soil within three feet of the foundation of a garage or other structure built prior to 1978 is a soil-lead hazard.

5-3-3 SCOPE AND APPLICABILITY. This chapter shall affect only those dwellings or dwelling units or child-occupied facilities in which an EBL child lives, visits, or has recently lived. All owners shall comply with the provisions of this Chapter and of the rules, resolutions, and order adopted pursuant to this Chapter.

5-3-4 USE OR SALE OF LEAD BASED PAINT. No person shall possess, sell, expose for sale, deliver, or give away any lead-based paint intended for painting or covering any surface on the interior or exterior of a residential dwelling

5-3-5 DISPOSAL OF LEAD-BASED PAINT.

A. Lead-based paint shall be disposed of in accordance with local, state, and federal regulations for disposing of hazardous waste.

B. All repair, renovation, or remodeling waste which contains lead-based paint shall be disposed of according to local waste disposal regulations. No person shall re-use or recycle such waste for residential purposes.

5-3-6 EBL INSPECTIONS.

A. The Lee County Board of Health or Health officer shall appoint a certified elevated blood lead (EBL) inspector/risk assessor to conduct EBL inspections in residential dwellings and child-occupied facilities where an EBL child lives, visits, or has recently lived. All owners and occupants shall allow access to the residential dwellings and child-occupied facilities that the EBL inspector/risk assessor desires to inspect.

B. When a lead hazard is found in a dwelling or dwelling unit inspected pursuant to this section or otherwise, the Health Officer shall recommend to have examined all children under six (6) years of age, such other children he/she may find advisable to examine, or other persons, residing or who have recently resided, or frequently visit in said dwelling or dwelling unit, for undue lead exposure. The results of such examination shall be reported to the Health Officer shall inform such other persons or agencies as he/she deems advisable.

5-3-7 REFUSAL OF ADMITTANCE. If the certified EBL inspector/risk assessor appointed by the local Board of Health Officer is refused entry to a property, then the certified EBL inspector/risk assessor may make a complaint under oath to any magistrate of the county. The magistrate may issue a warrant directing the owner or occupant to allow the certified EBL inspector/risk assessor to conduct an EBL inspection and directing a peace officer to accompany the certified EBL inspector/risk assessor during the EBL inspection/risk assessment.

5-3-8 HAZARD REDUCTION

A. When the certified EBL inspector/risk assessor appointed by the local board or Health Officer determines that a hazardous lead-based paint, a dust-lead hazard, or a soil-lead hazard is present in a residential dwelling unit or child-occupied facility where an EBL inspector/risk assessor shall issue a written notice to the owner within two (2) weeks of the inspection and receipt of any laboratory results. The written notice shall require the owner to complete lead hazard reduction in a time period determined by the certified EBL inspector/risk assessor. If the occupant who occupies the residential dwelling at the time that this written notice is issued vacates the residential dwelling, the residential dwelling shall not be leased or occupied by any other person until the certified EBL inspector/risk assessor issues a written notice that the lead hazard reduction has been completed. However, at the discretion of the Health Officer, additional time may be granted to eliminate said hazard.

B. The owner of any residential dwelling or child-occupied facility which has been determined to contain hazardous lead-based paint, a soil-lead hazard, or a dust-lead hazard shall correct these lead hazards within the time period allowed by the certified EBL inspector/risk assessor in the written notice. Failure to correct the lead hazard(s) within the allotted time period shall result in the Health Officer taking action as provided in subsection 15 of this Section 15. The following methods shall be used for lead hazard reduction. These methods shall not require the services of a lead abatement contractor certified in accordance with Iowa Administrative Code 641-70.5(135). However, other local, state, or federal regulations may require the use of a contractor who has completed an eight- hour lead-safe work practices course or a lead abatement contractor or lead abatement worker certified in accordance with Iowa Administrative Code 61-70.5(135).

1. On a surface that contains hazardous lead-based paint, but is not chewable and does not have evidence of impact or friction, the lead-based paint hazard shall be reduced by removing all loose and deteriorated paint from the surface, preparing the surface for repainting, and repainting the surface with a lead-free coating.
2. On a surface that contains hazardous lead-based paint and is chewable or has evident of impact or friction, the lead-based paint hazard shall be reduced by treating the surface one inch back from the edge or corner through one of the following methods:

   i. All lead-based paint on the treatment area shall be removed to the bare substrate. The surface shall be prepared for repainting and repainted with a lead-free coating.
   ii. The treatment area shall be covered with a permanently affixed lead-free material such as plastic, wood, or vinyl. Carpet may be used on floors and stair treads.

3. Dust-lead hazards shall be reduced by thoroughly cleaning the affected surface.

4. Soil-lead hazards shall be reduced by planting grass or groundcover, applying sod, or covering the affected area with six inches of bark, gravel, or other material.

5. Lead hazard reduction shall be conducted using lead-safe work practices to protect the safety of the occupants and workers. Occupants shall not enter the work area while work is underway. The following are prohibited methods of lead hazard reduction:

   i. Open-flame burning or torching of lead-based paint.
   ii. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with high-efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97% or greater efficiency.
   iii. Uncontained water blasting of lead-based paint.
   iv. Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.
   v. Operating a heat gun at a temperature above 1100 degrees Fahrenheit.

C. The certified EBL inspector/risk assessor shall inspect all areas identified as hazards after lead hazard reduction is complete. The certified EBL inspector/risk assessor may conduct clearance testing pursuant to Iowa Administrative Code 641-Chapter 70 to ensure that no dust-lead hazards exist after the work is complete. Within two weeks of verifying that all lead hazard

reduction has been completed as required, the certified EBL inspector/risk assessor shall issue a written notice to the owner and occupant stating that the lead hazard reduction has been completed and that the lead hazard reduction has been completed and that the required surfaces must be maintained in good condition.

5-3-9 Retaliatory Actions.

A. The lessor of a dwelling, the employees of the lessor, and agents or persons acting on behalf of the lessor shall not retaliate against lessees of residential dwellings and child-occupied facilities whose occupants or visitors have been tested for lead poisoning and shall not discourage the occupants or visitors from being tested for lead poisoning.

B. An action taken against the lessee shall not be considered retaliation if:

1. It is supported by reasonable cause unrelated to the testing of an occupant for lead poisoning, or
2. If it is shown to have occurred as a result of an accident or mistake and not to be the intentional act of the lessor of a dwelling, the employees of the lessor, or agents or persons acting on behalf of the lessor.

5-3-10 Hearings. In the event any person is aggrieved by any order of the certified EBL Inspector/risk assessor, the person may appeal to the local board in writing within ten (10) days of the date of such order. The appeal shall state the reasons for requesting such order to be rescinded or modified. The local board shall review the action of the certified EBL inspector/risk assessor. The local board shall order compliance with said order or may, with cause, modify or withdraw said order. Any order of the local board may be appealed within ten days to the District Court for the county in which the local board is located.

5-3-11 Jurisdiction. The provisions of this Ordinance shall apply throughout Lee County, Iowa including cities and towns therein, unless the cities and towns have adopted an equivalent lead ordinance.

5-3-12 Enforcement. The Certified EBL inspector/risk assessor appointed by the local board or Health Officer shall have the duty and responsibility of enforcing this Chapter.

5-3-13 Injunction. Nothing in this Chapter shall be construed to prohibit the Lee County Health Department from pursuing injunctive relief or other relief as allowed by law.

5-3-14 Penalty.

1. Violation of this Chapter shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of thee Chapter may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day the violation continues or permitted to exise by the responden/defendant constitutes a separate offense.

2. Upon failure of any person to correct a lead hazard identified through this Chapter in the time specified by the certified EBL inspector/risk assessor appointed by the local Board or Health Officer, the local Board may direct or cause the correction of said hazards. All expenses incurred thereby may be recovered by suit in the name of the County Board of Health or the County Board of Health may certify the amount of said expenses, together with a description of the property, to the County Treasurer, who shall enter the same upon the tax books as costs for removing a lead hazard of said amounts shall be collected as other taxes.

5-3-15 SEPARABILITY OF PROVISIONS. If any section, paragraph, clause, or provision of the Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provisions shall not effect any of the remaining provisions of this Ordinance.

5-3-16 VARIANCES. The certified EBL inspector/risk assessor may determine that a chewable surface that would otherwise be identified as a hazard by the Chapter is not causing or does not have reasonable potential to cause lead exposure and is not required to be corrected through lead hazard reduction. The elevated blood lead (EBL) inspector/risk assessor shall document the reason for this

determination is the inspection report. However, the elevated blood lead (EBL) inspector/risk assessor shall not, under any circumstances, determine that any other surface meeting the definition of hazardous lead-based paint does not need to be corrected through lead hazard reduction

CHAPTER 4 SMOKING IN COUNTY OWNED OR LEASED BUILDING AND VEHICLES

5-4-1 Definitions
5-4-2 Smoking Prohibition
5-4-3 Signing
5-4-4 Exceptions
5-4-5 Penalty
5-4-6 Effective Date

5-4-1 Definitions.

1. "Smoking" means the carrying of or control over a lighted cigar, cigarette, pipe or other lighted smoking equipment.

2. "County owned or leased building or vehicle" means any and all structures, buildings owned, used or occupied by Lee County, Iowa, any of its agencies, offices and any vehicle owned or leased by Lee County, Iowa, and any of its agencies or offices. This definition does not include those areas where Lee County would be prohibited by state or federal law from imposing smoking restrictions.

5-4-2 Smoking Prohibition. No person shall smoke in any County owned or leased building or vehicle at any time.

5-4-3 Signing. All County owned or leased buildings and vehicles shall be signed to advise employees and members of the general public that the area is one in which smoking is prohibited.
5-4-4 Exceptions. An exemption is made for individuals who reside on County owned or leased property. The agency, authority or person in charge of this property may designate an area or areas approved for smoking. This exception applies only to residence and not to the facility staff or county employees. Additionally, this exemption does not apply to prisoners at the Lee County Correctional Center.

5-4-5 Penalty. Pursuant to Sections 331.307, 142B.6, and 805.8(3), Code of Iowa, a person who smokes in an area prohibited by this Chapter shall pay a civil fine in the amount of $25 for the first offense, $50 for the second offense, and $100 for the third or subsequent offenses thereafter. The civil penalty paid pursuant to this Chapter, shall be deposited in the County General Fund.

5-4-6 Effective Date. This Ordinance shall become effective upon passage at two (2) meetings (unless waived) and publication in accordance with the requirements of Section 331.302, Code of Iowa.

CHAPTER 5 LITTER AND YARD WASTE

5-5-1 Definitions
5-5-2 Littering Prohibited
5-5-3 Separation of Yard Waste
5-5-4 Violations
5-5-5 Enforcement

5-5-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Refuse" shall mean any solid waster matter consisting of, but not limited to, garbage, junk vehicles (or part thereof), machinery (or parts thereof), household trash, yard trash, commercial trash, building materials, trees, rocks, etc.

2. "Hazardous and Industrial Waste" means chemicals such as poison, acids and caustics, infected materials, explosives, sewage sludge, and sludge and liquids created by factories, processing plants, or other manufacturing enterprises.

3. "Litter" means any refuse improperly discarded upon any public place within Lee County.

4. "Commercial Collector of Refuse" means a person or firm who hauls refuse for compensation.

5. The "Board" shall mean the Lee County Board of Supervisors.

6. "Yard Waste" shall mean debris such as grass clippings, leaves, garden waste, brush and trees.

7. "Public Place" shall mean any and all streets, sidewalks, alleys or other public ways and any and all public spaces, grounds or buildings.

5-5-2 LITTERING PROHIBITED.

1. It shall be unlawful for any person to scatter, place, or burn any refuse, or hazardous and/or industrial wastes upon or along any public right-of-ways, stream, body of water, or upon any other public place within Lee County unless permitted by law.
2. No person or firm shall haul, transport, or otherwise convey any refuse or hazardous or industrial waste within Lee County unless the same is contained in covered receptacles or is otherwise secured either to or within the vehicle so that the said waste matter does not fall or blow off or out of the vehicle hauling the same, with the following exceptions:

a. Construction debris, sand, gravel or dirt may be hauled in a vehicle with an open, metal, leak-proof box, provided that the box is designed to prevent spillage.

b. Tree limbs, brush, leaves and lawn and garden trimmings may be hauled in a vehicle with an open box, secured to prevent spillage.

5-5-3 SEPARATION OF YARD WASTES.

1. All yard waste shall be separated by the owner or occupant from all other refuse accumulated on the premises and shall be composted or disposed of by other methods as approved by law and the Department of Natural Resources administrative rules. If yard waste is to be set out for collection by commercial collectors, it shall be placed in separate bags, as regulated by County Ordinance, for separate collection from other refuse.

2. Yard waste may be composted or otherwise disposed of on the property of the owner or operator originating it. Land application of yard waste must meet the requirements of Section 567, Chapter 121 of the Iowa Administrative Code and subject to State regulations.

Composting or direct land application of yard waste shall not create a nuisance unless otherwise deemed a nuisance under the Code of Iowa, Section 657.2, Code of Iowa, or any other nuisance sections of the Code of Iowa.

5-5-4 VIOLATIONS. Anyone violating this Chapter shall be guilty of a county infraction. For each violation a civil penalty of not more than seven hundred fifty dollars ($750) for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding one thousand dollars ($1000) for second offense, not more than one thousand dollars ($1000) each repeat offense.

5-5-5 ENFORCEMENT. Enforcement of the Ordinance shall be by the Lee County Sheriff's Department, or any other peace officers.

CHAPTER 6: RABIES CONTROL

5-6-1 Purpose
5-6-2 Duty to Report
5-6-3 Confinement

5-6-1 PURPOSE. The purpose of this Chapter is to establish specific procedures and requirements to enable the Lee County Board of Health to effectively carry out functions relating to rabies control which are imposed upon it by Iowa Code Chapter 351, Code of Iowa. This Chapter is intended to be consistent with the purposes and procedures of Chapter 351, Code of Iowa.

5-6-2 DUTY TO REPORT. It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person, or any person having knowledge of such bite or attack, to report this act to the Health Department or a law enforcement official. Any law enforcement official receiving such information shall report it immediately to the Health Department. To the extent such matters are not privileged, it shall be the duty of physicians and veterinarians to report to the Lee County Health Department the existence of any animal known or suspected to be suffering from rabies.

5-6-3 CONFINEMENT.

1. When the Lee County Health Department receives information that a person has been bitten by an animal or that an animal is suspected of having rabies, it shall order the owner to confine the animal in the manner it directs for 10 days. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded. At the end of the observation period, if the owner pays the costs of impoundment, the Health Officer may return the animal to its owner. Otherwise, the animal shall be humanely destroyed.

2. If the animal involved is a dog or cat, with no apparent owner, the Health Officer shall have the animal confined for rabies observation.

3. When these standard procedures will threaten the health of a victim of animal attack, the Health officer may order destruction and laboratory examination of an owned animal. However, this can only be ordered on request of the victim's physician and advice of Iowa State Department of Health personnel, and then only if the victim or their parent or guardian requests such action and agrees to hold harmless and indemnify Lee County for any damage caused by said action.

4. The owner of any animal reasonably subjected to the foregoing procedures shall pay all costs resulting from apprehension, confinement, examination and/or destruction. Any person directed to pay under this paragraph shall, if demand is made in writing within thirty (30) days of written notification by the County of damage assessed, be entitled to a hearing to determine liability and damages under this Ordinance.

5. If at any time the Code of Iowa is amended to specify a shorter time period than 10 days for rabies observation, the provision of this ordinance shall automatically change to become consistent with that Code.

CHAPTER 7: RESTRICTING PARKING IN COUNTY OWNED PARKING LOTS

5-7-1 Parking Restrictions
5-7-2 Penalties for Violation
5-7-3 Definitions
5-7-4 Vehicle Responsibility
5-7-5 Effective Date

5-7-1. PARKING RESTRICTIONS. During all business hours of operation, county owned parking lots shall have parking restricted to the vehicles of county or state employees who are employed in or who work at the adjoining county building and the customers and patrons during the time reasonably or actually necessary to conduct business and while and during such time as attending to business at or in the adjoining county office building.

5-7-2. PENALTIES FOR VIOLATION. The owner or operator of any vehicle, which allows or permits the vehicle to be parked in the county parking lot in violation of this ordinance, shall be guilty of a civil infraction. The penalty for first offense shall be $30.00 plus all associated court costs. Second or subsequent offenses may be punishable by a fine not to exceed $200.00. Additionally, any vehicle parked in violation of this ordinance may be considered trespassing on county property and shall be subject to being towed at owner's expense.

5-7-3 DEFINITIONS.

a. Hours of Operation - The hours of operation of the county building shall be deemed to be 7:00 a.m. to 4:30 p.m. on Monday through Friday.
b. Operator – An operator is the person who had the actual physical control of a motor vehicle and caused the vehicle to be stopped or parked.

5-7-4. VEHICLE RESPONSIBILITY. If a vehicle is found stopped, standing or parked in violation of this Chapter, and the operator cannot otherwise be determined, the owner or person or corporation in whose name the vehicle is registered shall be held prima facie responsible for said violation.

5-7-5. EFFECTIVE DATE. This ordinance will become effective upon publication and upon the appropriate signing of all entrances or other appropriate signing to the parking areas advising of the restriction to parking. If the parking lot is not signed, this ordinance does not apply to that parking lot or parking area. It will be sufficient to comply with this ordinance if the sign advises of the private parking.

TITLE VI: PROPERTY AND LAND USE

CHAPTER 1 LEE COUNTY SUBDIVISION ORDINANCE

6-1-1 Purpose
6-1-2 General Provisions
6-1-3 Definitions
6-1-4 Procedure for Approval
6-1-5 Preliminary Plat Requirement
6-1-6 Street Right-of-Way
6-1-7 Street Grades and Elevations
6-1-8 Design Standards
6-1-9 Curves in Streets
6-1-10 Intersections
6-1-11 Alleys
6-1-12 Frontage or Marginal Access Streets
6-1-13 Dead End Streets (Cul-de-Sacs)
6-1-14 Street Names
6-1-15 Blocks
6-1-16 Lots
6-1-17 Building Line
6-1-18 Public Open Spaces
6-1-19 Improvements Required
6-1-20 Completion of Improvements
6-1-21 Minimum Number of Dwellings
6-1-22 Sanitary Disposal Requirements
6-1-23 Water Supply Requirements
6-1-24 Sewer Requirements
6-1-25 Storm Water Easement/Drainage Right-of-Way
6-1-26 Lee County Flood Management Ordinance
6-1-27 Storm Drainage
6-1-28 General Requirements for Installation of Utilities
6-1-29 Utility and Drainage Easements
6-1-30 Action of Preliminary Plat
6-1-31 Preliminary Plat Copies
6-1-32 Board Action
6-1-34 Board Action
6-1-35 Board Action
6-1-36 Board Action
6-1-36 Board Action
6-1-37 Filing with Recorder
6-1-38 Final Plat Requirements
6-1-39 Final Plat Approval
6-1-40 Variations and Exceptions
6-1-41 Enforcement and Penalties

6-1-1 Purpose. The purpose of this chapter is to establish minimum standards for the design, development, and improvement of all new subdivisions and re-subdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare of Lee County, Iowa, more specifically:

1. To provide for uniform and harmonious development of sub-divisions in Lee County.
2. To provide for coordination and continuity of streets within subdivision and with existing roads and streets.
3. Provide for adequate treatment and disposal of sanitary sewage.
4. To protect the health of all residents of a subdivision by requiring all water used for human consumption to meet certain minimum requirements.
5. To provide that the natural drainage not be changed and that drainage structures are of adequate size and shape to carry all surface water and provide a road over these structures.
6. To provide that all public utilities are located in a designated corridor other than within the road or street traveled way.
7. To provide for building set backs from lot lines.
8. To provide for minimum specifications for the roads and streets.

6-1-2 General Provisions.

1. Subdivision of land in unincorporated areas. All plats, replats, and subdivisions of any parcel of land of forty (40) acres or less or more than forty (40) acres if divided into parcels, any of which are less than forty (40) acres, and lying in the unincorporated area of Lee County, Iowa including the subdivision of land within two (2) miles of any city, shall be prepared, approved by the Lee County Board of Supervisors, and recorded as herein prescribed.

2. Subdivision of land within jurisdictional limits of cities. Any subdivision under the provisions of Chapter 409, Code of Iowa, and lying within two (2) miles of any incorporated city in Lee County, Iowa shall be prepared, and after review and recommendation by the Planning and Zoning Commission in cities where such commissions exists, approved by the city council, and recorded as herein prescribed.

3. General application of regulations. The provisions of these regulations shall apply to the division of any lot or parcel of land entered on record in the office of the County Recorder as a single lot or parcel on the effective date of these regulations into two or more lots or parcels of forty (40) acres or less for the purpose whether immediate or future, of transfer of ownership or building development. It is the intent of these regulations that any division of land which creates a lot or parcel of forty (40) acres or less shall be subject to the platting procedures and requirements prescribed herein.

4. Recording of plan. No final plat, replat, or subdivision within Lee County, Iowa, which is subject to the terms of this ordinance, shall be filed by the county auditor or recorded by the county recorder, and shall thereby be held invalid, until such final plat or subdivision has been reviewed and approved in accordance with these regulations. Further, that such final plat shall be held invalid unless the final plat is filed and recorded by the owner in the offices of the County Recorder, the County Auditor, and the County Assessor within one (1) year after the date of approval by the Board of Supervisors.

5. Public dedication. No road hereafter created in the unincorporated area of Lee County shall become a part of any road system as defined in Chapter 306, Code of Iowa; and no improvements shall be made by Lee County, nor shall Lee County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of these regulations unless such subdivision and road or other facility shall have been approved in accordance with the provisions of these regulations and accepted as a public road or improvement.

6-1-3 Definitions. For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. "Alley": shall mean a public right-of-way, other than a street affording secondary means of access of abutting property.
2. "Block": shall mean an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.

3. "Building Lines": synonymous with "setback lines", and shall mean a line on a plat between which line and public right-of- way no buildings or structures may be erected.
4. "Board": shall mean the Board of Supervisors of Lee County, Iowa.
5. "Cul-de-sac": shall mean a minor street having one end open to traffic and terminated by a vehicular turn-around.
6. "Easement": shall mean a grant of the right to use a strip of land for specific purposes by the general public, a corporation or certain persons, and within the limits of which the owner or person in possession shall not erect any permanent structures.
7. "Lot": shall mean a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, or transfer of ownership or for building development.
8. "Major Street": shall mean a street of considerable continuity connecting various sections of the county and its road system.
9. "Minor Street": shall mean a street which is used primarily for access to the abutting properties.
10. "Performance Bond": shall mean a surety bond or cash deposit made out to Lee County, Iowa, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the county, and said surety bond or cash bond being legally sufficient to secure the county that the said improvements will be constructed in accordance with this Ordinance.
11. "Plat": shall mean a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which he submits for approval and intends, in final form, to record.
12. "Subdivider": shall mean a person, firm, or corporation undertaking the subdivision or resubdivision of a tract or parcel of land.
13. "Subdivision": shall mean the division of land into three (3) or more lots or their division of land for the purpose, whether immediate or future, of transfer of ownership or building development.

6-1-4 Procedure for Approval. In obtaining final approval of a proposed subdivision by the Board, the subdivider shall submit a preliminary plat in accordance with the requirements hereafter set forth. The owner of the tract of land to be subdivided may request a meeting with the Lee County Board of Health, Lee County Board of Supervisors, Lee County Engineer, Lee County Auditor, and the Lee County Soil Conservation District for the purpose of discussing and coordinating the requirements of a subdivision.

6-1-5 Preliminary Plat Requirements. The preliminary plat shall show the following information and shall be drawn to scale of not less than one (1) inch to one hundred (100) feet and shall file with the Board six (6) copies of a preliminary plat conforming to the following requirements:

1. The title under which the proposed subdivision is to be recorded, with the name and address of owner and subdivider; also north point, scale, date, name and address of surveyor and engineer.
2. The complete legal description of the property to be platted.
3. Existing contour intervals of not more than ten (10) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat.
4. The location of property lines and all such surface features as buildings, railroads, utilities, water courses, and similar items affecting the development. Also the location and size of such subsurface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
5. A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and roads in the proposed subdivision will connect with existing and proposed streets and roads in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.
6. All existing adjacent subdivision, streets and tract lines or acreage parcels together with the names of record owners of un-subdivided parcels of land immediately adjoining the proposed sub- division and between it and the nearest existing streets or roads.
7. Proposed public improvements, highways or other major improvements, public or private use.
8. The fire district or districts in which the land to be subdivided is located.
9. The location and manner of providing water supply and sewage treatment facilities.
10. Streets on and adjacent to the tract and their names, widths, approximate grades and other dimensions as may be required.
11. Existing and proposed easements and their locations, widths, and distances.
12. Acreage of the land to be subdivided.
13. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
14. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of each.
15. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
16. Proposed location of sanitary sewer systems and readlets.
17. Soils classification information for the land to be sub- divided.

A. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

B. The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.

C. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares may, at the discretion of the Board of Supervisors, be made a requirement of the plat.

D. Where a subdivision abuts or contains an existing or proposed major arterial street, the Board may require a parallel access street, reverse frontage with screen planting contained in a non- access reservation along the rear property lines, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Streets with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

6-1-6 Street Right-of-Way. The dedication of right-of-way for streets measured from lot line to lot line shall meet the following Minimum Right-of-Way widths:

Arterial Streets	80 - 120 feet
Residential Streets	66 feet
Alleys	20 feet
Collector Streets	80 feet
Frontage Roads	66 feet

When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way, measured from the center line of the existing roadway shall be dedicated.

6-1-7 Street Grades and Elevations. Street grades shall be 5% for Arterial Streets and 7% for Collector and Residential Streets. All streets shall be designated so as to provide for the discharge of surface water from the pavement and from the right-of-way. For adequate drainage the minimum street grade shall not be less than one half (1/2) of one percent.

All streets must be located at elevations which will make them flood free in order that portions of the subdivision will not be isolated by floods. The Board of Supervisors may require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

6-1-8 Design Standards. The roadways with an open ditch shall have a minimum service width of twenty-two (22) feet, minimum foreslope of 2:1, and a minimum ditch depth of two and one half (2-1/2) feet. Roads with a closed ditch shall have a minimum width, back of curb to back of curb of thirty-two (32) feet with storm sewers of adequate size. For crushed stone services the minimum requirement shall be 1,800 ton per mile. Portland Cement and Asphaltic Concrete Pavement shall have a minimum of six (6) inch thickness.

6-1-9 Curves in Streets. Horizontal and Vertical

1. Horizontal Curves:
a. A tangent at least one hundred (100) feet long shall be introduced between reverse curbs on arterial and collector streets.
b. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

Street Type	Minimum Curve Radius
Arterial	300 feet
Collector	300 feet
Minor	100 feet

2. Vertical Curves:
a. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one half (4-1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades, drawn to an approved scale, shall be required by the County Board of Supervisors.

6-1-10 Intersections.
1. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.

2. Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Board of Supervisors may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.

3. No lot or other parcel of and which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

6-1-11 Alleys. Alleys of at least twenty (20) feet in width to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Board of Supervisors.

6-1-12 Frontage or Marginal Access Streets. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety consideration, the Board of Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

6-1-13 Dead-End Streets (Cul-de-Sacs). Minor terminal or dead- end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the outside of the right-of-way of at least sixty (60) feet.

6-1-14 Street Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.

6-1-15 Blocks. No block shall be longer than one thousand three hundred twenty (1,320) feet, or less than three hundred (300) feet except as the Board of Supervisors deems necessary to ensure efficient use of land or desired features of street layout.

6-1-16 Lots.

1. Relationship to streets. All lots shall front a public street road for a minimum distance of seventy-five (75) feet except that lots which front on the turnarounds of permanent dead-end streets shall front on such turnarounds for a minimum distance of twenty-five (25) feet. In addition all lots that use drainage fields for sewage disposal shall have sufficient usable treatment and disposal area.

2. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.

3. Size & Dimension. No lot shall be less than 50,000 square feet exclusive of easements of road right-of-way, no less than 100 feet deep.

4. Corner lots. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the ordinance, and minimum size required for adequate septic tank drainage in accordance with approved and published Health Standards.
5. Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided, except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning, and proper land use.

6. Lot Lines. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

6-1-17 Building Line. No building shall be built within fifty (50) feet of any public road right-of-way nor within ten (10) feet of any side or rear lot line.

6-1-18 Public Open Spaces. Where a school, neighborhood park, recreation area, or public access to water frontage which is shown on an official map or in a plan for future land use is located in whole or in part in the applicant's proposed subdivision the Board of Supervisors may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purposes.

6-1-19 Improvements Required. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specification and under the supervision of the Board and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Board after receiving the report of the County Engineer.

2. Roadways. All roadways shall be surfaced with Portland Cement concrete or with asphaltic concrete over a crushed stone base or gravel at the option of the developer and with the approval of the Board.

3. Curb and Gutter. Curb and gutter shall be required on all streets when required by the county road specifications. If curb and gutter is required under this section, road right-of-way for residential streets under Article VI, Section 2, may be reduced to fifty (50).

4. Sidewalks. Sidewalks may be required by the Board if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the county after receiving the report and recommendations of the County Engineer.

5. Utilities. The subdivider shall provide for each lot within the subdivision adequate electrical service, adequate water supply, sanitary sewer or private sewage system and disposal of storm water.

6-1-20 Completion of Improvements. Before the Board will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board. Before passage of said resolution of acceptance, the County Engineer and Health Department shall report that said improvements meet all specifications and ordinances or other requirements, and any agreements between subdivider and the county.

6-1-21 Minimum Number of Dwellings. A minimum of five (5) residences, substantially completed and ready for occupancy, are required along any subdivision road to be considered for acceptance into the Lee County Secondary Road system.

6-1-22 Sanitary Disposal Requirements. Where, in the opinion of the Lee County Board of Health, a public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision to the public system after the Board of Supervisors has approved the size of the lines. The owner(s) of the public sanitary sewer system shall provide written agreement to permit the sewer system of the proposed subdivision to be connected to their existing system.

Where lots in the proposed subdivision cannot be served by the extension of an existing public sanitary sewer, and individual on- site treatment systems are proposed, the subdivider shall obtain approval for individual septic tanks and disposal fields from the County Board of Health. When absorption fields are required, the subdivider shall furnish on-site percolation test reports and soil classification showing degree of suitability of soil for any such proposed system with the preliminary plat. The percolation test report and soil classification shall be performed by a registerred engineer, licensed in the State of Iowa, and the proposed sewage treatment facility shall be approved by a registered engineer in the State of Iowa.

Individual on-site sewage treatment facilities shall not outlet into the watersheds of man made natural lakes, ponds or directly into any stream or river. Easements from adjoining downstream owners within five hundred (500) feet of any outlet shall be obtained and attached to the preliminary plat.

6-1-23 Water Supply Requirements. Where in the opinion of the County Health Department the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise unavailable, the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate supply approved by the County Board of Health.

If the County Health Department approves the use of individual wells, lot sizes shall meet its approval.

6-1-24 Easements Along Streams. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to the county an easement along each side of the stream, which each easement shall be for the purpose of widening, improving, or protecting the streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than thirty (30) feet.

6-1-25 If the Board of Supervisors deems it necessary for proper drainage within or through a subdivision, it shall require that storm water easement or drainage right-of-way be provided.

6-1-26 The Lee County Flood Management Ordinance is part of this Subdivision Ordinance.

6-1-27 Storm Drainage. All necessary improvements, including storm sewers or open drainage ditches, shall be made to provide for the adequate disposal of storm water and to maintain any natural drainage course. All construction shall be in accordance with plans approved by the appropriate County or City Engineer or by other officials having jurisdiction over a drainage district or watershed district.

6-1-28 General Requirements for Installation of Utilities. The Board may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board may consider that soil, topographical or other conditions make such installations within the subdivision unreasonable or impractical.

Utilities shall be provided in rear lot easements whenever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

1. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

2. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

6-1-29 Utility and Drainage Easements. Except where alleys are permitted for the purpose, the Board of Supervisors shall require easements at least fifteen (15) feet in width centered along all rear lot lines for poles, wires, conduit, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the Board of Supervisors, similar easements shall be provided along side lot lines or across lots.

6-1-30 Action on Preliminary Plat. The preliminary plat upon filing with the Board of Supervisors shall be forwarded to the County Engineer, County Auditor, County Recorder, and Board of Health for approval by them. Said officials and the Board of Supervisors shall carefully examine said preliminary plat as to its compliance with the laws and regulations of Lee County and the State of Iowa, its conformity with existing streets and road systems and County Engineering procedures and shall within thirty (30) days, submit their findings in duplicate, to the Board of Supervisors with a copy being sent to the developer.

6-1-31 A copy of the Preliminary Plat shall be forwarded to the Lee County Soil Conservation District for their review. Within the thirty (30) day time period set forth in 6-1-1 above, the district will furnish the Board of Supervisors with written recommendations covering the potential for each soil for the specified land use. Conservation practices necessary to control water run-off and soil erosion (wind and water) during development and on the finished site will be a part of the written recommendations. A copy of these recommendations will be forwarded to the developer upon receipt by the Board of Supervisors.

6-1-32 If the Board of Supervisors finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, property or aggravate erosion or flood hazards or not in the general interest of the public, or if the land is to be used for purposes which have been contacted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Board of Supervisors shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

The Board of Supervisors may refuse to approve what it considers to be scattered or premature subdivision of land which involve danger or injury to the public health, safety, welfare or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services.

6-1-33 The Board of Supervisors shall approve, disapprove or modify the preliminary plat and shall impose regulations deemed necessary and appropriate for final approval.

6-1-34 The action of the Board of Supervisors together with all modifications requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat application.

6-1-35 One (1) copy of the preliminary plat shall be returned to the subdivider, and the others will be retained by the County Engineer and Health Department.

6-1-36 The approval of the plat by the Board of Supervisors shall be null and void unless the final plat is presented to the Board within one hundred eighty (180) days after date of preliminary approval.

6-1-37 Filing with Recorder. Every plat of a subdivision shall be filed with the Lee County Recorder pursuant to the sections of Chapter 354.18, Code of Iowa, and in conformance with the provisions of this Ordinance.

6-1-38 The final plat, in addition to the requirements of Section 3534.6 Code of Iowa, shall have attached to it:

1. A resolution and certificate for approval by the Board of Supervisors and for signature by Chairman of the Board.

2. A certificate by the County Engineer or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the County Attorney and filed with the County Auditor, or that the Board of Supervisors has agreed that the county will provide the necessary improvements and installations that assess the cost against the subdivider or future property owners.

3. A certificate of dedication of streets and other public property.

Upon filing with the County Recorder, the Recorder shall then forward two (2) copies of the plat to the Auditor. The Auditor shall then forward one (1) copy to the County Assessor.

6-1-39 Final Plat Approval.

1. The subdivider shall submit to the County Board for its approval, disapproval or suggestions for modifications, five (5) copies of the final plat and required supplementary material. The Board shall refer one (1) copy to the County Engineer and County Health Department for review and recommendation.

2. The Board of Supervisors shall study the final plat, the recommendations of the County Engineer and Health Department, and shall approve or disapprove the final plat. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is granted in writing during said thirty (30) day period by the Board.

3. When the final plat has been approved by the Board of Supervisors, four (4) copies shall be returned to the subdivider with the approval of the Board certified thereon, one of which is to be filed with the County Recorder.

6-1-40 Variations and Exceptions. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the Board of Supervisors may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this Ordinance and granted with the view toward protecting the public interest and welfare.

Any such modification or variance of the requirements of this Ordinance may only be granted upon the written request of the subdivider, said request setting forth the specific variances requested. Upon receipt of the request for a variance, the Board shall schedule a public hearing on said request before approval of the final plat. Notice, starting time and place of said hearing and setting forth the variances requested shall be published in the newspaper of general circulation in the county, not more than twenty nor less than four days prior to said hearing, with the cost of said publication to be paid by the subdivider.

6-1-41 Enforcement and Penalties. Any one violating any of the provisions of this Ordinance shall upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding five hundred ($500) dollars.

6-1-42 Changes and Amendments. Any regulations or provisions of this regulation may be changed and amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4), nor more than twenty (20) days before the date of hearing.

CHAPTER 2 FLOOD PLAIN MANAGEMENT ORDINANCE

6-2-1 Legal Authority, Findings of Fact and Purpose
6-2-2 General Provisions
6-2-3 Flood Plain Management Standards
6-2-4 Administration
6-2-5 Penalties for Violation
6-2-6 Amendments

6-2-7 Definitions

6-2-1 Legal Authority, Findings of Fact and Purpose.

1. Legal Authority. Chapter 331, Code of Iowa, grants counties the authority, except as expressly limited by the Constitution and if not inconsistent with the laws of the General Assembly, to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.
2. Findings of Fact.

a. The flood hazard areas of Lee 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 peace, safety, health, welfare, comfort and convenience of its residents.

b. These flood losses, hazards, and related adverse effects are caused by: (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. This Chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this Chapter to protect and preserve the rights, privileges and property of Lee 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 6-2-1 2b with provisions designed to:

a. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
b. 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.
c. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
d. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
e. Assure that eligibility is maintained for property owners in the county to purchase flood insurance through the National Flood Insurance Program.

6-2-2 General Provisions.

1. Lands to Which Regulations Apply. These flood plain management regulations shall apply to all lands and uses which have significant flood hazards. The Flood Boundary and Floodway Map and the Flood Insurance Rate Map, dated June 15, 1981, which were prepared as part of the Lee County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Lee County Flood Insurance Study is hereby adopted by reference and is made a part of this Ordinance for the purpose of administering flood plain management regulations.

2. 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.

3. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, 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.

4. 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.

5. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain boundaries or land uses permitted within the regulated areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Lee County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

6. 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.

6-2-3 Flood Plain Management Standards

1. General Flood Plain Standards - All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Department of Natural Resources shall be contacted to compute such data.

a. All structures shall be (i) adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.

b. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) ft. above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Supervisors and the Department of Natural Resources, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

c. Non-residential buildings - All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one (1) ft. 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 mean sea level) 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 basements) 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 provide that 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. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.

2. 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.

f. Utility and Sanitary Systems:

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the systems as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

2. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

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 flood water 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. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch, or other drainage facility or system.

j. Subdivisions (Including factory-built home parks and subdivision) 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 shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

k. The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:

1. The structure shall not be used for human habitation.
2. The structure shall be designed to have low flood damage potential.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one (1) foot above the 100-year flood level.

2. Special Floodway Provisions - In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway limits. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation.

a. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
b. All uses within the floodway 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.

c. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the mainstream, drainage ditch, or any other drainage facility or system.
d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
e. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other materials may be allowed if readily removable from the floodway within the time available after flood warning.
g. Watercourse alterations or relocations (channel changes and modifications) 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.
h. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

6-2-4 Administration.

1. Appointment, Duties and Responsibilities of Administrator.

a. The Lee County Engineer shall administer and enforce the provisions of this Chapter and will herein be referred to as the Administrator.
b. Duties and Responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to ensure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to ensure that all necessary permits have been obtained from federal, state or local governmental agencies.
3. Record and maintain a record of: (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been flood-proofed.
4. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse.
5. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Ordinance.

2. Flood Plain Development Permit Required.

a. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or 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.
b. Application for Permit - Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e. - lot, block, tract, street address or similar description that will readily identify and locate the work to be done).
3. Indication of the use or occupancy for which the proposed work is intended.

4. Elevation of the 100-year flood.
5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary for the purpose of this Ordinance.

c. 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 Boards of Supervisors.

d. 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 set forth in such approved plans and applications and no other use, arrangement or 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 elevations, flood-proofing, or other flood protection measures were accomplished in compliance with the provisions of this Chapter, prior to the use or occupancy of any structure.

3. Variance.

a. 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.

1. No variance shall be granted for any development within the floodway which would result in any increase in flood heights during the occurrence of the 100-year flood. Consideration of the effects of any development on flood levels shall be based upon the assumption that any equal degree of development would be allowed for similarly situated lands.

2. 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.

3. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. 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 for $100 of insurance coverage and (ii) such construction increases risk to life and property.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

b. Factors Upon Which the Decision of the Board Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this ordinance and:

1. The danger of life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the county.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. Such other factors which are relevant to the purpose of this Ordinance.

c. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board 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:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, 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.
5. Floodproofing measures.

6-2-5 Penalties For Violation. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars ($500) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent Lee County from taking such other lawful action as is necessary to prevent or remedy any violation.

6-2-6 Amendments. The regulations and standards set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

6-2-7 Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sites. Also see "lowest floor".
2. Development - Any manmade change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drill operations.
3. Factory-built home - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled 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 include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
4. Factory-built home park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.
5. 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.
6. 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.
7. Flood Insurance Rate Map - 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 County.
8. Flood Insurance Study – A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the county with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.
9. Flood Plain- Any land area susceptible to being inundated by water as a result of a flood.
10. 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.
11. Floodproofing - 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.
12. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
13. Floodway fringe - Those portions of the flood plain, other than the floodway, which can be filled, leveled, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
14. Lowest floor - The floor of the lowest enclosed area in a 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 6-2-3 1.d.1 and
b. The enclosed area is unfinished (not carpeted, drywalled, 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.

15. New construction (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after June 29, 1981.
16. One hundred (100) year flood - A flood, the magnitude of which has a one (1) percent change 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.
17. 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.
18. Substantial improvement - Any improvement to a structure which satisfied either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. 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.

b. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after June 29, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%).

CHAPTER 3 INDUSTRIAL REAL ESTATE

6-3-1 Purpose
6-3-2 Definitions
6-3-3 Period of Partial Exemption
6-3-4 Amounts Eligible for Exemption
6-3-5 Zones of Eligibility
6-3-6 Limitations
6-3-7 Application
6-3-8 Approval
6-3-9 Exemption Repealed
6-3-10 Dual Exemptions Prohibited

6-3-1 Purpose. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers.

6-3-2 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Actual value added" means the actual value added as the first year for which the exemption is received.

2. "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.

3. "New construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the Board of Supervisors upon the recommendation of the Iowa Department of Economic Development.

4. "Research-service facilities" means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

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

6-3-3 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses and distribution centers is eligible to receive a partial exemption from the taxation for a period of five (5) years Section 427B.3, Code of Iowa:

1. For the first (1st) year, seventy-five percent (75%);
2. For the second (2nd) year, sixty percent (60%);
3. For the third (3rd) year, forty-five percent (45%);
4. For the fourth (4th) year, thirty percent (30%);
5. For the fifth (5th) year, fifteen percent (15%).

6-3-4 ZONES OF ELIGIBILITY. Lee County, Iowa, has not adopted a zoning ordinance and is therefore required to limit the application of the Chapter to certain zones. To be eligible for the partial property tax exemption granted by this Chapter, industrial real estate or machinery and equipment assessed as real estate must lay entirely within one or more of the following geographic areas:

1. Outside of the incorporated limits of a city to which a city has extended its zoning ordinance pursuant to Section 424.23, Code of Iowa. The industrial construction or addition of machinery and equipment must comply with that city's zoning ordinance.

2. Outside the incorporated limits of a city which has adopted a zoning ordinance but which has not extended the zoning ordinance to the area permitted under Section 414.23, Code of Iowa, if the property would be within the area to which a city may extend a zoning ordinance pursuant to Section 414.23.

3. Outside of the incorporated limits of a city which has not adopted a zoning ordinance but which would be within the area to which a city may extend a zoning ordinance pursuant to Section414.23, Code of Iowa.

4. In any area where the partial exemption could not otherwise be granted if the property was classified as "industrial real estate" on July 1, 1979.

5. The County Assessor's office shall construct a map showing the geographic areas in Lee County, Iowa, which are eligible for partial property tax exemption under this Ordinance. In the event of a dispute, the aggrieved property owner may seek review by the Board of Supervisors.

6-3-5 LIMITATIONS. The granting of exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial estate before the start of the new construction added Section 427B.3, Code of Iowa.

6-3-6 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

1. The application for exemption shall be filed by the owner of the property with the County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Application 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.

6-3-7 APPROVAL. A person may submit a proposal to the Board of Supervisors of Lee County, Iowa, to receive prior approval for eligibility for a tax exemption on new construction. The Board of Supervisors, by resolution, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the County. Such prior approval shall 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.

6-3-8 EXEMPTION REPEALED. When in the opinion of the Board of Supervisors continuation of the exemption granted by the Chapter ceases to be of benefit to the County, the Board of Supervisors may repeal this chapter, but all exemptions shall continue until their expiration.

6-3-9 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law Section 427B.6, Code of Iowa.

CHAPTER 4 TALL STRUCTURE - KEOKUK

6-4-1 Purpose and Intent
6-4-2 Definitions
6-4-3 Zones - Boundaries
6-4-4 Use Restrictions
6-4-5 Permits
6-4-6 Board of Adjustment
6-4-7 Airport Zoning Commission
6-4-8 Penalties - Review

6-4-1 Purpose and Intent. The purpose and intent of this chapter is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Keokuk Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms herein; referring to the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated herein and made a part hereof by reference, as though fully set forth herein; and imposing penalties for the violation hereof.

This section is adopted pursuant to authority contained in Chapters 329 and 358A, Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Keokuk Municipal Airport, and property and occupants of land in its vicinity; that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Keokuk Municipal Airport and the public investment therein.

1. Interpretation. In interpreting and applying provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or licenses, franchises, or permits issued by the City of Keokuk or the County of Lee, except that if this title imposes a greater restriction, in all cases except franchises issued by the City of Keokuk or the County of Lee upon the vote of the elector, this title shall control.

2. Enforcement. It is the duty of the building official designated by the Lee County Board of Supervisors, hereinafter referred to as "the designated building official" to administer the regulations prescribed in this title. Applications for permits and variances shall be made to the designated building official upon a form furnished by him. Application required by this title to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the designated building official.

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

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

6-4-2 Definitions.

1. For the purpose of this title, certain terms and words are defined by this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.

a. Airport. Keokuk Municipal Airport
b. Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is six hundred seventy one (671) feet.
c. Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1.16.020. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
d. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section 1.16.010.
e. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
f. Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
g. Height. For the purpose of determining the height limits in all zones set forth in this section and shown on the airspace plan, the datum shall be mean sea level elevation unless otherwise specified.
h. Horizontal Surface. A horizontal plane above the airport and the horizontal surface extending outward from the primary surface and the perimeter of the horizontal zone.
i. Larger Than Utility Runway. A runway that is constructed for and to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and or powered aircraft.
j. Nonconforming Use. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this section or amendment thereto.
k. Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation facilities for which a straight-in nonprecision instrument approach procedure has been approved or planned.
l. Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set.
m. Person. An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of them.
n. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing an instrument Landing System (LS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
o. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center-line.
p. Runway. A defined area on an airport prepared for landing and take off of aircraft along its length.
q. Structure. An object including a mobile object constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
r. Transitional Surfaces. These surfaces extended outward at 90 degree angle to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
s. Tree. Any object of natural growth.
t. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
u. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

6-4-3 Zones - Boundaries

1. Zones Designated - In order to carry out the provisions of this section there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Keokuk Municipal Airport. Where uncertainty exists with respect to the boundaries of the various zones as shown on the zone map, the following rules shall apply:

a. The designated building official shall make interpretations locations of boundaries that shall be final and binding; or
b. The property owner aggrieved by the interpretation of the designated building official shall have a licensed engineer certify the location of any boundary in question.

Such zones are shown on the Keokuk Municipal Airport Part 77 Airspace Plan which is incorporated herein and made a part by reference as though fully set forth herein. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility runway nonprecision instrument approach zone - the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
2. Runway larger than utility with a visibility minimum greater than 3/4 mile nonprecision instrument approach zone - the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Precision instrument runway approach zone - The inner edge of this approach zone coincides with the width of primary surface and is 1,000 feet wide. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Transitional zones - The transitional zones are the areas beneath the transitional surfaces.

5. Horizontal zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated as utility or visual, and 10,000 feet radii for all others measured from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing a line tangent to these arcs. The horizontal zone does not include the approach and transitional zones.
6. Conical zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

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

a. Utility runway nonprecision instrument approach zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance 5,000 feet along the extended runway centerline.
b. Runway larger than utility with a visibility minimum greater than 3/4 mile nonprecision instrument approach zone - Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 1,000 feet along the extended runway centerline.
c. Precision instrument runway approach zone - Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional 40,000 feet along the extended runway centerline.
d. Transitional zones - Slope 7 feet outward for each foot upward
beginning at the sides of and the same elevation as the primary surface and the
approach surface, and extending to a height 150 feet above the airport elevation.
In addition to the forgoing, there are established height limits sloping 7 feet
outward for each foot upward beginning at the sides of and at the same elevation

as the approach surface, and extending to where they intersect with the conical zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

e. Horizontal zone - Established 150 feet above the airport elevation.

f. Conical zone - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

EXCEPTED HEIGHT LIMITATIONS

Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

6-4-4 Use Restrictions.

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

2. Nonconforming Uses

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

b. Marking and lighting - Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Keokuk to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the City of Keokuk.

6-4-5 Permits.

1. Permits.

a. Future uses - Except in as specifically provided in (i), (ii), and (iii) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereunder unless a permit therefor shall have been applied for and granted. Each application for permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with standards.

(i) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(ii) In areas lying within the limits of the approach zone, but at horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approved zones.

(iii) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit for such transition zones.

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

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the designated building official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed that applicable height limit or otherwise deviate from the zoning regulations.
4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the Lee County Zoning Commission for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section.

a. Obstruction marking and lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owners expense, such markings and lights as may be necessary. If deemed proper, this condition may be modified to require the owner to permit the City of Keokuk, at its own expense, to install, operate, and maintain the necessary markings and lights.

6-4-6 Board of Adjustment.

1. Powers and Duties.

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

1. To hear and decide appeals from any order, requirement, decision or determination made by the Airport Zoning Commission/Administrative Agency in the enforcement of this title:
2. To hear and decide exemptions to the terms of this title upon which such Board of Adjustment, under such regulations, may be required to pass; and
3. To hear and decide specific variances.

b. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12 and Section 355.10.

1. Composition - The Board of Adjustment shall consist of five (5) members. Two (2) members shall be appointed by the Keokuk City Council and two (2) members shall be appointed by the Lee County Board of Supervisors. One (1) additional member to act as chairman shall be selected by a majority vote of the four (4) appointed members. The terms of the members shall be for five (5) years excepting that when the Board is created, one (1) member appointed by the City Council and the Board of Supervisors shall serve a term of two (2) years, and the other a term of four (4) years. Members shall be removed only by the appointing authority for cause and after hearing. Members shall serve without compensation.
2. Reversal of Orders - The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicable on any matter upon which it is required to pass under this title, or to effect variations of this title.
3. Meetings - The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the votes of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep

records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Clerk and the County Clerk, and on due cause shown.

6-4-7 Airport Zoning Commission.

1. Powers and Duties. There is created an airport zoning commission to recommend the boundaries of the various original zones, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report to the County Board of Supervisors and the Keokuk City Council. The commission, may, from time to time, recommend amendments, supplements, changes or modifications to the Board of Supervisors and the City Council.

2. Composition. The airport zoning commission shall consist of five (5) members. Twen(3) members shall be appointed by the City Council,and two (2) members to be appointed by the County Board of Supervisors. One (1) additional member, to act as chairman, shall be selected by majority vote of the four (4) appointed members. The terms of the members shall be for five (5) years, excepting that when the Board is first created, one (1) member appointed by the City Council and the County Board of Supervisors shall serve a term of two (2) years, and the other a term of four (4) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

3. Meetings. The airport zoning commission shall adopt rules for its governance and in harmony with the provisions of this title. Meetings of the commission shall be held at the call of the chairman and at such other times as the airport zoning commission may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the airport zoning commission shall be open to the public. The airport zoning commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Keokuk City Clerk and Lee County Auditor.

6-4-8 Penalties - Review.

1. Penalties. Each violation of this title, or of any regulation, order or ruling promulgated under this title, constitutes a civil infraction (Section 331.307, Code of Iowa) and is punishable of a fine of not more than seven hundred dollars ($700) for first offense conviction, not more than one thousand dollars ($1000) upon second, not more than one thousand dollars ($1000) for each repeat offense. Each day a violation continues to exist constitutes a separate offense.

2. Judicial Review. Any person aggrieved or any taxpayer affected by any decisions of the Board of Adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15.

3. Hold Harmless. The City of Keokuk has stipulated that Lee County shall be held harmless of any and all expenses resulting from the origin and implementation of this Ordinance. The Auditor is directed to certify all costs and expenses of an implementation and operation under this Ordinance to the Keokuk City Clerk's office.

After the second reading and passage of this Ordinance, this Ordinance shall be published once in a newspaper of general circulation and shall take effect of the date of said publication.

CHAPTER 5 TALL STRUCTURE – FORT MADISON

6-5-1 Purpose
6-5-2 Defenitions
6-5-3 Airport Zones and Airspace Height Limitations
6-5-4 Use Restrictions

6-5-5 Lighting
6-5-6 Variance
6-5-7 Board of Adjustment
6-5-8 Judicial Review
6-5-9 Administrative Agency

6-5-1 Purpose. Regulates and restricts the height of structures and objects of natural growth in the vicinity of Fort Madison Municipal Airport by creating appropriate zones and establishing boundaries, more specifically:

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

6-5-2 Definitions.

1. Airport. The Fort Madison Municipal Airport.
2. Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 724 feet.
3. Airport Hazard. Any structure or tree or use of land which would exceed the Federal Obstruction Standards as contained in fourteen Code of Federal Regulations Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or take off of aircraft.
4. Airport Primary Surface. A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. Airspace Height. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. Control Zone. Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statutes miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. Minimum Descent Altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. Minimum Enroute Altitude. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
10. Minimum Obstruction Clearance Altitude. The specified altitude in effect between radio fixes or VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
11. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
12. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

6-5-3 Airport Zones and Airspace Height Limitations.

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which are depicted on the Fort Madison Municipal Airport Tall Structure Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Airport Height Zones

a. Horizontal Zone. The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

1. Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runway(s) 16, 34, 8 and 26, and connecting the adjacent arcs by lines tangent to those arcs.

b. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Fort Madison Municipal Airport Tall Structure Map.
c. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: an approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end).

1. The inner edge of the Approach Surface is:

a. 250 feet wide for Runway(s) 8 & 26.
b. 500 feet wide for Runway(s) 16 & 34.

2. The outer edge of the approach zone is:

a. 1,250 feet for Runway(s) 8 & 26.
b. 2,000 feet for Runway(s) 16 & 34.

3. The Approach Zone extends for a horizontal distance of:

a. 5,000 feet at a slope of 20 to 1 for Runway(s) 16, 34, 8 & 26.

No structure shall exceed the approach surface to any runway, as depicted on the Fort Madison Municipal Airport Tall Structure Map.

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

No structure shall exceed the Transitional Surface, as depicted on the Fort Madison Municipal Airport Tall Structure Map.

e. No structure shall be erected in Fort Madison that raises the published Minimum Descent Altitude for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Enroute Altitude to be increased on any Federal Airway in Fort Madison.

6-5-4 Use Restrictions

Notwithstanding any other provisions of Section III, no use may be made of land or water within Lee County, Iowa in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Fort Madison Municipal Airport or in the vicinity thereof.
2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Fort Madison Municipal Airport.
3. No operations from any use in Lee County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

6-5-5 Lighting

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

6-5-6 Variance. Any person desiring to erect to increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the City of Fort Madison Board of Adjustment for variance from such regulations.

No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Fort Madison Airport Commission for an opinion as to the aeronautical effects of such a variance. If the Fort Madison Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

6-5-7 Board of Adjustment.

1. The Fort Madison Board of Adjustment shall have and exercise the following powers: (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this Ordinance; (2) to hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.

6-5-8 Judicial Review. Any person aggrieved, or any taxpayer affected, by a decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statues, Section 414.15.

6-5-9 Administrative Agency. It shall be the duty of the Fort Madison Airport Commission and Fort Madison Planning and Zoning Department to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Administrative Authority upon a form furnished by them. Applications required by this Ordinance to be submitted to the Administrative Agency shall be promptly considered and granted or denied.

CHAPTER 6 LOCAL OPTION SALES TAX

6-6-1 Purpose
6-6-2 Local Option Sales Tax

6-6-1 Purpose. An Ordinance establishing a local option sales tax applicable to transactions within the incorporated areas of Franklin, Montrose, and Keokuk of Lee County, Iowa.

6-6-2 Local Option Sales Tax. There is imposed a local option sales tax applicable to transactions within the incorporated areas of, Franklin, Montrose, Keokuk of the County of Lee County, Iowa.

The gross rate of the tax shall be one percent upon the gross receipts taxed under Chapter 423B, Code of Iowa in the following cities: Franklin, Montrose, and Keokuk.

The local sales service tax is imposed on transactions occurring on or after October 1, 1991 within the incorporated areas of, Franklin, Montrose, and Keokuk.
The tax shall be collected by all persons required to collect state gross receipt tax. However, the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in Chapter 452A Code of Iowa, during the period the 9cent/motel tax period is imposed, and on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city if the city has in effect a franchise fee or use fee on the sale of electric energy is subject to a franchise fee or use fee during the period the franchise or user fee is imposed as defined in Section 423B.5, Code of Iowa.

All applicable provisions of the appropriate sections of Chapter 423B, Code of Iowa, are adopted by reference.

CHAPTER 6a LOCAL OPTION SALES TAX – ST. PAUL

6-6a-1 Local Option Sales Tax

6-6a-1 Local Option Sales Tax. There is imposed a local option sales tax applicable to transactions within the incorporated area of St. Paul of the County of Lee County, Iowa.

The local sales tax is imposed on transactions occurring on or after January 1, 1993 within the incorporated area of St. Paul. The tax shall be collected by all persons required to collect state gross receipt tax. However, the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in Chapter 452A, Code of Iowa, during the period the hotel/motel tax period is imposed, and on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed as defined in Section 423B.5, Code of Iowa..

All applicable provisions of the appropriate sections of Chapter 423B, Code of Iowa, are adopted by reference.

CHAPTER 6b LOCAL OPTION SALES TAX

6-6b-1 Local Option Sales Tax

6-6b-1 LOCAL OPTIONS SALES TAX. There is imposed a local option sales tax applicable to transactions within the incorporated areas of Donnellson, Houghton, West Point, and the Unincorporated Areas of Lee County, Iowa.

The gross rate of the tax shall be one percent upon the gross receipts taxed under Chapter 423B, Code of Iowa, in the incorporated areas of Donnellson, Houghton, West Point and the Unincorporated Areas of Lee County, Iowa.

The local sales tax is imposed on transactions beginning on and after January 1, 1995, within the incorporated areas of Donnellson, Houghton, West Point and Unincorporated Areas of Lee County, Iowa. The tax shall be collected by all persons required to collect state gross receipt tax. However, the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in Chapter 452A, Code of Iowa, during the period the hotel/motel tax period is imposed, and on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed as defined in Section 423B.5, Code of Iowa.

All applicable provisions of the appropriate sections of Chapter 423B, Division IV, Code of Iowa, are adopted by reference.

CHAPTER 6c LOCAL OPTION SALES TAX – SCHOOL INFRASTRUCTURE

6-6c-1 Purpose
6-6c-2 Local Option Sales Tax
6-6c-3 Effective

6-6c-1 PURPOSE. The purpose of this Ordinance is to comply with the requirements of Chapter 423E, Section 423E.1 and impose a one (1) percent sales tax for a ten (10) year period, as approved by the electorate of Lee County.

6-6c-2 LOCAL OPTION SALES TAX. There is imposed a school infrastructure sales tax as permitted by Chapter 423B, Code of Iowa on all applicable sales tax transactions within Lee County, Iowa.

The first rate of tax shall be one (1) percent on the gross receipts taxed under Chapter 423E.5, Code of Iowa on sales in Lee County, Iowa.

The local sales tax is imposed in transactions beginning on and after January 1, 2000, within Lee County. The tax shall be collected by all persons required to collect state gross receipt tax. However, the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in Chapter 452A, Code of Iowa during the period the hotel/motel tax period is imposed, and on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from

the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed as defined in Section 423B.5, Code of Iowa.

All applicable provisions of the appropriate sections of Chapter 423B.5, Code of Iowa are adopted by reference.

6-6-3 EFFECTIVE. Tax imposed by this Ordinance shall end and this Ordinance be repealed as of December 31, 2010.

CHAPTER 7 PLATS OF SURVEY

6-7-1 Purpose

1. As required by State law, no subdivision plat shall be recorded within the jurisdiction of the Lee County Board of Supervisors, unless the Lee County Board of Supervisors has, by resolution, approved the subdivision plat or under the terms of this ordinance, waived its rights to review such plat. This Ordinance does not affect the procedure required by law for the approval of a subdivision plat.
2. The Recorder will review the plat of survey for compliance with Section 354, 355 and all other applicable requirements of State Law. The Recorder shall record the plat of survey then forward the plat of survey to the Auditor's office for the following:

a. The Auditor will review the plat of survey for compliance with Sections 354, 355 and all other applicable requirements of State Law. Upon review the Auditor shall approve as to the apparent compliance with State Law.
b. The Auditor shall review for compliance with the Lee County Subdivision Ordinance.
c. Should the Auditor indicate that a plat of survey has one or more deficiency and accordingly decline to approve the plat of survey, the aggrieved party may correct the claimed deficiency and re-record the plat.

CHAPTER 8 ELECTION PRECINCTS

6-8-1 Purpose
6-8-2 Election Precincts
6-8-3 Township Boundaries
6-8-4 City or Township Elections

6-8-1 Purpose. Certain civil townships and election precincts be combined for the purpose of election precincts as a convenience to voters, a potential cost savings and for the ease of conducting such elections at combined polling places. Additionally, there are certain imbedded census tracts as island in the City of Fort Madison that the Secretary of State directs be incorporated into an election precinct. Redefined voting precincts must comply with Supervisors Redistricting plan adopted on August 29, 2003.

6-8-2 Election Precincts. For purpose of election precincts, the following civil townships and incorporated cities shall be combined. Each grouping shall constitute an election precinct:

a) Fort Madison Ward 1 and Census Tract Numbers 1017 and 1018.
b) Fort Madison Ward 5 and Madison Township and Census Tract Numbers 1075, 1981, 1988 and 1989
c) Cedar, Marion, and Franklin Townships and the Cities of Houghton, St. Paul, Franklin and Donnellson
d) Denmark, Montrose and Green Bay Townships.
e) Des Moines, Charlestown and Van Buren Townships
f) Harrison Township
g) Jackson Township
h) Jefferson Township
i) Montrose Township and the City of Montrose
j) West Point and Pleasant Ridge Townships and the City of West Point

6-8-3 TOWNSHIP BOUNDARIES. All township boundaries shall remain as prior fixed and each township shall retain its own elected officials. The boundary changes are for election precincts only.

6-8-4 CITY OR TOWNSHIP ELECTIONS. Residents within established townships and incorporated cities shall continue to vote for their respective elected officials. There is no combination of townships or townships and cities for this purpose.

CHAPTER 9 KEOKUK WASTE TREATMENT PLANT FLOODWALL

URBAN RENEWAL AREA

6-9-1 Purpose
6-9-2 Definitions
6-9-3 Provision for Division of Taxes Levied on Taxable Property in the Renewal Area

6-9-1 Purpose. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the Keokuk Waste Treatment Plant Floodwall Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Lee County to finance projects in such area.

6-9-2 Definitions. For use within this Ordinance the following terms shall have the following meanings:

1. "County" shall mean Lee County, Iowa.
2. "Urban Renewal Area" shall mean the Keokuk Waste Treatment Plant Floodwall Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on July 12, 1994. Commencing at the intersection of the centerline of South Fifteenth Street and the centerline of Johnson Street, thence Southeasterly along the centerline of Johnson Street to the intersection of the centerline of Johnson Street to its intersection with the centerline of South Thirteenth Street; thence Southwesterly along the centerline of South Thirteenth Street to its intersection with the centerline of the alley extended in Block One-hundred eighty-five (185) in the original City of Keokuk; thence

Southeasterly continuing on the centerlines of the alleys in Blocks One-hundred eighty-five (185), One-hundred seventy (170), One hundred fifty three (153), One-hundred thirty nine (139), One hundred twenty three (123), One-hundred eight (108) and Ninety-two (92), all in the Original City of Keokuk, to the intersection of the centerline of South Sixth Street, thence

Northeasterly along the centerline of South Sixth Street to its intersection with the centerline of Johnson Street, thence

Southeasterly along the centerline of Johnson Street to its intersection with the centerline of South Fourth Street, thence;

Southwesterly along the centerline of South Fourth Street to its intersection with the centerline of Des Moines Street, thence;

Southwesterly along the centerline of Des Moines Street to its intersection with the centerline of South Third Street, thence;

Southwesterly along the centerline of South Third Street to its intersection with the centerline of Cedar Street, thence;

Southeasterly along the centerline of Cedar Street extended to the ordinary High Water line of the Mississippi River, thence;

Southerly and Westerly along the ordinary High Water line of the Mississippi River to the intersection of the lot line extended between Lots Seven (7) and Eight (8). Block Thirteen (13), Reids Addition to the City of Keokuk, thence;

Northerly two-hundred eighty (280) feet, more or less, to the southerly line of Block Thirteen (13), Reids Addition to the City of Keokuk, Lee County, Iowa, thence;

Southwesterly along the southerly line extended of Block Thirteen (13) and Fourteen (14), Reids Addition to the City of Keokuk to its intersection with the centerline of K Street, thence;

Northeasterly along the centerline of K Street to its intersection with the centerline of Bluff Street, thence;

Northeasterly along the centerline of Bluff Street to its intersection with the centerline of F Street, thence;

Northwesterly along the centerline of F Street to its intersection with the centerline of Park Street, thence;

Northeasterly along the centerline of Park Street to its intersection with the centerline of South Seventh Street, thence;

Northeasterly along the centerline of South Seventh Street to its intersection with the centerline of Cedar Street, thence;

Southeasterly along the centerline of Cedar Street to its intersection with the centerline of South Sixth Street, thence;

Northeasterly along the centerline of South Sixth Street to its intersection with the centerline of Ridge Street, thence;
Southeasterly along the centerline of Ridge Street to its intersection with the centerline of South Fifth Street, thence;

Northeasterly along the centerline of South Fifth Street to its intersection with the centerline of the alley extended in Block Sixty-seven (67) in the Original City of Keokuk, thence;

Northwesterly continuing on the centerlines of the alleys extended of Blocks Ninety-one (91), One-hundred nine (109), One-hundred twenty-two (122), One-hundred forty (140), One-hundred fifty-two (152), One-hundred seventy one (171), One hundred eighty four (184) and Two hundred three (203), all in the City of Keokuk, to the intersection of the centerline of South Fourteenth Street, thence;

Northeasterly along the centerline of South Fourteenth Street to the intersection with the centerline of Exchange Street, thence;

Northwesterly along the centerline of Exchange Street to its intersection with the centerline of South Fifteenth Street, thence;

Northeasterly along the centerline of South Fifteenth Street to its intersection with the centerline of Johnson Street and the Point of Beginning.

6-9-3 Provision for Division of Taxes Levied on Taxable Property in the 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:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected by paid into the fund for the respective taxing district as taxes by or for the benefit of the taxing district in which the property is located. 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 as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected by paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether bonded or otherwise, incurred or contracted by the County under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (1) of the 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 so long after the effective date of this ordinance as any portion of the 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.

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

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

CHAPTER 10 LEE COUNTY URBAN RENEWAL AREA

6-10-1 Purpose
6-10-2 Eligibility

6-10-1 PURPOSE. An Ordinance designating the area within the limits of Lee County, Iowa, as an Urban Revitalization Area and adopting an Urban Revitalization Plan for said area.

1. Chapter 404 of the Code of Iowa, authorizes counties by ordinance to designate revitalization areas if such areas meet the criteria established in the Code and if the County completes the procedural requirements of the Code; and,
2. The Lee County Board of Supervisors did adopt a resolution finding the need for the establishment of an Urban Revitalization Area; and,
3. Pursuant to the Code, the County has caused to be prepared a plan for the Urban Revitalization Area; and,
4. All owners of record of real estate within the designated Area were notified and the required number of public hearings were held;

6-10-2 ELIGIBILITY.

1. All parcels within the designated sanitary sewer districts of Lee County, Iowa, as established in the Urban Revitalization Plan and existing between July 1, 1998 and June 30, 2003 be and are hereby declared pursuant to Chapter 404, Code of Iowa, to be the Urban Revitalization District.
2. All qualified real estate is eligible to receive an exemption from taxation on the assessed value added by the improvements for a period not exceeding 10 years. The amount of exemption is equal to the actual value added by the improvements determined as follows:

Year of Schedule	New Construction
Years 1 through 10 inclusive	100%

3. The Urban Revitalization Plan for Lee County, Iowa, dated July, 1998, on file with the office of the Lee County Auditor is hereby declared to be the Urban Revitalization Plan for the area of Lee County, Iowa, designated in Section 1 above.

CHAPTER 11 LEE COUNTY URBAN REVITALIZATION PLAN

6-11-1 Purpose
6-11-2 Eligibility
6-11-3 Plan
6-11-4 Effective
6-11-5 Separability

6-11-1 PURPOSE. A Chapter designating the area within the Unincorporated boundaries of Lee County as a Revitalization Area and adding a Revitalization plan for the area.

6-11-2 ELIGIBILITY. The entire area within the unincorporated boundaries of Lee County, Iowa, as established, and existing between January 1, 2007, and January 1, 2012, will be and is hereby declared, pursuant to the Code of Iowa, Chapter 404, to be Revitalization Area.

6-11-3 PLAN. The Revitalization Plan for Lee County, Iowa, dated January 2007, on file with the Office of the County Auditor be hereby declared to be Revitalization Plan for that area of Lee County, Iowa, designated in Section 1 above.

6-11-4 EFFECTIVE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

6-11-5 If any portion of the Ordinance shall be held unconstitutional or invalid for any reason, this decision shall not affect the remaining portions of this Ordinance not so declared unconstitutional or invalid.

TITLE VII: SOCIAL AND HUMAN SERVICES

CHAPTER 1 VETERAN'S ASSISTANCE PROGRAM

7-1-1 Purpose
7-1-2 Categories
7-1-3 Definitions
7-1-4 Application Requirements
7-1-5 Eligibility
7-1-6 Eligibility of Indigent Veterans
7-1-7 Level of Benefits
7-1-8 Requirements for Receiving Relief by a Needy Veteran
7-1-9 Assistance of an Extended Nature
7-1-10 Application for Assistance
7-1-11 Initial Determination
7-1-12 Appeal
7-1-13 Appeal Hearing
7-1-14 Action of the Commission and Board

7-1-1 PURPOSE. An Ordinance prescribing the Veterans Assistance Program in Lee County, Iowa.

7-1-2 Categories. There shall be two (2) categories of veterans assistance in Lee County, Iowa. They are:

1. Emergency assistance for indigent veterans.
2. Assistance of an extended nature.

7-1-3 Definitions. For use in this Ordinance, certain terms or works used herein shall be interpreted or defined as follows:

1. "Veteran" means a resident of this state who served in the armed forces of the United States at any time during the following dates and who was discharged under honorable conditions:

a. World War I - April 6, 1917, through November 11, 1918.
b. Occupation of Germany from November 12, 1918, through July 11, 1923.
c. American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.
d. Second Haitian suppression of insurrections from 1919 through 1920.
e. Second Nicaragua campaign with marines or navy in Nicaragua or on combatant ships from 1926 through 1933.
f. Yangtze service with navy and marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.
g. China service with navy and marines from 1937 through 1939.
h. World War II from December 7, 1941, through December 31, 1946.
i. Korean Conflict from June 25, 1950, through January 31, 1955.
j. Vietnam Conflict from February 28, 1961, through May 7, 1975.
k. Lebanon or Grenada service from August 24, 1982, through July 31, 1984.
l. Panama service from December 20, 1989, through January 31, 1990.
m. Persian Gulf Conflict from August 2, 1990, through the date that the President or Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.
n. Such other armed conflict or hostility as declared by the General Assembly of the State of Iowa to entitle veterans to eligibility to serve on County Commissions and Veterans Affairs, receive veterans benefits and to be eligible for property tax military exemption credit; during the dates as fixed by the legislature of the State of Iowa.

2. "Veteran" includes the following persons:

a. Former members of the reserve forces of the United States who served at least twenty years in the reserve forces after January 28, 1973, and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code shall be included as a veteran.

b. Former members of the Iowa National Guard who served at least twenty years in the Iowa National guard after January 28, 1973, and who were discharged under honorable conditions. However, a member of the Iowa National Guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code shall be included as a veteran.

c. Former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.

d. Former members of the women's air force service pilot and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. 1106.

3. "Indigent Veteran" is a veteran or the family unit of that veteran who is domiciled in Lee County, Iowa, who has some means but who, because of circumstances, needs immediate assistance.

4. "Assistance" means food, rent, shelter, clothing, transportation, emergency telephone service, fuel, lights, and medical attention. Food does not include cigarettes or alcoholic beverages but does include laundry soap, household cleaners, and other items of non-food nature used for personal hygiene. "Assistance" also includes provisions of any of the above items or assistance by the Commission through the offering of residence at a care facility. "Assistance" may also include the burial of indigent veterans, in an amount established by the Board of Supervisors.

5. "Net Worth" includes income or monies from any source, monies due, savings, and other deposits, stocks, bonds, real estate (other than homestead), cash value of life insurance policies, and the value of other real and personal property, subject to certain exclusions as set forth herein.

5. "Family Unit" means the individual veteran applying and all members of the immediate family only, including spouse and minor children not over eighteen (18) years of age who are dependent upon the veteran for food, care and shelter and who resides with the veteran as a family unit member. In case the veteran is deceased, "family unit" shall mean the veteran's surviving spouse who has not remarried, and all members of the immediate family including minor children of the deceased veteran not over eighteen (18) years of age and are dependent upon the surviving spouse for food, care and shelter and who resides with the surviving spouse as a family unit member.

6. "Liquid Assets" means cash on hand of the veteran and members of the family unit.

7. "Awaiting Approval and Receipt" means an indigent veteran who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied.

8. The use of the term "Commission" shall mean the Lee County Commission or Veterans Affairs and/or its Director.

7-1-4 Application Requirements. In applying for benefits, the veteran must submit to the commission with the application, the following:

1. DD Form 214 - "Report or Separation from the Armed Forces". (Request that the veteran have his or her discharge recorded in the County Recorder's Office when requesting benefits.
2. Certificate of Marriage, if applicable.
3. Child or children's birth certificate(s), if applicable and for those under eighteen years of age.
4. Social Security card.

In lieu of a Certificate of Marriage, childrens' birth certificate(s) and a Social Security card, the veteran may provide a copy of his or her latest federal income tax return showing the same information. However, when application is made by a surviving spouse, a Certificate of Marriage must be submitted with birth certificates of any minor children claimed as the veteran's.

7-1-5 Form. The assistance shall be purchased directly from the supplier for the applicant or the family unit. It may be one or more of the items of assistance that can be provided.

7-1-6 Eligibility of Indigent Veterans.

1. Emergency assistance is to be provided an indigent veteran who is in need of immediate assistance, cannot obtain sufficient assistance from any other source, and whose income or benefits from a state or federal program has been delayed or not actually received by the person because of reasons not attributable to that person and who does not have liquid assets of the family unit from which to pay for the items of assistance that can be provided.
2. Assistance may be granted to veterans who are eligible for, and are awaiting approval and receipts of, benefits under programs provided by state or federal laws, or whose actual needs, as defined within the limitations imposed by this ordinance, cannot be fully met by the assistance furnished under such programs.

7-1-7 Level of Benefits. The maximum level of benefits to be provided for each item of assistance for each veteran or that veteran's family unit shall be:

1. Food, if food stamps have not been received, at the level of guidelines for food stamps;
2. Rent and shelter, the reasonable rental value with a maximum established by the Commission.
3. Clothing, the reasonable value of clothing actually needed if not immediately available from other sources;
4. Utilities, the actual cost of utilities actually needed, provided that payment is made on a current only basis;
5. Medical, dental services, and prescriptions, the reasonable value of these services actually needed as shown by a statement from a physician, dentist, or optician if not available from other sources;
6. Transportation expenses, including gasoline, as needed to obtain other benefits or seek employment, provided that proof of application for benefits or employment is provided to the Commission;
7. If a veteran lives in a rural area and the nearest neighbor is too distant to reach in event of emergency, or has a medical necessity, the monthly cost of one telephone is to be allowed. Long distance telephone charges for other than medical emergencies shall not be allowed or provided.

The total amount for all of the items of assistance needed, at any one time, shall be determined, and there shall be deducted the amount of liquid assets the veteran or the family unit have unavailable and the balance remaining is the amount of assistance the indigent veteran is to receive.

7-1-8 Requirements for Receiving Relief by a Needy Veteran. An indigent veteran, who is physically able and is not needed in the home to care for minor children, shall immediately register for employment with Iowa Workforce Development and otherwise actively seek employment. The indigent veteran shall seek and accept any reasonable employment whether or not it is suitable employment under the guidelines of Iowa Workforce Development. A refusal or failure to actively seek employment or refusal or failure to accept reasonable employment offered shall disqualify the indigent veteran from receiving future benefits. The indigent veteran may be required to provide reasonable proof that employment is being actively sought. Any willful, false statement or representation or, intentional failure to disclose relevant information made in support of an application to receive benefits, or to continue benefits shall disqualify an individual from receiving benefits.

A disqualification under this Section will be a complete disqualification from emergency benefits and for extended assistance for a period of twelve months following the incident or occurrence which gave rise to disqualification.

This amendment shall become effective after its timely passage, approval and publication as provided by law and, shall apply to all claims made on or after its effective date.

7-1-9 Assistance of an Extended Nature. It is contemplated that items or assistance to be provided to indigent veterans or their family unit will not, during any one consecutive period of time, exceed ninety (90) days. If it appears that items of assistance should be provided continuously beyond this ninety (90) day period, they will be provided by placement in the County Care Facility, if available, unless it is determined by the Commission that it is better for the family unit or the indigent veteran to continue to receive items or assistance on a month-month basis.

7-1-10 Application for Assistance. Applications for assistance shall be submitted by indigent veterans to the Commission at the Lee County Commission Office in Fort Madison or Keokuk, Iowa, during usual business hours upon forms provided by the Commission. If, because of undue hardship, an indigent veteran cannot come to the Commission Office, the Commission shall mail such veteran an application form or deliver to such veteran the application. If the applicant or veteran is found to be eligible for benefits from another source, whether federal, state, or local source, the Commission shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this Ordinance. It is the obligation of each veteran applying to establish eligibility for any category of veterans assistance and need for any item of assistance. If requested, the veteran applying shall provide the Commission with a verified statement of net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, anything else requested by the Commission that bears upon the veterans eligibility and need for assistance. The Commission may require a medical examination to determine the applicant's physical, emotional or mental examination to determine applicant's capacity to labor. The Commission shall also receive anything that the veteran applying desires to submit to establish his or her eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Commission shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Commission shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

7-1-11 Initial Determination.

1. The Director shall make an initial determination within two (2) working days of application, using the guidelines as set by the Commission. The applicant may be notified orally or in writing, at the discretion of the Director, and should be notified as soon as possible after the determination is made. Subject only to the applicant's right of appeal. The determination will be final upon approval by the Commission.
2. If the applicant is dissatisfied with the determination of the director, the applicant may appeal to the Commission. If the Commission is not scheduled to meet within fifteen (15) days of the date of the determination by the Director the applicant may appeal directly to the Board of Supervisors. Additionally, if the applicant is dissatisfied with the decision of the Commission, the applicant may appeal directly to the Board of Supervisors as described in 7-1-12.
3. If any applicant has been previously found eligible, the Commission need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If any emergency and immediate need is present, the Commission may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed of such benefit. The Commission shall inform the applicant and issue a decision as provided above. Whenever an applicant is found eligible and entitled to assistance, the Commission shall proceed to provide the same and notify the Board of Supervisors.

7-1-12 Appeal.

1. Every applicant, whether relief is denied in whole or in part, shall be

informed in the Commission's written decision of the applicant's right to appeal from such decision. The applicant shall be informed of the method and time by which an appeal may be taken. Any written appeal or communication to the Commission or to the Director, by or on behalf of an applicant requesting appeal shall be accepted by the Commission or the Director. This appeal must be made within five (5) days after the date of the decision, shall contain the applicant's 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 time and date of the hearing on appeal. Applicant and his or her attorney, upon written authorization, should be granted access by the Commission to his or her case file if requested.

2. If the Director made the decision from which the appeal is taken, the appeal shall be to the Commission itself. An agenda for the appeal before the Commission shall be made and posted as required by Chapter 21, Code of Iowa. The appeal shall be heard before the Commission at its regular monthly meeting provided that the appeal shall not be heard sooner than five (5) days after appeal has been taken. If the Commission meeting is scheduled for a regular monthly meeting on a date beyond the date appeal is taken, the Commission shall meet specially for the appeal between the fifth and tenth day after the appeal is filed. Any appeal taken before the Commission at a regular special meeting shall be closed pursuant to Iowa Code Section 21(a) Code of Iowa, because the identity and particulars of the care are confidential under Section 35B.10 and 35B.12, Code of Iowa

3. If the Commission made the original decision from which the appeal is taken or if further appeal is taken from the Commission's decision on appeal, it shall be to the Board of Supervisors. The appeal shall be noted on the Board of Supervisor's Agenda in accordance with Chapter 21, Code of Iowa for the next regular board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal has been taken. Any appeal taken before the Board shall be closed pursuant to Section 21(a), Code of Iowa because the identity and particulars of the care are confidential under Section 35B.10 and 35B.12, Code of Iowa.

7-1-13 Appeal Hearing.

1. Applicant's appeal shall be heard 'de novo' at the time schedule in the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal, including testimony, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules or evidence shall not apply. The Commission or Board may set reasonable times for the presentation of the parties at any appeal. The applicant's file shall be admitted into evidence. The Commission or Board may question the applicant. On an appeal before the Board the Commission shall present the Board with the reasons for its determination. The appeal will be tape recorded. When the Commission or Board deliberates on the appeal, no parties shall be present.

2. The Commission or Board shall make a decision on the appeal within five (5) working days. The decision shall be only on the basis of the evidence submitted. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the applicant shall be mailed at his or her last known address, the decision in writing. The decision shall state the reasons for action, together with any statute or Ordinance applied.

7-1-14 Actions of the Commission and Board. In the event the Commission, in reviewing the actions of the Director, or the Board in reviewing the actions of the Commission, questions any allowance of assistance benefits, it shall not take action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant has taken an appeal. This hearing shall proceed in the same manner as appeal from the Director to the Commission.

TITLE V: PUBLIC ORDER, SAFETY, AND HEALTH

CHAPTER 8 LEE COUNTY BURN ORDINANCE

5-8-1 Purpose
5-8-2 Prohibited Open Burning
5-8-3 Notification
5-8-4 General Conditions for Open Burning
5-8-5 Penalties
5-8-6 Validity
5-8-7 Applicability
5-8-8 Effective Date

5-8-1. PURPOSE. The purpose of this Ordinance is to provide Lee County fire departments notice of open burning to better use fire equipment and volunteers' time. While this Ordinance requires persons to notify the Lee County Sheriff's Department prior to an open burn, this Ordinance is not intended to and does not relieve the person who open burn of their obligations, liabilities and responsibilities regarding their actions and the consequences of their own open burn.

Open burning carries with it certain inherent risks that are solely the responsibility of the person conducting the open burn. This Ordinance and its notification requirements are not intended to relieve that person from his/her responsibilities, not place any liability on Lee County Sheriff's Department or the local fire departments.

It is further the intent of the Ordinance that after Lee County Sheriff's Department receives notification of an open burn, it will relay that information to the respective Lee County fire departments to report the date, time and location of the open burn, along with the name of the person open burning and their telephone/cell phone number. Lee County Sheriff's Department is not in a position to approve or disapprove of any open burning.

5-8-2. PROHIBITED OPEN BURNING. This Ordinance prohibits all persons from conducting or permitting open burning on public property without prior authorization of the public entity responsible for its control and care.

This Ordinance adopts current and any future updated Iowa Administrative Code rules regarding open burning, as contained in 567-23.2 "Open Burning."

5-8-3 NOTIFICATION. No person shall burn "disaster rubbish", trees and tree trimmings", "landscape waste", and agricultural structures", as defined in the Iowa Administrative Code 567-23.2, without first notifying the Lee County Sheriff's Department of the name of the person responsible for the burn, that persons telephone and/or cell phone number, the specific location of the open burn, and the date and time of the open burn for these types of wastes.

No person shall burn prairies, pastures, fields, yards or road ditches without first notifying the Lee County Sheriff's Department of the name of the person responsible for the burn, that person's telephone and/or cell phone number, the specific location for the burn and the date and time of such open burn.

Notification, pursuant to this Ordinance, is nt required for the burning of "paper or plastic pesticide containers and seed bags", as defined by Iowa Administrative Code 567-23.2; not does this Ordinance require notification for any other type of open burning unless specifically addressed in this Section of the Ordinance. [Please note that federal and state notification requirements still remain in effect, for example, State of Iowa notification requirements exist for training fires.] Nothing in this ordinance should be interpreted as to require notification prior to burning household rubbish in a burn barrel.

5-8-4 GENERAL CONDITION FOR OPEN BURNING. The city or township fire department may prohibit any or all open burning when the city or township fire department determines atmospheric conditions or local circumstances make such fires hazardous or a nuisance.

All open burn fires must also be conducted in accordance with all Federal and State of Iowa regulations regarding the use of fire.

Attendance of Open Fires. Open fires shall be attended by an adult person until such fire is extinguished; or in a manner approved by the city or township fire department. Exception to this would be the burning of large brush piles, which would be impractical to extinguish at the end of the day. Once a major portion of the pile is burned and there is sufficient border around it with no combustible material the fire may be left unattended. The local fire officials may be consulted if you need advise on what would be appropriate distances for border prior to burning.

This Ordinance does not supercede Section 100.40 or 100.41, Code of Iowa, which allows the State Fire Marshall to prohibit open burning during periods of extremely dry conditions or other conditions when the State Fire Marshall finds that open burning constitutes a danger to the life of property.

5-8-5 PENALTIES. The person violating this Ordinance shall be guilty of a simple misdemeanor punishable by a fine of up to five hundred dollars ($500.00) and/or thirty days (30) in jail per occurrence. Furthermore, that person is subject to pay restitution to any responding fire department for any and all costs incurred by it for each unlawful burn in violation of this Ordinance.

The Board of Supervisors finds that restitution may be difficult to quantify for such things as wear and tear on equipment and disruption of the normal day-to-day activities of volunteers,. Minimum restitution to responding agencies is therefore fixed in the amount of one hundred dollars ($100.00) per occurrence.

5-8-6 VALIDITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The political subdivision passing this Ordinance hereby declares that it would have passed this Ordinance and such section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

5-8-7 APPLICABILITY. This Ordinance shall apply to all unincorporated lands and incorporated areas without any open burning ordinances that lie within the boundaries of Lee County, Iowa.

5-8-8 EFFECTIVE DATE. This Ordinance shall be in effect upon publication as required by law.