

CLINTON COUNTY CODE OF ORDINANCES

State legislation at any time can be enacted that would change the current law as adopted in your City Code. ECIA has no duty or responsibility to keep you updated on law changes. However, ECIA will make every attempt to notify you when legislative changes occur that have an impact on your City Code. It is the municipality's responsibility to either repeal or amend the ordinances impacted by the legislative changes. ECIA advises you to have your City Attorney review your City Code and the legislative changes that occur after the date of the City's last codification. ECIA cannot provide legal advice

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CODIFIED BY: EAST CENTRAL INTERGOVERNMENTAL ASSOCIATION
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DUBUQUE, IOWA 52002

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TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 1 ORDINANCE ADOPTION PROCEDURE

1-1-1	Purpose	1-1-3	Severability Clause
1-1-2	Adoption in Accordance with Code of Iowa Sec. 331.302	1-1-4	Definitions

1-1-1 PURPOSE. The procedures in this Ordinance shall be used by the County of Clinton for the adoption and amendment of all subsequent Ordinances in this County.

1-1-2 ADOPTION IN ACCORDANCE WITH CODE OF IOWA SECTION 331.302. A proposed Ordinance must be considered in accordance with 331.302(6)(a) or 331.302(6)(b) in accordance with 331.305

1-1-3 SEVERABILITY CLAUSE. If some parts of this implementation Ordinance or subsequent Ordinances are found to be inconsistent or in conflict with state and/or federal legal principles, those parts shall not invalidate the remainder of the Ordinance.

1-1-4 DEFINITIONS. The use of all words in this and subsequent Ordinances shall be determined by the definitions provided in Chapter 4, Code of Iowa, 1981, unless otherwise provided in the Ordinance.

(Ord. 01-81, Passed August 5, 1981)
(Amended during 2019 codification)

TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 2 GENERAL PROVISIONS

1-2-1	Grammatical Interpretation	1-2-3	Construction
1-2-2	Prohibited Acts Include Causing, Permitting		

1-2-1 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City:

1. Gender. Any gender includes the other gender.
2. Singular and Plural. The 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 and vice 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.

1-2-2 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this 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.

1-2-3 CONSTRUCTION. The provisions of this Code and all proceeds under it are to be construed with a view to affect its objects and to promote justice.

TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 3 LOCAL OPTION TAX

- 1-3-1 Local Option Tax for Cities
- 1-3-2 Local Option Tax (Charlotte and Lost Nation)
- 1-3-3 Local Option Tax (Welton)
- 1-3-4 Local Option Tax for Schools
- 1-3-5 Local Option Sales Tax For Camanche Community School District
- 1-3-6 Local Option Sales Tax For Northeast Community School District

1-3-1 LOCAL OPTION TAX FOR CITIES. There is imposed a local sales and services tax applicable to transactions within the incorporated areas of:

- Andover
- Calamus
- Camanche
- Clinton
- Delmar
- DeWitt
- Goose Lake
- Grand Mound
- Low Moor
- Toronto
- Wheatland
- Welton

of Clinton County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Iowa Code in the cities where the tax is imposed except those transactions exempted from the sales and services tax by Section 422B.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions occurring on or after October 1, 1989, within the incorporated areas of Andover, Calamus, Camanche, Clinton, Delmar, DeWitt, Goose Lake, Grand Mound, Low Moor, Toronto, Wheatland and Welton. The tax shall be collected by all persons required to collect State gross receipts and taxes.

(Ord. 89-01, Passed July 14, 1989)

1-3-2 LOCAL OPTION TAX (CHARLOTTE AND LOST NATION). There is imposed a local sales and services tax applicable to transactions within the unincorporated areas of Clinton County and the incorporated areas of Charlotte and Lost Nation of Clinton County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Code in the cities and unincorporated areas where the tax is imposed except those transactions exempted from the sales and services tax by Section 422B.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions occurring on or after January 1, 1990, within the incorporated areas of Charlotte, Lost Nation and the unincorporated areas of Clinton County. The tax shall be collected by all persons required to collect State gross receipts and taxes.

(Ord. 89-03, Passed October 27, 1989)

1-3-3 LOCAL OPTION TAX (WELTON).

1. There is imposed a local sales and services tax applicable to transactions within the unincorporated area of the City of Welton, of Clinton County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Iowa Code in the City of Welton where the tax is imposed except those transactions exempted from the sales and services tax by Section 422B.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions on or after January 1, 1997, within the incorporated City of Welton, County of Clinton, Iowa. The tax shall be collected by all persons required to collect State gross receipts and taxes.

2. Revenues from the Local Option Sales and Service Tax are to be allocation in the City of Welton as follows: 100% for property tax relief.

3. This Ordinance shall be in effect January 1, 1997.

(Ord. 96-05, Passed October 14, 1996)

1-3-4 LOCAL OPTION TAX FOR SCHOOLS. There is imposed a local option sales and services tax for school infrastructure applicable to transactions within Clinton County:

1. The rate of tax shall be one (1) percent upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in Clinton County.

2. The local sales and services tax is imposed on transactions occurring on or after July 1, 2001, within Clinton County. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code; on the gross receipts from the rental of rooms, apartments or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed; on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code; and on the sale or rental of tangible personal property described in Section 422.45, Subsections 26 and 27 of the Iowa Code.

3. All applicable provisions of the appropriate sections of Chapter 44, Division IV, of the Iowa Code are adopted by reference.

(Ord. 2001-1, Passed February 20, 2001)

1-3-5 LOCAL OPTION SALES TAX FOR CAMANCHE COMMUNITY SCHOOL DISTRICT

1. A Special Election was held on March 2, 1999, and a Local Option Sales and Services Tax for School Infrastructure was authorized in Clinton County, Iowa. The rate of the tax is 1% of gross receipts from the sale of goods and services taxed under Chapter 422E, Code of Iowa, except those transactions exempt from the sales and services tax by Section 422B, Code of Iowa, as amended. The change in the local sales and services tax for school infrastructure is imposed on transaction effective January 1, 2005. The tax shall be collected by all persons required to collect State gross receipts and taxes.

2. This Ordinance shall be in effect January 1, 2005.

3. Use of the tax: Revenues from the Local Option Sales and Services Tax for School Infrastructure shall be allocated as follows: To allow the Camanche Community School District to utilize such revenues for school infrastructure purposes and needs of the District or for property tax relief, or those activities for which revenues generated under a physical plant and equipment levy may be spent or for any and all of the expanded purposes now or hereafter authorized by Chapter 422E of the Code of Iowa as amended, as specified in the public measure as approved by the voters of the Camanche Community School District on September 14, 2004.

(Ord. 2004-03, Passed September 20, 2004)

1-3-6 LOCAL OPTION SALES TAX FOR NORTHEAST COMMUNITY SCHOOL DISTRICT

1. A Special Election was held on March 2, 1999, and a Local Option Sales and Services Tax for School Infrastructure was authorized in Clinton County, Iowa. The rate of the tax is 1% of gross receipts from the sale of goods and services taxed under Chapter 422E, Code of Iowa, except those transactions exempt from the sales and services tax by Section 422B, Code of Iowa, as amended. The change in the local sales and services tax for school infrastructure is imposed on transaction effective January 1, 2005. The tax shall be collected by all persons required to collect State gross receipts and taxes.

2. This Ordinance shall be in effect January 1, 2005.

3. Use of the tax: Revenues from the Local Option Sales and Services Tax for School Infrastructure shall be allocated as follows: To allow the Northeast Community School District to utilize such revenues for school infrastructure purposes and needs of the District or for property tax relief, or those activities for which revenues generated under a physical plant and equipment levy may be spent or for any and all of the expanded purposes now or hereafter authorized by Chapter 422E of the Code of Iowa as amended, as specified in the public measure as approved by the voters of the Northeast Community School District on September 14, 2004.

(Ord. 2004-04, Passed September 20, 2004)

TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 4 POLLING PRECINCTS

1-4-1	Clinton County Voting Precincts	1-4-3	Authorization
1-4-2	Precinct Boundaries		

1-4-1 CLINTON COUNTY VOTING PRECINCTS. The voting precincts for Clinton County are established as follow:

Precinct Name:

1. Brookfield/Bloomfield/Delmar
2. Center
3. Camanche/Eden (House District 97)
4. Deep Creek/Goose Lake
5. DeWitt
6. Grant/Olive/Calamus
7. Hampshire/Elk River/Andover
8. Liberty/Toronto
9. Low Moor
10. Orange/Grand Mound
11. Sharon/Lost Nation
12. Spring Rock/Wheatland
13. Washington/Welton/Welton
14. Waterford/Charlotte
15. Clinton/Camanche (House District 98)

1-4-2 PRECINCT BOUNDARIES.

1. All of Brookfield Township and Bloomfield Township including the City of Delmar and including that portion of the City of Maquoketa that lies within Clinton County.

2. All of Center Township as well as the following area: Beginning at the intersection of the centerlines of U.S. Highway 30 and County Road 380th Ave; Thence north on said centerline of 380th Avenue to the intersection of the north border of Camanche Township and the south border of Center Township; Thence east along said border of Camanche Township and Center Township to the west city limits of the City of Clinton, Iowa; Thence south along said west city limits of the City of Clinton, Iowa to the centerline of U.S. Highway 30; Thence west along said centerline of U.S. Highway 30 to the centerline of County Road 380th Avenue; to the point of beginning. Also included in Precinct 2 are census blocks #190450008001015 and #190450008001016 lying south of U.S. Highway 30.

3. All of Eden township excluding the City of Low Moor, and all of Camanche township excluding the City of Camanche and excluding the following census blocks that lie within Camanche township:

- a. Census Tract 2 - Blocks 1033, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1060, 1061
 - b. Census Tract 4 - Blocks 3057, 3085, 3087
 - c. Census Tract 8 – Blocks 2001, 2002, 2005, 3003, 5006, 5016 Census block 2054 is included with the City of Camanche.
4. All of Deep Creek Township including the City of Goose Lake
 5. All of DeWitt Township, excluding the City of DeWitt
 6. All of Grant Township and all of Olive Township including the City of Calamus
 7. All of Hampshire Township and all of Elk River Township including the City of Andover
 8. All of Liberty Township including the City of Toronto
 9. All of the City of Low Moor
 10. All of Orange Township including the City of Grand Mound
 11. All of Sharon Township including the City of Lost Nation
 12. All of Spring Rock Township including the City of Wheatland
 13. All of Washington Township and all of Welton Township including the City of Welton
 14. All of Waterford Township including the City of Charlotte
 15. Those portions of Camanche township located in House District 98 and contiguous to Ward 1 Precinct 2 in the City of Clinton and listed below:
 - a. Census Tract 2 - Blocks 1033, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1060, 1061
 - b. Census Tract 4 - Blocks 3057, 3085, 3087
 - c. Census Tract 8 – Blocks 2001, 2002, 2005, 3003, 5006, 5016

1-4-3. AUTHORIZATION. The Chairperson is authorized to sign the precinct population certification and the County Auditor is directed to forward the certification to the office of Secretary of State.

(Ord. 2002-01, Passed January 7, 2002)

(Ord. 2011-03, Passed October 3, 2011)

TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 5 CEMETERY COMMISSION

- | | |
|---------------------------------------|----------------------------------|
| 1-5-1 Cemetery Commission Established | 1-5-5 Powers and Duties |
| 1-5-2 Membership | 1-5-6 Budget |
| 1-5-3 Officers | 1-5-7 Compensation |
| 1-5-4 Rules and Regulations | 1-5-8 Access to Pioneer Cemetery |

1-5-1 CEMETERY COMMISSION ESTABLISHED. A Cemetery Commission is hereby established to assume jurisdiction and management of Pioneer Cemeteries in Clinton County, Iowa, pursuant to Section 331.325 of the Code of Iowa.

1-5-2 MEMBERSHIP. The Commission shall consist of nine (9) person, residents of Clinton County, Iowa, appointed by the Board of Supervisors as follows: Three (3) of the members shall be appointed for a term expiring December 31, 2008, three (3) for a term expiring December 31, 2009, and three (3) for a term expiring December 31, 2010. Their successors in all cases shall be appointed for a term of three (3) years, and all appointments to fill vacancies shall be for the unexpired term. The Commission shall at all times have at least four (4) members who are currently township officials.

1-5-3 OFFICERS. The Commission shall select a chairperson, vice chairperson, secretary and treasurer, and such other officers, as the commission shall deem necessary.

1-5-4 RULES AND REGULATIONS. The Commission shall have authority to establish such rules and regulations governing its organization and procedures, as it shall deem necessary.

1-5-5 POWERS AND DUTIES. The Commission shall have all powers and duties relating to Pioneer Cemeteries, which may otherwise be exercised by township trustees under the Code of Iowa, except those Pioneer Cemeteries being maintained by township trustees, with the exception the Commission shall not have the authority to certify a tax levy.

1-5-6 BUDGET. The Commission shall submit a proposed budget including the amount of available funds and proposed expenditures to the Clinton County Auditor no later than January 1 of each year. The budget shall be subject to approval by the Board of Supervisors.

1-5-7 COMPENSATION. The Commissioners shall receive no compensation for their services as such, but may be reimbursed for necessary expenses incurred in the performance of their duties.

1-5-8 ACCESS TO PIONEER CEMETERY. Access to Pioneer Cemeteries shall be negotiated with property owners where necessary.

(Ord. 2007-05, Passed December 1, 2007)

TITLE I ORGANIZATION AND STRUCTURE

CHAPTER 6 SHERIFF’S RESERVE DEPUTIES – RESIDENCY REQUIREMENT

- 1-6-1 Purpose
- 1-6-2 Residency Requirement Eliminated
- 1-6-3 Time and Distance Requirements

1-6-1 PURPOSE. The purpose of this ordinance is to eliminate the state residency requirement for Clinton County Sheriff’s Reserve Deputies as required by the Iowa Law Enforcement Academy, Iowa Administrative Code 501-2.1 (1).

1-6-2 RESIDENCY REQUIREMENT ELIMINATED. As of the effective date of this ordinance, Clinton County Sheriff’s Reserve Deputies will no longer be required to be residents of the State of Iowa.

1-6-3 TIME AND DISTANCE REQUIREMENTS. The Sheriff’s Office shall assess the needs and demands of their office and shall establish a time and distance policy for the Reserve Deputies.

(Ord. 2019-01, Passed January 15, 2019)

TITLE II PUBLIC SERVICES - RESERVED

TITLE III BUSINESS AND OCCUPATIONS

CHAPTER 1 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

3-1-1 License Required	3-1-8 License - Display
3-1-2 Definitions	3-1-9 Fees
3-1-3 Exemptions	3-1-10 Transferability
3-1-4 License – Application	3-1-11 Duration, Renewal
3-1-5 Application Fee	3-1-12 Revocation
3-1-6 Investigation of Application	3-1-13 Penalty
3-1-7 License - Issuance	

3-1-1 LICENSED REQUIRED. Any person engaging in peddling, soliciting, or in the business of a transient merchant in this county without first obtaining a license as herein provided shall be in violation of this chapter.

3-1-2 DEFINITIONS. For the use within this chapter the following terms are defined:

1. “Peddler” is any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. “Solicitor” is any person who solicits or attempts to solicit from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.

3. “Transient Merchant” is any person, firm, or corporation who engages in a temporary or intermittent merchandising business and in the course of such business hires, leases, or occupies any building, structure, truck or trailer, whatsoever. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with as a part of or in the name of any local merchant, dealer, trader, or auctioneer shall not exempt any person, firm, or corporation from being considered a transient merchant.

3-1-3 EXEMPTIONS. The following shall be exempt from the provisions of this chapter:

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of a local civic and service clubs, Boy Scouts, Girl Scouts, 4-H Clubs, Future Farmer of America and similar organizations while actually participating in fund raising or other canvassing activist for their respective organizations only.

3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products or produce, or who only occasionally sell household products or toilet goods in small quantities on a commission basis only.

4. Students. Students representing the local school districts while conducting projects sponsored by organizations recognized by the school.

5. Route Sales. Route delivery persons who only incidentally solicit additional business or makes special sales.

6. Resale or Institutional Use. Persons customarily called on business or institutions for the purpose of selling products for resale or institutional use.

7. Religious and Charitable Organizations. Authorized representatives of religious charitable organizations desiring to solicit money or to distribute literature shall be exempt.

3-1-4 LICENSE – APPLICATION. An application in writing shall be filed with the Sheriff's Office for a peddler, solicitor, and transient merchant's license. The application may be submitted Monday through Friday from 8:00 a.m. to 3:00 p.m. Such application shall set forth:

1. The applicant's name, permanent and local address, business address, if any, and a copy of the applicant's photo identification.

2. The application also shall set forth the applicant's employer, the employer's address, the nature of the applicant's business, and the last three places such business was conducted, if any.

3. The length of time sought to be covered by the license.

4. Tax identification number.

5. A true invoice or detailed statement of the amount of goods, wares, merchandise or stock it is proposed to offer for sale within the county, a specific statement of their location, if applicable.

6. The name and address of the grower, manufacturer or distributor from which such goods, wares, merchandise or stock was purchased or is to be purchased, if applicable.

7. The name of the true and lawful agent with full power and authority to accept service of notice or process for and on behalf of the applicant in respect to any matters connected with or arising out of any license.

3-1-5 APPLICATION FEE. An application fee of five dollars shall be paid at the time of filing such application to cover the cost of investigation of the facts stated therein. The proceeds

shall be placed in the county general fund.

3-1-6 INVESTIGATION OF APPLICATION. The Sheriff's Office may make an investigation of the facts contained in the application for a license required by this article.

3-1-7 LICENSE – ISSUANCE. If the Sheriff's Office finds the application is completed in conformance above section and the facts stated therein are correct, the Sheriff's office shall issue a license, and charge the application fee. A license must be obtained at least ten (10) days prior to the first day any sale is made.

3-1-8 LICENSE – DISPLAY. Each peddler, solicitor and transient merchant shall at all times with all requirements of this chapter while doing business in this county keep in his/her possession the license provided and shall, upon the request of prospective customers or a peace officer, exhibit the license as evidence of compliance of this resolution.

3-1-9 FEES. No peddler, solicitor and transient merchants' license shall be issued until payment is made in full to the Sheriff's Office for the term of the license. The license fee is \$10.00 per day. The fee proceeds shall be placed in the county general fund.

3-1-10 TRANSFERABILITY. Licenses required by this article shall not be transferable.

3-1-11 DURATION, RENEWAL. The license may be renewed upon payment of the additional daily fee.

3-1-12 REVOCATION. The Sheriff's Office may revoke the license of any person engaging as a peddler, solicitor, or transient merchant who has been convicted of violating any of the provisions of this resolution or any person who persists in the violation of any of its terms, and should such license be revoked the licensee shall not be granted a new license or permit within a period of two (2) years from the date of revocation. If a license is denied or revoked, the applicant may appeal in writing to the Board of Supervisors. The Board of Supervisors will issue a final determination within 30 days of receipt of the appeal.

3-1-13 PENALTY. Any person convicted in violation of this ordinance shall be guilty of a simple misdemeanor and is subject to a penalty with a minimum fine of sixty-five dollars (\$65.00) and a maximum fine of six hundred twenty-five dollars (\$625.00) and/or imprisonment in jail for a period not to exceed thirty (30) days. Any fine collected shall be placed in the general fund.

(Ord. 2013-01, Passed January 21, 2013)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 1 UNIFORM RURAL ADDRESS SYSTEM

4-1-1	Purpose	4-1-7	House Numbers
4-1-2	Definitions	4-1-8	Maintenance of Uniform Rural Address System
4-1-3	Establishment by Ordinance	4-1-9	New Structures
4-1-4	Extent of System	4-1-10	Penalty
4-1-5	Implementation of System		
4-1-6	Road Markers		

4-1-1 PURPOSE. This Ordinance mandates the use of a uniform rural address system for residents of Clinton County in order to promote the convenience, safety, and general welfare of those residents and provides for a penalty.

4-1-2 DEFINITIONS. For use in this Ordinance, the following terms or words shall be interpreted or defined as follows:

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

4-1-3 ESTABLISHMENT BY ORDINANCE. The Board shall, by Ordinance, establish the street and avenue type of uniform rural address system to be used in Clinton County.

4-1-4 EXTENT OF SYSTEM. The uniform rural address system shall extend over the entire unincorporated areas of Clinton County except for those areas already using the system of a nearby incorporated area. Any incorporated area, upon presentation of a written request from the governing body of such City to the Board, may also be included in the uniform rural address system.

4-1-5 IMPLEMENTATION OF SYSTEM. The Board shall direct the County Engineer to:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to that map.
3. Assign addresses in accordance with the system selected by the Board.
4. Purchase sign assembly materials which meet Iowa 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 Clinton 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. The 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.

4-1-6 ROAD MARKERS. The County Engineer shall supervise the installation of road identification markers at each road intersection in Clinton County whereby the provisions of this Ordinance apply. Such markers shall be in place on or before the date the system takes effect.

4-1-7 HOUSE NUMBERS. Clinton County will provide for every person owning, controlling, occupying, or using any house, store, storeroom, or building situated on premises fronting any public way as provided in Section 4-1-4, a permanent marker on such premises

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

The permanent marker with the house number affixed shall be placed to the right of the driveway on the right of way line as you face the property from the road.

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.

4-1-8 MAINTENANCE OF UNIFORM RURAL ADDRESS SYSTEM. The County Engineer shall be responsible for the enforcement and maintenance of the uniform rural address system in Clinton County. These duties shall include assignment of all new addresses, providing markers for new addresses, providing replacement markers, replacing street markers as needed, updating maps, making available new maps on an annual basis, making periodic checks of the rural areas of Clinton County to insure that the provisions of this Ordinance are being complied with, and any other duties necessary to insure the continued maintenance of the uniform rural address system of Clinton County.

A fee for said replacement markers, covering the cost of said markers, shall be paid to Clinton County by the property owner or proprietor.

4-1-9 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 County Engineer who shall within fourteen (14) days assign a number to such structure. The provisions of Section 4-1-5 and Section 4-1-7 shall be applicable to any person subject to the provisions of this Section.

4-1-10 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 intentionally by one who has no right to so act may be punished by a fine of not more than \$100.00 or by imprisonment of not more than 30 days. In addition, any violation of this Section shall be a county infraction which is punishable by a civil penalty of not more than \$500.00 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense.

(Ord. 91-3, Passed August 9, 1991)
(Ord. 2004-02, Passed May 3, 2004)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 2 UTILITY LINE INSTALLATION

4-2-1	Purpose	4-2-4	County Engineer to Administer
4-2-2	Definitions	4-2-5	Authority to Establish
4-2-3	Powers of the Board of Supervisors	4-2-6	County Infraction

4-2-1 PURPOSE. The purpose of this Ordinance is to adopt provisions for the inspection and regulation of utility line installations, including the issuance of permits and the collection of inspection fees, and to provide penalties for the violation of this Ordinance in order to protect public safety, health and welfare.

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

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

4-2-3 POWERS OF THE BOARD OF SUPERVISORS. An applicant shall not place a utility line on or under the secondary road system without a utility permit issued by the Board of Supervisors. An applicant shall not place a utility line on or under the secondary road system which violates a utility permit issued by the Board of Supervisors. All jurisdiction and control over the issuance of a utility permit shall rest with the Board of Supervisors.

4-2-4 COUNTY ENGINEER TO ADMINISTER. The County Engineer may make such rules and regulations, not inconsistent with this Ordinance, as are necessary to carry out the administration of this Ordinance. The utility permit form, and all amendments thereto, shall be adopted by the Board of Supervisors by resolution.

4-2-5 AUTHORITY TO ESTABLISH. The Board of Supervisors is empowered to establish and require a utility permit under the authority of Iowa Code Chapters 306, 319, 320, 331, 477, 478, 479, 479A and 480.

4-2-6 COUNTY INFRACTION. Violation of this Ordinance is a county infraction under Iowa Code Section 331.307, punishable by a civil penalty of \$500 for each violation. Each day that

a violation occurs or is permitted to exist by the applicant constitutes a separate offense.
(Ord. 92-3, Passed September 21, 1992)
(Ord. 2004-02, Passed May 3, 2004)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 3 CLEARANCE OF SNOW OR ICE ON SECONDARY ROADS

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

4-3-1 PURPOSE. The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow or ice and maintenance of its secondary road system during the winter months, specifically defined as November through April, as provided in Section 668.10 (2) (1995), Code of Iowa, and pursuant to the provisions of Section 309.67, Code of Iowa. This policy and level of service are to be implemented within the amount of money budgeted for this service, and as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. The clearance of roads at any cost, under any circumstances, day or night, is not the County's policy. If emergency situations arise, the Budget may be revised.

4-3-2 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 compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment will be utilized for this purpose. On occasion County personnel may be rendered unavailable due to the requirements of the Omnibus Transportation Employee Testing Act of 1991. Except for "emergencies" as determined by the County Engineer's professional judgment, or his/her designee acting in his/her absence, on a case by case basis, all clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service and as practicable. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right of way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The lines of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others.

Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility,

and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

4-3-3 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 the ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved roads be accomplished prior to the clearance of gravel and dirt roads. The County Engineer's professional judgment, or his/her designee's, shall prevail, unless it is clearly erroneous.

1. Paved Routes

a. The initial effort will be to get all routes open to two-lane traffic as soon as possible and or practicable. During initial snow removal operations, paved roads may only have one lane plowed for a period of time.

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 6:00 P.M. – 5:00 A.M. The trucks may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.

d. When required, due to drifting snow, motorgraders may be used to keep the paved roads open and the opening of gravel 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 the section, intersections, hills, and curves may, but not necessarily, have placed on them, salt, sand, or other abrasives. These intersections, hills, and curves may not be resanded, resalted, or have other abrasives replaced on them between snowstorms.

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

2. Unpaved Routes

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

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

c. Motorgraders and/or truck plows will not normally be in operation between the hours of 6:00 P.M. – 5:00 A.M. The motorgraders and/or truck plows may be called off the road if snow and blowing reduces visibility to hazardous working conditions, in the professional judgment of the Engineer or his/her delegated representative.

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

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.

4-3-4 LIMITATION OF SERVICE Notwithstanding anything else stated in this ordinance, the policy and level of service provided for in this ordinance shall not include the following, and the following services shall not be performed:

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

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

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

4. Sanding, salting, or placing abrasives upon any road, except for paved roads. If in the opinion of the County Engineer, or his/her designee, an "emergency" exists and ice has built up on hills and intersections on the gravel system that slope down to another road so as to become dangerous, abrasive material may be applied at these locations as crew and equipment availability allows.

This condition will not, take a higher priority than placing of abrasive material on the paved road system and will only be done after the paved roads are cleared of ice and snow. Abrasive material will also only be placed after other mechanical means have been tried and failed, such as scraping with motorgraders.

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

4-3-5 EMERGENCY. Service or the level or sequence of service may be suspended during “Emergency” conditions. An “Emergency” condition shall be considered as one where loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. These conditions should be verified through the County Civil Defense Director, physician, the 911 dispatcher or Sheriff’s Office. The County may respond to all “Emergency” conditions, either during or after a snowstorm. Any person who makes a false report of an “Emergency” to an officer, official, or employee of Clinton County or who causes a false report to be so made shall, upon conviction, be subject to a fine of not more than \$100.00 or imprisonment of not more than 30 days in the County jail. In addition, any violation of this Section shall be a county infraction which is punishable by a civil penalty of not more than \$500.00 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense.

Service or the level or sequence of service shall be further suspended in the event the Governor, by proclamation, implements the State Disaster Plan, or the Chairman of the Board of Supervisors, by proclamation, implements the County Disaster Plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the Chairman of the Board of Supervisors, respectively.

(Ord. 96-08, Passed December 6, 1996)

(Ord. 2004-02, Passed May 3, 2004)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 4 AREA SERVICE SYSTEMS “B” ROADS

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

4-4-1 PURPOSE. The purpose of this Ordinance is to classify certain roads on the area service system in Clinton County to provide for a reduced level of maintenance consistent with their usage.

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

1. “Area Service System” includes those roads outside of municipalities not otherwise classified.

a. “Area Service Systems A” roads shall be maintained in accordance with applicable state statutes.

b. “Area Service System B” roads shall not require standards of maintenance applicable to Farm-To-Market or “Area Service System A” roads. “Area Service Systems B” roads shall not mean what is construed in the normal sense driveways or private lanes to farm buildings or dwellings unless they are designated public roads on the county systems as adopted by the Board of Supervisors.

2. “Board” shall mean the Board of Supervisors of Clinton County.

3. “Engineer” shall mean the County Engineer of Clinton County.

4-4-3 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 Clinton County.

4-4-4 AUTHORITY TO ESTABLISH. The Board of Supervisors of Clinton County is empowered under authority of Chapter 309.57 of the Code of Iowa, to classify secondary roads on the Area Service 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 system in Clinton County after consultation with the County Engineer.

4-4-5 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.

4-4-6 HEARING: AREA SERVICE SYSTEMS B ROADS ESTABLISHED BY RESOLUTION. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof of 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 the proposed Area Service System B road classification practical it may establish it by proper resolution.

4-4-7 MAINTENANCE POLICY. Only the minimum effort, expense, and attention will be provided to keep the Area Service System B roads open to traffic. Additional services may be requested by the abutting property owners and may be performed as deemed necessary by the County Engineer operating under Board policies. Bridges may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations. The various maintenance activities performed on the Area Service System B roads will be as follows:

1. Blading. Blading or dragging will be in accordance with actual required road usage but will not be done on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will only be provided to open the road to residential dwellings and will be the county's lowest priority operation. Neither salt nor abrasives will be utilized. Any additional snow plowing may be done on a special request basis as deemed necessary by the County Engineer operating under the Board policy. Snow and ice may not be removed.
3. Signing. Except for load limit posting signing may not be continued or provided. All Area Service System B roads will 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 of weeds, brush cutting and removal, tree cutting and removal will not be performed by the Secondary Road Department. Clear vision areas and site distances will not be maintained at intersecting roadways and driveways.
5. Structure and Drainage. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structures will be appropriate for the traffic thereon. Adequate drainage across the roadway will be provided in accordance with state drainage law. Roadside ditches will not be maintained or cleaned out on a periodic basis.
6. Road Surfacing. Surface materials (aggregate) will be placed only on as needed basis and will not be placed on a regular basis. No surface material will be placed on an un-surfaced (dirt) road.
7. Shoulders. Shoulders and roadsides will not be maintained.

8. Crown. A specific uniform crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. A uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular road inspections will not be conducted.

4-4-8 EXEMPTION FROM LIABILITY. As provided by Chapter 309.57, Code of Iowa, the County and officers, agents, and employees of the County are not liable for injury to any person or damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System B, if the road has been maintain as provided in Section 4-4-7 of this chapter

(Ord. 2006-07, Passed July 31, 2006).

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 5 AREA SERVICE SYSTEM “C” ROADS

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

4-5-1 PURPOSE. The purpose of this Ordinance is to classify certain roads on the area service system in Clinton County as Area Service “C” roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57.

4-5-2 DEFINITIONS For use in this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. “Area Service System” includes those roads outside of municipalities not otherwise classified.

a. “Area Service System A” roads shall be maintained in accordance with applicable state statutes.

b. “Area Service System C” roads shall not require standards of maintenance applicable to Farm-To-Market or “Area Service System A and B” roads. “Area Service System C” roads shall not mean what is construed in the normal sense driveways or private lanes to farm buildings or dwelling unless they are designated public roads on the county system as adopted by the Board of Supervisor.

2. “Board” shall mean the Board of Supervisors of Clinton County.

3. “Engineer” shall mean the County Engineer of Clinton County.

4-5-3 HOW ESTABLISHED

1. Resolution. Roads may only be classified as Area Service “C” by resolution of the Board. The resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. Requests by property owners abutting a road seeking Area Service “C” classification will be reviewed by the Board upon receipt of a signed petition including all abutting property owners of the road section of concern.

2. Notice of Action. Before the Board may take action to establish an Area Service “C” road, a notice of the proposed action, including the location of the Area Service “C” road and the time and place of the meeting at which the Board proposes to take action on classification of the road, shall be published as provided by law.

3. Board Action. At the meeting, the Board shall receive oral or written comments from any resident or property owner of the County. After all comments have been received and considered, the Board, at the meeting or date to which it is adjourned, may take action after consultation with the County Engineer.

4-5-4 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.

4-5-5 SIGNS. Area Service “C” roads shall have signs conforming to the Iowa Signing Manual Per 761 Iowa Administrative Code Chapter 130. The signs shall be installed and maintained by the County at all access points to the Area Service “C” roads from other public roads to warn the public that access is limited and that the road has limited maintenance.

4-5-6 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 Iowa Code Section 716.7.

4-5-7 RECLASSIFICATION. A road with an Area Service “C” classification shall retain the classification until such a time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more of the adjoining landowners. The Board shall approve or deny the request for reclassification within sixty days of receipt of the petition.

4-5-8 POWERS OF THE BOARD. All jurisdiction and control over Area Service “C” roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

4-5-9 EXEMPTION FROM LIABILITY. As provided by Chapter 309.57, Code of Iowa, the County and officers, agents, and employees of the County are not liable for injury to any person or damage to any vehicle or equipment, which occurs approximately as a result of the maintenance of a road which is classified as Area Service System “C”, if the road has been maintained to the level of maintenance effort as described in the establishing resolution.

(Ord. 2006-08, Passed July 31, 2006).

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 6 ENGINE AND COMPRESSION BRAKES

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|--------------------------------|----------------------|
| 4-6-1 Purpose | 4-6-4 Public Hearing |
| 4-6-2 Authority to Establish | 4-6-5 Prohibition |
| 4-6-3 Notice of Public Hearing | 4-6-6 Penalties |

4-6-1 PURPOSE. The purpose of this Ordinance is to provide Clinton County residents protection from excessive noise caused by the use of engine brakes and compression brakes in the general vicinity of the intersection of paved roadways. While this Ordinance prohibits the use of engine brakes and compression brakes at certain intersections of paved roadways, it does not relieve the driver's obligations, liabilities and responsibilities to safely and legally transverse through the intersection.

4-6-2 AUTHORITY TO ESTABLISH. The Board of Supervisors of Clinton County is empowered under authority of Chapter 331.302 and 331.307 of the Code of Iowa, to exercise a power or perform a duty only by the passage of a motion, a resolution, an amendment or an Ordinance. The Board shall, by resolution, declare its intention to establish an Ordinance, which prohibits Engine Brake and Compression Brake usage.

4-6-3 NOTICE OF PUBLIC 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 intersection that prohibits Engine Brake and Compression Brake usage as set out in the resolution of the Board, and shall state that all persons interested may appear and be heard at such hearing.

4-6-4 PUBLIC HEARING. On the day fixed for the public hearing or any day to which the public hearing has been adjourned, upon proof of its satisfaction made by affidavit of due publication and posting of the notice of public hearing, the Board shall consider any and all relevant evidence and if the Board finds the proposed intersection that limits Engine Brake and Compression Brake Usage is practical and protects the public from excessive noise it may establish it by proper resolution.

4-6-5 PROHIBITION. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within 500 feet of the intersection of paved roadways in the County of Clinton, State of Iowa, as established by a resolution in accordance with this Ordinance, any Engine Brake, Compression Brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle.

4-6-6 PENALTIES. The scheduled fine for violation of this Chapter shall be one hundred dollars (\$100.00).

(Ord. 2007-04, Passed November 5, 2007)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 7 CONSTRUCTION AND RECONSTRUCTION OF ROADWAYS AND BRIDGES ON THE CLINTON COUNTY SECONDARY ROAD SYSTEM

4-7-1 Purpose

4-7-3 Design Criteria

4-7-2 Level of Service

4-7-1 PURPOSE. The purpose of this ordinance is to establish Clinton County's policy for the construction of roads, reconstruction of roads, construction of bridges, reconstruction of bridges and other roadway and drainage features associated with road and bridge construction.

4-7-2 LEVEL OF SERVICE. The level of service shall be based on traffic counts, roadway classification, pavement type, roadway geometrics and other data used in accepted engineering design as established by the County Engineer, Iowa Department of Transportation and the Federal Highway Administration.

4-7-3 DESIGN CRITERIA. In implementation, this policy shall set the minimum design standards that Clinton County will follow in the construction or reconstruction of roads and bridges. These criteria shall be based on accepted engineering practices and standards established by the Iowa Department of Transportation and the Federal Highway Administration.

The County Engineer shall assure the minimum design standards established herein are adhered to in a uniform manner unless, in his or her professional judgment, a deviation from standards is warranted. Minimum design standards are not subject to discretionary enforcement. Any deviations must be documented as unreasonable and or impossible to implement by the County Engineer and/or the County Board of Supervisors.

PAVED ROUTES

1. New Pavement:

a. New pavement shall be constructed with a 22' wide pavement and a minimum three feet wide granular shoulder. Intersections with non-paved roads shall have pavement extended back onto the intersecting road 50' beyond the end of the intersection radius.

b. Paved shoulders and edge line rumble stripes shall be constructed if crash data warrants based on accepted HSIP and TSIP cost/benefit analysis.

c. Concrete rumble strips shall be installed on all approach stop situations.

d. Safety edge shall be incorporated into new construction projects when the proposed new pavement thickness will be greater than three inches thick.

2. Reconstruction of Pavement

a. Paved roads shall be reconstructed with a 22' wide pavement or to the previous pavement width, whichever is greater with granular shoulders.

b. Concrete rumble strips shall be installed on all approach stop situations not located in residential areas.

c. Safety edge shall be incorporated into reconstruction (rehabilitation) projects when the proposed new pavement thickness will be greater than three inches thick.

UNPAVED ROADS

1. Gravel Roads:

a. New construction of a gravel road shall have a 28' finished top, including shoulders.

b. Reconstruction of a gravel road shall be to the previous width prior to reconstruction.

2. Class B & C Roads:

a. Class B and C roads will be built to the minimums as outlined by Iowa Code.

BRIDGES & Drainage Structures

1. Paved Routes:

a. Bridges on paved routes shall be built with a minimum width of 30'. Wider structures will be installed when there are issues relating to oversized vehicles, pedestrian facilities, biking usage or other issues where the additional width is warranted.

b. Culverts under paved roads shall be concrete or metal.

c. Pipe culverts larger than 54" in diameter may be substituted with reinforced box culverts.

d. Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.

e. Water and livestock will use separate structures whenever possible.

2. Unpaved Routes:

a. Bridges will normally be a minimum of 28' on gravel roads. Dead end roads may be narrower at the discretion of the County Engineer

b. Culverts may be metal or concrete. Pipe culverts larger than 54" in diameter may

be substituted with reinforced box culverts.

c. Design for drainage structures will be governed by accepted hydraulic design standards. Input from IDNR, Corp of Engineers, Iowa DOT, NRCS, or USGS may impact the size and type of the structure to be placed.

d. Water and livestock will use separate structures whenever possible.

3. Class B & C Roads

Class B and C roads will be built to the minimums as outlined by Iowa Code.

4. Entrance Bridges

Any and all bridges/drainage structures that are fully or partially in the road right-of-way that serve as entrances to private property from the public roadway shall not be under the jurisdiction and responsibility of the County. Clinton County will not be financially responsible for construction, replacement or maintenance of private property entrance structures.

(Ord. 2015-05, Passed October 19, 2015)

TITLE IV STREETS, ROADS, PUBLIC WAYS AND TRANSPORTATION

CHAPTER 8 LIMITED USE OF ALL TERRAIN VEHICLES (ATV) INCLUDING OFF ROAD UTILITY VEHICLES (UTV) ON SECONDARY ROADS IN CLINTON COUNTY, IOWA

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|-----------------------------|--|
| 4-8-1 Purpose | 4-8-5 Registration Requirements and Conditions |
| 4-8-2 Definitions | 4-8-6 Exempt Vehicles |
| 4-8-3 Operation on Roadways | 4-8-7 Penalties |
| 4-8-4 Restrictions | |

4-8-1 PURPOSE. The purpose of this ordinance is to identify regulations regarding ATV and UTV operation Clinton County roadways. This Ordinance does not relieve the operator's obligations, liabilities and responsibilities to safely and legally traverse the County roadways.

4-8-2 DEFINITIONS.

1. "All Terrain Vehicle" means a motorized floatation-tire vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand two hundred cubic centimeters and in total dry weight to not more than twelve hundred pounds with a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2. "Off Road Utility Vehicle" means a motorized floatation-tire vehicle with not less than four and not more than eight non-highway tires or rubber tracks that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to not more than two thousand pounds with a seat that is of bench or bucket design, not intended to be straddled by the operator and which has a steering wheel or levers for steering control.

3. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel.

4-8-3 OPERATION ON ROADWAYS.

1. A registered ATV or UTV vehicle may be operated on Clinton County roads in Clinton County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. Such operation shall only be allowed between the hours of 4:00 AM and 10:00 PM (CST).

2. A person shall not operate an ATV or UTV on Clinton County roads unless the operator has a valid driver's license and is at least 16 years of age. A person under the age of 18 and shall not operate anytime before sunrise and/or anytime after sunset.

3. A person under the age of 18 operating an ATV or UTV on County roads shall be required to take and pass an Iowa Department of Natural Resources (IDNR) approved ATV

Education course and must carry a valid safety certificate onboard as proof that the IDNR approved ATV course was successfully completed.

4. Operation of an ATV or UTV is only permitted on the roadway or shoulder, not in the ditch or on the road foreslope.

4-8-4 RESTRICTIONS.

1. A person shall not drive or operate an ATV or UTV:
 - a. At a rate of speed greater than 35 miles per hour or at a speed that is reasonable or proper under existing conditions.
 - b. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. In a manner that causes the ATV or UTV to skid or cause the wheels to lose contact with the road.
 - d. While under the influence drugs or alcohol.
 - e. Without a lighted headlight, tail light and properly functioning unaltered factory exhaust muffler as defined in Iowa Code Section 321.1.12.
 - f. In any area designated as a native grass or wildflower planting area.
 - g. On any public land or designated riding trail in violation of official signs Iowa Department of Natural Resources, prohibiting such operation.
 - h. In any park, wild life area, preserve, refuge, game management area, or any portion of a meandered stream, stream, waterway or any ditch used of conveyance of drainage through the right-of-way.
 - i. ATV's and UTV's may only cross railroad rights-of-way at designated crossing and shall observe all crossing safety requirements.
 - j. Without a valid driver's license, the ATV or UTV is registered to the operator and the operator has proof of insurance.
 - k. With more persons than it was designed to carry.

4-8-5 REGISTRATION REQUIREMENTS AND CONDITIONS. Individuals who operate on roadways in Clinton County must register the ATV or UTV with the IDNR. The following conditions apply:

1. The owner of each ATV or UTV shall be required to provide proof of ownership including but not limited to, bill of sale, IDNR registration or registration from appropriate out-of-state authority and proof of liability insurance with minimum coverage of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 property damage.

2. ATV's and UTV's registered in Iowa are required to display their current registration decal and carry their certificate on board.

3. ATV's and UTV's registered in another state are required to display their registration decal and carry their certificate on board.

4-8-6 EXEMPT VEHICLES. Registration shall not be required for ATV's or UTV's used exclusively as farm implements or as identified by the Code of Iowa.

4-8-7 PENALTIES. The scheduled fine for violation of this section shall be one hundred dollars (\$100.00).

(Ord. 2017-01, Passed July 24, 2017)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 1 DISPOSAL OF YARD WASTE

5-1-1 Definition

5-1-2 Separation of Yard Wastes

5-1-1 DEFINITION. "Yard Waste" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

5-1-2 SEPARATION OF YARD WASTES. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in degradable bags, containers or packages and set out for collection.

(Ord. 91-1, Passed March 4, 1991)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 2 DEBRIS ON PUBLIC PROPERTY

5-2-1 Debris on Public Property

5-2-2 Penalty

5-2-1 DEBRIS ON PUBLIC PROPERTY. Be it enacted as follows for the County of Clinton, outside of the boundaries of cities therein.

No person shall throw or deposit upon any publicly owned property including, but not limited to, roadways and public land adjacent thereto, any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris; nor shall any substances likely to injure any person, animal, or vehicle be thrown or deposited by any person thereupon.

5-2-2 PENALTY. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon arrest and conviction therefore shall be punished by either a fine of up to \$100.00 or a jail sentence of up to 30 days. In addition, any violation of this Section shall be a county infraction which is punishable by a civil penalty of not more than \$500.00 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$750.00 for each repeat offense.

(Ord. 91-2, Passed April 12, 1991)

(Ord. 2004-02, Passed May 3, 2004)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 3 FALSE BURGLAR ALARM

5-3-1	Purpose	5-3-3	Removal of Alarm System
5-3-2	Service Charge Established	5-3-4	Appeal Procedure

5-3-1 **PURPOSE.** The purpose of this Ordinance is to establish a service charge for owners of burglar alarm systems directly connected to the Clinton County Sheriff's Department which cause an excessive occurrence of false burglar alarms responded to by the Clinton County Sheriff's Department. The Ordinance also provides the power to the Sheriff to order the removal of burglar alarm systems from the Clinton County Sheriff's Department alarm board and/or special alarm lines in case of excessive false burglar alarms and nonpayment of service charges.

5-3-2 **SERVICE CHARGE ESTABLISHED.**

1. Upon the receipt of a false burglar alarm, whether the false alarm is intentional or unintentional, and a Deputy Sheriff response is requested by the activation of said alarm system, the alarm system user will be notified by the Sheriff of the occurrence of the alarm and a warning will be issued.

2. Upon the 6th through 10th false burglar alarm occurrence within any calendar year, whether the false alarm was intentional or unintentional, and a Deputy Sheriff response is requested by the activation of said alarm system, the alarm user will be charged a service charge of \$25 for each occurrence due to employee error or negligence.

3. Upon the occurrence of more than 10 false burglar alarms within any calendar year, whether the false alarm was intentional or unintentional, and a Deputy Sheriff response is requested by the activation of said alarm system, the alarm user will be charged a service charge of \$50 for each occurrence due to employee error or negligence.

4. Alarm malfunctions caused by other than employee error or owner error or employee negligence or owner negligence shall not be counted as a false burglar alarm for purposes of levying a service charge or ordering the removal of an alarm system. The failure of the owner to promptly repair a malfunctioning alarm system shall be considered owner negligence.

5-3-3 **REMOVAL OF ALARM SYSTEM.** Upon the occurrence of the 16th false burglar alarm within any calendar year, whether the false alarm was intentional or unintentional, and a Deputy Sheriff response was required by the activation of said alarm system, or upon the nonpayment of a service charge within 30 days of being billed therefor, the Sheriff shall order the removal of the burglar alarm system and/or special alarm line from the Clinton County Sheriff's Department alarm board. The order of removal shall be in writing, delivered to the burglar alarm

system user and specify the reasons for said removal and the time when said removal is to be completed. If the burglar alarm system is not removed within the specified time, the Sheriff shall cause the burglar alarm system and/or special alarm line to be removed. The order of removal shall also advise the burglar alarm system user of his/her right to appeal the order to the County Board of Supervisors.

5-3-4 APPEAL PROCEDURE. Any person aggrieved by the decision of the Sheriff with reference to a service charge or an order to remove a burglar alarm system shall have the right to appeal the decision to the Board of Supervisors. An appeal must be made within 10 days after notice of the Sheriff's decision or order of removal, by filing with the Board of Supervisors a letter of appeal briefly stating therein the basis for the appeal. Failure to file a letter of appeal within 10 days shall constitute a waiver of appellant's right to have the decision reviewed. The Board of Supervisors may either affirm, modify or reverse the decision of the Sheriff. The decision of the Board of Supervisors will be final.

(Ordinance 91-4, Passed September 13, 1991)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 4 CURFEW

5-4-1	Title	5-4-3	Penalty
5-4-2	Definitions		

5-4-1 TITLE. This Ordinance may be known and cited as the "County Curfew Ordinance" of Clinton County, Iowa.

5-4-2 DEFINITIONS.

1. "Minor" means an unemancipated person who has not yet reached the 18th birthday.
2. "Parent" means a person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or by virtue of Court Order.
3. "Street" means a way or place, of whatever nature, open to the use of the public as a matter of right for vehicular or pedestrian travel, including but not limited to streets, alleys, sidewalks, irrespective of what the right of way is called.
4. No minor shall be or remain upon the streets in the unincorporated areas of the county from 11:00 P.M. until 5:00 A.M. Sunday night through Friday morning, and from 12:00 A.M. until 5:00 A.M. Friday night through Sunday morning.
5. "Exceptions". In the following cases, the presence of a minor on City streets shall not constitute a violation of 5-4-2(4) above.
 - a. When the minor is accompanied by the minor's parent.
 - b. When the minor is accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose. Such permission shall be written and presented to a peace officer upon request.
 - c. When the minor exercises First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or right to petition the government, and use of county streets is a necessary incident thereto.
 - d. When the minor is traveling, via direct route, to or from a place of employment, or when such travel is necessary in conjunction with employment duties.

e. When the minor is traveling through the unincorporated area of the county from a place that is not within the unincorporated area of the county, when such travel is by direct route.

f. When the minor is returning home by a direct route from and within 30 minutes from the termination of a school or church activity, or government sponsored activity or event.

g. When the minor is traveling to or from a community- or school-sponsored after-prom event.

h. All contacts with juveniles under this Section shall be returned to the police social worker for follow-up contact with their parent or guardian.

5-4-3 PENALTY. Anyone violating any of the provisions of this Chapter shall be guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding \$100.00 each day that a violation continues to exist.

(Ord. 94-03, Passed August 15, 1994)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 5 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

5-5-1	Enactment	5-5-3	Penalties
5-5-2	Enforcement	5-5-4	Elvira

5-5-1 ENACTMENT. That pursuant to Iowa Code section 331.302 Chapter 69, “On-Site Wastewater Treatment and Disposal Systems” of the Iowa Administrative Code 567 (Environmental Protection) be adopted by reference in its entirety as part of this ordinance.

5-5-2 ENFORCEMENT. This ordinance shall be enforced by the Clinton County Board of Health as required in the Code of Iowa 455B.172(4). The Board of Health or its agent shall be responsible for issuance of required permits. Fees shall be established by the Board of Health Policy.

5-5-3 PENALTIES. Any person violating any provision, section or paragraph of this ordinance shall be ordered to comply by the Clinton County Board of Health. Failure to comply constitutes a simple misdemeanor as authorized by Code of Iowa Chapter 137.21.
(Ord. 96-03, Passed July 17, 1996)

5-5-4 ELVIRA. It is the purpose of this section to adopt rules and regulation for the private sewage disposal systems located on attached map (Figure I) in Elvira, Iowa, of Clinton County; thereby promoting the public health of our residents and providing penalties for violation of the provisions hereof.

1. Definition. The "Administrative Authority" is the Clinton County Sanitarian or an agent designated by the Clinton County Board of Health.

2. Fees.

a. The fee for a permit to construct, alter or repair a private sewage disposal system shall be determined by the Board of Health and be made payable to the Clinton County Health Department at the time of application.

b. The permit application for a private sewage disposal system will not be approved until the fee is paid, nor may any work commence toward construction of the system until the required fee is paid and the permit is issued.

c. All fees for connection and service for the private sewer are determined by Eastern Iowa Regional Utility Service Systems (EIRUSS).

d. Sewer Rates and Other Charges for the Elvira Private Sewage Disposal System:

(1) Unless otherwise agreed to by the parties, EIRUSS shall establish rates or charges (the "User Fees") to consumers of the services of the Elvira sanitary sewer system sufficient in each year for the payment of the proper and reasonable expenses of the operation and maintenance of the sanitary sewer system and for the payment of principal and interest on any Obligations issued to pay for initial construction and subsequent improvements to the Project as the same fall due and to provide for the creation of reserves as required by said Obligations. Net revenues shall be maintained at a level sufficient to satisfy sound operations and borrowing practices and shall be determined and fixed solely in the discretion of EIRUSS.

e. The owner, lessee or tenant of a premises served by a private sewer that is organized by EIRUSS pursuant to Chapter 28E of the Iowa Code, shall be jointly and severally liable for sewer rates and charges to the premises. The County shall indemnify and reimburse EIRUSS for any User Fees which have been delinquent for sixty (60) days within thirty (30) days of receiving notice of such delinquency from EIRUSS. Pursuant to Chapter 28F.5 of the Iowa Code, sewer rates and charges unpaid and delinquent after 60 days shall constitute a lien upon the premises served and shall be certified by the Clinton County Board of Supervisors to the Clinton County Treasurer for collection in the same manner as property taxes. All costs incurred by Clinton County in the collection of delinquent rates and charges shall be included in the total amount due and owing and shall be included in the amount of the lien. Furthermore, pursuant to Iowa Code section 331.553(4), the Clinton County Treasurer shall charge an administrative fee that shall be added to the amount of the lien.

3. Enforcement Procedures. It shall be the duty and responsibility of the Board of Health to enforce the provisions of this regulation, however, this duty may be delegated to an authorized representative.

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

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

- (1) Be in writing.
- (2) Include a statement of the reasons why it is being used.

(3) Allow reasonable time for performance of any act it requires.

(4) Be served upon the owner or his/her agent of occupant, as the case may require. Such notice shall be deemed to be properly served upon him/her personally, or if a copy is sent by certified mail to his/her last known address, or if he/she is served with such notice by any other method authorized or required by the laws of the state.

Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this regulation. This provision is not meant to limit the Administrative Authority right of entry during his/her investigation.

3. Hearings. In the event any person is aggrieved by any order made by the Administrative Authority, he/she may within twenty (20) days of the date of such order, appeal to the Board of Health and in writing state his/her reasons for requesting to be rescinded or modified. The Board of Health shall review the action to the Administrative Authority, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the Board of Supervisors. Appeal from the Board of Supervisors may be taken within (20) days to the District Court of Clinton County, Iowa.

4. Penalties. Violation of this ordinance 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 (I.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance 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 that a violation occurs or is permitted to exist by the respondent /defendant constitutes to a separate offense.

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

(Ord. 2018-03, Passed November 13, 2018)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 6 PROCEDURES FOR ADOPTION OF WASTEWATER MANAGEMENT DISTRICTS

5-6-1	Purpose	5-6-3	Procedures
5-6-2	Authority	5-6-4	Contents of District Ordinance

5-6-1 PURPOSE. The purpose of this Ordinance is to establish substantive and procedural rules for the adoption and implementation of site specific wastewater management district ordinances which will provide for the proper design, installation, maintenance, operation and compliance of all existing and future on-site wastewater treatment systems within the various waste water management districts in order to protect the public health, water quality and environment.

5-6-2 AUTHORITY. It is the finding of the Clinton County Board of Supervisors that the authority for the establishment of site specific wastewater management district ordinances is found in Chapters 137 and 331, Code of Iowa, and Section 567-15d of the Iowa Administrative Code.

5-6-3 PROCEDURES. The Board of Supervisors shall substantially comply with the following procedures in the adoption of site specific wastewater management district ordinances.

1. State Code and local rules regarding adoption of ordinances shall apply, except as augmented by these procedures.

2. A Public Hearing shall be held before the Clinton County Board of health to consider passage of a site specific wastewater management district ordinance when any of the following conditions are present:

a. The total number of lots in a new subdivision or area is greater than five (5), unless the smallest lot in the new subdivision is larger than two (2) acres, which shall not include street or road right-of-way.

When calculating the total number of lots, all subdivisions adjacent to the proposed subdivision shall be included in the calculation but shall not be included in the waste water management district, or

b. The new subdivision is located within 200 feet of navigable lakes, rivers, and streams or

c. When voluntarily requested by a subdivider or by 10 or more eligible residents of a proposed waste water management district

d. The Notice of Public Hearing, in addition to that required at 331.302 Code of Iowa, shall:

(1) Include publication of a legal notice in a newspaper of general circulation containing a brief summary of the proposed ordinance and the benefited areas; and

(2) Notice sent by ordinary mail to the owners of record of real property within and within 500 feet of the proposed waste water management district.

3. During said Public Hearing, the Board of Health shall consider the need for a wastewater management district ordinance and whether such an ordinance would better provide for specialized control of on-site wastewater treatment and disposal systems located in certain problem areas or intensive development areas. In deliberating the proposed ordinance, the Board shall, where applicable, duly consider the following:

- a. Percolation rate of the soil as determined by a preliminary engineering report.
- b. The adjoining property owners and distance to boundary.
- c. Soil type which indicates severe limitations for septic tank absorption fields, including depth to rock and seasonally high ground water.
- d. Topography
- e. Subsurface conditions
- f. Size and number of lots
- g. Water is supplied by private or public source
- h. Bedrock
- i. Wastewater disposal method
- j. Groundwater
- k. Distance to surface water
- l. Voluntary request by subdivider

4. Upon conclusion of the hearing, the Board of health shall make their recommendation to the Board of Supervisors. Within 30 days, the Board of Supervisors shall hold a Public Hearing on the proposed site specific wastewater management ordinance, as required by Chapter 331.302,

Code of Iowa

5. Upon adoption of a site specific wastewater management district ordinance, a certified copy of the ordinance and associated resolutions shall be files in the office of the Clinton County Recorder. Cost of recording shall be borne by the applicant.

5-6-4 CONTENTS OF DISTRICT ORDINANCE. A site specific wastewater management district ordinance shall contain the following:

1. General description of the area including the reasons for its adoption and in the case of a new subdivision, the development sequencing.
2. A map showing the general location of the district in relation to the rest of the county.
3. Plat and legal description of the proposed Waste Water Management District.
4. A schedule of fees on a per lot per year basis to be paid by the owner or zoning compliance certificate applicant.
5. All provisions necessary for the establishment, administration, and management of the district ordinance.

(Ord. 97-02, Passed July 9, 1997)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 7 ON-SITE WASTE WATER MANAGEMENT DISTRICTS

5-7-1 Cardinal Valley On-Site
Waste Water District

5-7-2 Prairie View Acres On-Site
Waste Water District

5-7-1 CARDINAL VALLEY ON-SITE WASTE WATER DISTRICT. Ordinance 98-03 entitled the Cardinal Valley On-Site Waste Water Management District is hereby adopted by reference and thereby included in the Clinton County Code of Ordinances.

(Ord. 98-03, Passed April 1, 1998)

5-7-2 PRAIRIE VIEW ACRES ON-SITE WASTE WATER DISTRICT. Ordinance 98-04 entitled the Prairie View Acres On-Site Waste Water Management District is hereby adopted by reference and thereby included in the Clinton County Code of Ordinances.

(Ord. 98-04, Passed April 1, 1998)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 8 PRIVATE WATER WELLS

5-8-1 Enactment
5-8-2 Enforcement

5-8-3 Penalties

5-8-1 ENACTMENT. That pursuant to Iowa Code section 331.302 Chapter 49, “Non-Public Water Wells” and Chapter 39, “Requirements for Properly Plugging Abandoned Wells” of the Iowa Administrative Code 567 (Environmental Protection) be adopted by reference in their entirety as part of this ordinance.

5-8-2 ENFORCEMENT. This ordinance shall be enforced by the Clinton County Board of Health as required in the Code of Iowa 455B.172(4). The Board of Health or its agent shall be responsible for issuance of required permits. Fees shall be established by the Board of Health Policy.

5-8-3 PENALTIES. Any person violating any provision, section or paragraph of this ordinance shall be ordered to comply by the Clinton County Board of Health. Failure to comply constitutes a simple misdemeanor as authorized by Code of Iowa Chapter 137.21.
(Ord. 96-04, Passed July 17, 1996)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 9 PUBLIC HEALTH NUISANCES

5-9-1	Definitions	5-9-7	Hearing
5-9-2	Enumeration	5-9-8	Enforcement
5-9-3	General Requirements	5-9-9	Penalty
5-9-4	Investigation	5-9-10	Collection of Cost Abatement
5-9-5	Refusal of Admittance	5-9-11	Applicability
5-9-6	Notice		

5-9-1 DEFINITIONS.

1. Board of Health: Clinton County Board of Health.
2. Health Department: The Clinton County Health Department.
3. Health Nuisance: A health nuisance includes any act, failure to act or condition which is dangerous or detrimental to life, health, or related safety of one or more persons.
4. Health Officer: The member of Clinton County Board of Health who is licensed in Iowa as a Doctor of Medicine & Surgery or as an Osteopathic Physician & Surgeon, as defined by law, or his/her authorized representatives.
5. Person: Any individual, firm, corporation or other legal entity and authorized agents and/or officers thereof.
6. Garbage: Means all solid and semi-solid, putrescible animal and vegetable wastes and shall include all such substances from all public and private establishments and from all residents.
7. Refuse: Means all nonputrescible wastes.
8. Vermin: Small common harmful or disgusting animals that are difficult to get rid of.
9. Insects: Means harmful or disgusting insects such as lice, cockroaches, etc.

5-9-2 ENUMERATION. Health nuisances include, but are not limited to, the following:

1. The storage, collections, accumulation, discharge, or depositing of any offal, fecal matter, filth, weeds, vegetation, dead organic material, junk, debris, contaminated material, garbage, refuse, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the public or to be conducive to the breeding of

flies, rats or other vermin, and to the prejudice of others.

2. The presence of rats for other than research purposes, flies or other vermin.

3. The discharge or depositing of any garbage, refuse, liquid waste, filth, dead animal(s), or other polluting material into any stream, river, lake, other body of water, or drainage channel, so as to render the water, shore, channel, bottom or other features thereof unsafe for the uses to which they are put or as to otherwise injure or threaten the health and safety of the public.

4. The collection, storage, depositing or discharge of flammable refuse, liquid or other material in any building or on any place in such manner as to constitute a hazard of fire injury to the public.

5. Inadequate or unsanitary plumbing facilities in living quarters.

6. The maintenance of any water well found to be contaminated beyond reclamation or any well the use of which is to be permanently discontinued. Such well shall be sealed according to the directions of the health department.

7. The unlawful disposal of animal carcasses or the failure to properly dispose of animal carcasses in the following manner: No persons caring for or owning any animal that has died shall allow the carcass to lie about his/her premises. Such carcass shall be disposed of within twenty-four (24) hours after death by cooking, burying, burning as provided in Chapter 167 of the Code of Iowa, or by disposing of said time to a person licensed to so dispose of it.

8. Failure to secure areas, buildings, equipment or places against unauthorized access where such access threatens the health or safety of the public.

9. The exposure of any person to any infectious or communicable disease or condition by any intended act or practice.

10. Whatever renders food or drink unwholesome or detrimental to human beings, as determined by the Health Officer.

11. To sell or distribute, or have for sale or distribution, or to store or keep; spoiled, tainted or adulterated meat, poultry, fish or other provisions intended for human or animal consumption.

12. Any attractive nuisance which can be demonstrated as detrimental to life, health or safety whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any unsecured buildings, abandoned, unattended well shaft, basement, excavation, or discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight door or lid, snap lock or other locking device which may not be released from the inside.

13. Establishing, continuing, maintaining, or operating any building or place which is conducive to the breeding, harboring, feeding or sheltering of any vermin or pests such as, but not limited to fleas, lice, flies, mice, cockroaches, rats and pigeons.

14. Violations of Iowa Administrative Code 567, Chapter 69, pertaining to on-site waste water treatment and disposal systems and any open waste water or sewage discharge to ground surface, surface water or ground water.

15. Violation of Clinton County Lead Ordinance.

5-9-3 GENERAL REQUIREMENTS.

1. The Presence of Vermin or Harmful Insects Prohibited. The owner of any building, dwelling, structure, business, matter or thing on or about the lot on which it is situated where the presence of cockroaches, lice, rodents and other vermin have been determined to exist by the Health Officer, shall within the time limit specified by the Health Officer initiate action to abate or cause for the abatement of the presence of said cockroaches, lice, rodents, or other vermin in order that they are effectively minimized.

2. Designation of Unfit for Human Occupancy or Habitation. Any building, dwelling, structure, or business may be designated as unfit for human habitation when any defect or condition which is in violation of this Regulation has been found to exist and when in the judgment of the Health Officer such defects or conditions create a hazard to the health, safety or welfare of the occupants or of the public. The owner of the building, dwelling, structure or business because of structural safety or conditions in or around such structure which has been designated as unfit by the Health Officer shall within the time limit specified by the Health Officer vacate or cause for the vacation of the same. No person shall deface or remove a placard from any building, dwelling, structure or business which has been designated as unfit for human habitation by the Health Officer.

5-9-4 INVESTIGATION. The Health Officer shall investigate, upon complaint of any person or may on his/her own initiative, any health nuisance.

5-9-5 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premise for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made under oath to any magistrate of the County and said magistrate may thereupon issue his/her warrant directed to a peace officer commanding him/her between the hours of sunrise and sunset, accompanied by the Health Officer, to enter upon such premise and to make such inspection, and to obtain such samples as may be required to carry out the provisions of this Ordinance.

5-9-6 NOTICE.

1. Whenever the Health Officer determines that there are reasonable grounds to believe

that a public health nuisance exists, he/she shall order the person on whose property the nuisance exists or the person whose act or omission to act gives rise to the nuisance to abate said nuisance. In addition, the Health Officer shall notify the owner of the property. Such notice shall:

- a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her agent or the occupant, as the case may require; provided such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is sent by certified mail to his/her last known address; or if a copy thereof is posted in a conspicuous place in or about the premise affected by the notice, or if he/she is served with such notice by any other method authorized or required under the laws of the State.
2. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with provisions of this Ordinance and with Ordinances adopted pursuant thereto.
3. Such notice shall contain a notice of the right to appeal as contained in Section 5-9-7 herein.

5-9-7 HEARINGS.

1. Whenever the Health Officer finds conditions which he/she deems an imminent or serious public health hazard, he/she may issue a written notice to the owner or operator citing such condition, specifying a time period within which corrective action shall be taken. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible. It may be necessary for the Health Department to proceed with the emergency implementation of a health department order to alleviate the problem prior to a hearing, either with the consent of the person affected by the order, or without the consent and upon appropriate judicial authorization.

2. In the event any person is aggrieved by an order made by the Health Officer, he/she may within twenty (20) days of the date of such order appeal to the Board of Health and in writing state his/her reasons for requesting such order to be rescinded or modified. The Board of Health shall schedule a hearing and following such hearing shall modify, withdraw or order compliance with said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the District Court of Clinton County, Iowa.

5-9-8 ENFORCEMENT. The Health Officer shall have the authority to enforce this Ordinance. Citations for violations of this Ordinance may be issued by duly authorized peace officers.

1. Citations shall include the name and address of the person charged, the nature of the offense, the time and place at which the person is to appear in court, and the penalty for non-appearance.

2. The cited person shall sign the citation as written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

3. The person issuing the citation shall cause to be filed a complaint in the Court in which the cited person is required to appear as soon as practicable, charging the violation stated in the notice.

5-9-9 PENALTY.

1. Any person violating this Ordinance or any provision thereof shall be guilty of a simple misdemeanor and upon conviction thereof may be fined not more than One-Hundred Dollars (\$100.00) or imprisoned in jail for a period not to exceed thirty (30) days. Each day that a violation occurs constitutes a separate offense.

2. Any person who fails to comply with any order of the Health Officer to abate a health nuisance, or who interferes with or obstructs the Health Officer in his/her investigation or a health nuisance shall be guilty of a simple misdemeanor and upon conviction thereof may be fined not more than One-Hundred Dollars (\$100.00) or imprisoned in jail for a period not to exceed thirty (30) days. Each day that a violation occurs constitutes a separate offense.

3. Any violation of this Ordinance shall in addition be a county infraction subject to the provisions and penalties as set out in Iowa Code Sec. 331.307.

5-9-10 COLLECTION OF COST ABATEMENT. Upon failure of any person to abate or remove a health nuisance from his/her property or the property he/she occupies, the Health Officer may direct or cause the abatement or removal of said nuisance. All expenses, including administrative expenses, incurred thereby shall be paid by the owner, agent or occupant of said property and the same shall be collected in the same manner as taxes.

5-9-11 APPLICABILITY. This Ordinance shall apply to all lands lying within the boundaries of Clinton County, Iowa.

(Ord. 97-06, Passed December 10, 1997)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 10 LEAD HAZARDS IN DWELLINGS

5-10-1	Definitions	5-10-8	Retaliatory Actions
5-10-2	Scope and Applicability	5-10-9	Hearings
5-10-3	Use or Sale of Lead-Based Paint	5-10-10	Jurisdiction
5-10-4	Disposal of Lead-Based Paint	5-10-11	Enforcement
5-10-5	Inspections	5-10-12	Injunction
5-10-6	Refusal of Admittance	5-10-13	Penalty
5-10-7	Hazard Reduction	5-10-14	Variances

5-10-1 DEFINITIONS. The following words shall have the following meaning for the purpose of this regulation.

1. Accessible, Impact or Friction surfaces shall include, but not be limited to such surfaces as window sills, doors and door frames, protruding corners, stair treads and lips, floors and any other areas offering Accessible, Impact or Friction surfaces.

a. Accessible means any surface at a level or height which is easily accessible for children to bite, chew or mouth (e.g. window sills).

b. Impact means any surface where hard objects often hit or turn into the surfaces and cause the paint to be knocked off (e.g. protruding corners.)

c. Friction means any surface where there is any rubbing movement that creates dust (e.g. floors)

2. Board of Health means Clinton County Board of Health pursuant to Chapter 137 of the Code of Iowa.

3. Child-occupied facility means a building or portion of a building visited by the same child, six years of age or under, for a period that exceeds six (6) hours within any week (Sunday through Saturday period). Child occupied facilities may include, but are not limited to day-care centers, preschools and kindergarten classrooms.

4. Deteriorated lead-base paint means any lead-based paint that is loose, chipping, peeling, cracking, flaking, chalking or otherwise coming off a surface.

5. Dwelling means a building or structure occupied or designed or intended to be occupied as a place for human habitation and use, including any accessory building, structure or yard area belonging thereto.

6. Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for any of the following: living, sleeping, cooking and/or eating.

7. EBL (Elevated Blood Lead) Child means any child who has had one venous blood lead level of 20 micrograms per deciliter or at least two venous blood lead levels of 15 to 19 micrograms per deciliter.

8. Health Department means the Clinton County Health Department.

9. Health Officer means the Environmental Officer or authorized representative of the Clinton County Board of Health.

10. Lead-Based Paint means any paint or other surface coating, already applied which contains a quantity of lead equal to or in excess of 1.0 milligrams of lead per square centimeter (1.0 mg/cm) when tested by a radioisotope X-ray fluorescence analyzer (XRF) or more than five-tenths of one percent (0.5%) lead by weight.

11. Lead Hazard means any lead-based paint shall be considered a lead hazard if:

a. The paint exists in or about a dwelling or other child-occupied facility in which children under age six (6) commonly reside or visit,

and

b. The paint is determined to be on any accessible, impact or friction surface or on any other surface where the paint is determined to be deteriorating in any manner. This shall also include areas of bare soil which contain lead-based paint chips. In addition, this shall also include surfaces which contain lead dust that exceeds the EPA/HUD guidelines (bare floors – 100 milligrams per square foot, interior windows sills – 500 milligrams per square foot, window wells – 800 milligrams per square foot).

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

13. Owner means any person who, alone or jointly with others, shall:

a. have legal title to any dwelling with or without accompanying actual possession thereof,

or

b. shall have 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.

14. Premises means a lot, plot or parcel of land, including all facilities and improvements

thereon.

5-10-2 SCOPE AND APPLICABILITY. This ordinance shall affect only those dwellings or dwelling units in which an EBL child resides or commonly visits. All owners shall comply with the provisions of this ordinance and of the rules, resolutions and order adopted pursuant to this ordinance.

5-10-3 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.

5-10-4 DISPOSAL OF LEAD-BASED PAINT.

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

2. 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.

5-10-5 INSPECTIONS.

1. The Health Officer may cause to have inspected, the dwelling or child-occupied facility of an EBL child, for lead hazards. The inspection shall consist of a visual assessment of the condition of all interior and exterior surfaces and a determination of the lead content of the paint on these surfaces. The lead content of the paint shall be determined only through the use of an X-ray fluorescence (XRF) analyzer or laboratory chemical analysis. Methods such as swabs shall not be considered an acceptable means of testing for lead-based paint. Tests, which show the presence of lead-based paint on a surface, may be extrapolated to similar surfaces in the same room that would be expected to be finished with the same type of paint. A determination of the lead hazards will be made from lead content of the paint and the conditions served. The findings of such inspection will be recorded and documented by the Health Officer.

2. 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 for undue lead exposure, 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. The results of such examination shall be reported to the Health Officer, the affected individual and when applicable, their parent or legal guardian.

3. The results of an investigation for lead hazards, including the presence or absence of lead-based paint which are not considered to be lead hazards, shall be reported in a written notice, with suggested remedial/maintenance actions, within one (1) week to the owner. The Health Officer shall inform such other persons or agencies as he/she deems advisable.

5-10-6 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter

any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made, under oath, to any Magistrate of Clinton County. The Magistrate shall then issue a warrant to a peace officer of Clinton County directing him/her, between the hours of sunrise and sunset, to accompany the Health Officer when entering said premise to make such inspection and to obtain such samples as may be required to carry out the provisions of this ordinance.

5-10-7 HAZARD REDUCTION.

1. When the Health Officer determines that a lead hazard is present in a dwelling or dwelling unit where an EBL child lives, frequently visits or has recently resided, he/she shall, in accordance with Section 5-10-5(3), issue a written notice within one (1) week to the owner, to eliminate the hazard with suggested remedial/maintenance actions, to be completed in a time period not to exceed thirty (30) days. However, at the discretion of the Health Officer, additional time may be granted to eliminate said hazard. Methods for compliance shall be in accordance with this section.

a. In the event the dwelling is vacated, by the occupant who occupied same at the time of the issuance of corrective notice referred to in this section, such dwelling shall not be let or occupied by any other person until such corrective notice is complied with.

2. The owner of any dwelling or dwelling unit which has been determined to contain lead hazards shall correct these lead hazards by methods approved by the Health Officer within the time period allowed by the Health Officer in a written notice. Failure to correct the lead hazard(s), within the allotted time period, shall result in the appropriate legal action against the owner for noncompliance, pursuant to Section 5-10-13.

3. Lead hazards on surfaces other than accessible, impact or friction surfaces shall be corrected through one of the three (3) following methods:

a. All areas of deteriorating lead-based paint, on both interior and exterior surfaces and any other appurtenances, shall be entirely removed and the surface(s) shall be properly prepared before repainting with lead-free paint or refinishing so that the surface does not begin to deteriorate again. Repainting with lead-free paint without prior removal of all deteriorating lead-based paint shall not be considered an approved method of correcting lead hazards.

b. The interior or exterior surface or appurtenance, which has areas of deteriorating lead-based paint, shall be removed from the dwelling and replaced with a surface free of a lead-based paint.

c. The interior or exterior surface or appurtenance, which has areas of deteriorating lead-based paint, shall be covered with a permanently affixed lead-free covering. The permanently affixed covering shall be incapable of being readily chewed through, torn from the surface, pierced or otherwise removed so as to expose the hazardous surface.

4. Lead hazards on surfaces which are accessible, impact or friction surfaces shall be

corrected through one of the three (3) following methods:

a. All lead-based paint on both interior and exterior surfaces and appurtenances, which are on accessible, impact or friction surfaces, shall be entirely removed to the substrate. The surface(s) must be properly repaired and repainted with lead-free paint or refinished. Repainting with lead-free paint, without prior removal of all lead-based paint down to the substrate. The surface(s) must be properly prepared and repainted with lead-free paint or refinished. Repainting with lead-free paint, without prior removal of all lead-based paint down to the substrate, shall not be considered an approved method of correcting lead hazards on accessible, impact or friction surfaces.

b. The interior or exterior surface or appurtenance, which is or contains an accessible, impact or friction surface, shall be removed from the dwelling and replaced with a surface or appurtenance that is finished with a lead-free coating.

c. The interior or exterior surface or appurtenance, which is an accessible, impact or friction surface, shall be covered with a permanently affixed lead-free covering. The permanently affixed covering shall be incapable of being readily chewed through, torn from the surface, pierced or otherwise removed so as to expose the hazardous surface.

5. The Health Officer shall inspect all areas cited as lead hazards after remediation is complete and approve them as "lead-safe". A written notice shall be issued to all affected parties and retained by the Health Officer, stating that the property is "lead-safe" and that proper maintenance must occur to ensure that the property remains "lead-safe".

5-10-8 RETALIATORY ACTIONS.

1. It shall be unlawful for the lessor of a dwelling or his/her employees, agents or persons acting in his/her behalf, to retaliate against lessees of dwellings whose occupants have been tested for lead poisoning.

2. It shall be unlawful for the lessor of a dwelling or his/her employees, agents or persons acting in his/her behalf, to prohibit or discourage the occupants of the dwelling from participating in the lead poisoning screening program.

3. "Retaliation" shall include harassment, termination of the tenancy, discontinuation of utilities or other services and any other action taken against the lessee.

4. "Occupants" shall include visitors in the dwelling.

5. An action taken against the tenant shall not be considered retaliation if:

a. It is supported by reasonable cause unrelated to the occupants' participation in the lead poisoning screening program

OR

b. It is shown to have occurred as a result of accident or mistake and not be the intentional act of the lessor or his/her employees, agents or persons acting in his/her behalf.

5-10-9 HEARINGS. In the event any person is aggrieved by any order of the Health Officer, he/she may, within ten (10) days of the date of such order, appeal to the Clinton County Board of Health and in writing state his/her reasons for requesting such order to be rescinded or modified. The Clinton County Board of Health shall review the action of the Health Officer and shall modify, withdraw or order compliance with said order. Appeal from any order of the Clinton County Board of Health may be taken, within ten (10) days, to the District Court of Clinton County, Iowa.

5-10-10 JURISDICTION. The provisions of this ordinance shall apply throughout Clinton County, including all cities and towns there, unless the cities and towns have adopted a lead ordinance.

5-10-11 ENFORCEMENT. The Health Officer shall have the duty and responsibility of enforcing this ordinance.

5-10-12 INJUNCTION. Nothing in this ordinance shall be construed to prohibit the Clinton County Board of Health from injunctive relief or other relief, as allowed by law.

5-10-13 PENALTY.

1. Any person violating this ordinance or any provision thereof, shall be guilty of a simple misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (100.00) or imprisoned in jail for a period not to exceed thirty (30) days. Each day that a violation occurs constitutes a separate offense.

2. Upon failure of any person to correct a lead hazard found on his/her property, the Clinton County Board of Health may direct or cause the correction of said lead hazards. All expenses incurred thereby may be recovered by suit in the name of the Clinton County Board of Health or the Clinton County Board of Health may certify the amount of said expenses, together with a description of the property, to the Clinton County Treasurer who shall enter the same upon the tax books as costs for removing a lead hazard and said amounts shall be collected as other taxes.

5-10-14 VARIANCES.

1. The Health Officer shall have the authority to determine a surface that may otherwise be identified as a lead hazard, lead safe. If the Health Officer is able to determine a surface (that fits the description of a lead hazard) is not causing or does not have reasonable potential to cause lead exposure, the Health Officer may, with written notice, deem that surface as lead safe. This may be done only after a thorough investigation of the entire premises is complete and careful evaluation of the source(s), identified as the cause or potential cause of lead poisoning, are identified. Detailed documentation of such surfaces shall be included in the final report of the premises and be provided to the owner, tenant and Health Officer.

2. Any surface with deteriorating lead-based paint will not, under any circumstances, be allowed to be identified as lead-safe.

(Ord. 97-07, Passed December 10, 1997)

TITLE V PUBLIC ORDER, SAFETY, AND HEALTH

CHAPTER 11 OPEN BURNING

5-11-1	Purpose	5-11-4	General Conditions for Open
5-11-2	Permissible Open Burning		Burning
5-11-3	Notification	5-11-5	Penalties
		5-11-6	Applicability

5-11-1 PURPOSE. The purpose of this Ordinance is to provide Clinton County fire departments notice of open burning to better use fire equipment and volunteer's time. While this Ordinance requires persons to notify Clinton County Communication Center prior to an open burn, this Ordinance is not intended to and does not relieve the persons 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, nor place any liability on Clinton County Communication Center or the local fire department.

It is further the intent of this Ordinance that after Clinton County Communication Center receives notification of an open burn, it will relay that information to the respective Clinton 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. Clinton County Communication Center is not in a position to approve or disapprove any open burning.

5-11-2 PERMISSIBLE 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 Codes rules regarding open burning, as contained in 567-23.2 "Open Burning".

5-11-3 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 Clinton County Communications Center of the name of the person responsible for the burn, that person's 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 waste.

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

Notification, pursuant to this Ordinance, is not required for the burning of “paper or plastic pesticide containers and seed bags”, as defined by Iowa Administrative Code 567-23.2; nor 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.]

5-11-4 GENERAL CONDITIONS FOR OPEN BURNING. The city or township fire department may prohibit any or all open burning when the city or township fire department determine atmospheric conditions or local circumstances make such fire 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.

This Ordinance shall not interfere with the open burning provisions contained within Iowa Code Section 100.40 and 100.41.

5-11-5 PENALTIES. Any person violating this Ordinance shall be guilty of a simple misdemeanor punishable by a fine of up to \$500.00 and/or thirty (30) days 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.

5-11-6 APPLICABILITY This Ordinance shall apply to all unincorporated lands and incorporated areas without open burning ordinances that lie within the boundaries of Clinton, County, Iowa.

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 12 QUARANTINE AND ISOLATION

5-12-1	Applicability	5-12-7	Appeal from Order Imposing Isolation or Quarantine
5-12-2	Definitions	5-12-8	Rights of Individuals and Groups
5-12-3	General Provisions	5-12-9	Consolidations of Claims
5-12-4	Conditions and Principles	5-12-10	Implementation and Enforcement of Isolation and Quarantine
5-12-5	Isolation or Quarantine Premises	5-12-11	Applicability
5-12-6	Isolation and Quarantine		

5-12-1 APPLICABILITY. The provisions of rule 1.12 (135,137,139A) are applicable in jurisdictions in which a local board has adopted this rule by reference in accordance with Iowa Code Section 137.6. The Clinton County Board of Supervisors, based upon the approval of the Clinton County Board of Health, adopts this model rule.

5-12-2 DEFINITIONS

1. "Board" means Clinton County Board of Health.
2. "Department" means the Iowa Department of Public Health.
3. "Isolation" means the separation of persons or animals presumably or actually infected with a communicable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.
4. "Quarantinable disease" means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread. "Quarantinable disease" includes but is not limited to cholera; diphtheria; infectious tuberculosis; plague; smallpox; yellow fever; viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named; and severe acute respiratory syndrome (SARS).
5. "Quarantine" means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease.

5-12-3 GENERAL PROVISIONS

1. Voluntary confinement. Prior to instituting mandatory isolation or quarantine pursuant to this rule, the board may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.

2. Quarantine and isolation. The board is authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the board. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation requires. Any quarantine or isolation imposed by the board shall be established and enforced in accordance with this rule.

3. The local board of health shall notify, consult and work cooperatively with the Iowa Department of Agriculture and Land Stewardship and the state veterinarian office on issues relating to isolation and quarantine of animals.

5-12-4 CONDITIONS AND PRINCIPLES. The board shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

1. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.

2. Isolated individuals shall be confined separately from quarantined individuals.

3. The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.

4. If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.

5. Isolated or quarantined individuals shall be immediately released when the board determines that the individual pose no substantial risk of transmitting a communicable or possibly communicable disease.

6. The needs of isolated or quarantined individuals shall be addressed in a systemic and competent fashion including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.

7. The premises uses for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.

8. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation and quarantine premises and in establishing and maintaining the premises.

5-12-5 ISOLATION OR QUARANTINE PREMISES.

1. Sites of isolation or quarantine shall be prominently placarded with isolation or quarantine signs prescribed and furnished by the department and posted on all sides of the building whenever access is possible.

2. An individual subject to isolation or quarantine shall obey the rules and orders of the board and shall not go beyond the isolation or quarantine premises.

3. The department or the board may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

4. No individual, other than an individual authorized by the department or the board, shall enter isolation or quarantine premises. If the department has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.

5. Any individual entering an isolation or quarantine premises with or without authorization of the department or the board may be isolated or quarantined pursuant to this rule.

5-12-6 ISOLATION AND QUARANTINE.

1. Authority. The board may:

a. Isolate individuals who are presumably or actually infected with a quarantinable disease:

b. Quarantine individuals who have been exposed to a quarantinable disease:

c. Establish and maintain places of isolation and quarantine; and

d. Adopt emergency rules and issue orders as necessary to establish, maintain, and enforce isolation or quarantine.

2. Isolation and quarantine undertaken by the board shall be accomplished in accordance with this rule.

3. Temporary isolation and quarantine without notice. The board may temporarily isolate or quarantine an individual or groups of individuals through an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the board's ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the board imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the board shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.

4. Written order. The board may isolate or quarantine an individual or groups of individuals through a written order issued pursuant to this rule.

- a. The written order shall include all of the following:
 - (1). The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.
 - (2). The premises subject to isolation or quarantine.
 - (3). The date and time at which isolation or quarantine commences.
 - (4). The suspected communicable disease.

5. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.

6. A statement of compliance with the conditions and principles for isolation and quarantine specified in subrule 1.12(4).

7. The legal authority under which the order is requested.

8. The medical basis upon which isolation or quarantine is justified.

9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to subrule 1.12(7) and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in subrule 1.12(8).

10. A copy of this rule and relevant definitions.

- a. A copy of the written order shall be provided to the individual to be isolated or quarantined within 24 hours if issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure. If the order applies to a group or groups of

individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.

5-12-6 APPEAL FROM ORDER IMPOSING ISOLATION OR QUARANTINE.

1. Appeal. The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to [insert name of board and board address]. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.

2. Proceeding. The appeal proceeding shall be conducted in accordance with this rule [or insert specific board rule governing appeal proceedings]. The proceeding shall be held as soon as it practicable, and in no case later than ten days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

3. Judicial review. The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.

4. Immediate judicial review of board order. The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of a board order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

5-12-8 RIGHTS OF INDIVIDUALS AND GROUPS OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE. Any individual or group of individuals subject to isolation or quarantine shall have the following rights:

1. The right to be represented by legal counsel.
2. The right to be provided with prior notice of the date, time and location of any hearing.

3. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease.

4. The right to respond and present evidence and argument on the individual's own behalf in any hearing.

5. The right to cross-examine witnesses who testify against the individual.

6. The right to view and copy all records in the possession of the board which relate to the subject of the written order.

5-12-9 CONSOLIDATION OF CLAIMS. In any proceeding brought pursuant to this rule, to promote the fair and efficient operations of justice and having given due regard to the rights of the affected individuals, the protection of the public's health and the availability of necessary witnesses and evidence, the board or a court may order the consolidation of individual claims into group claims, if all of the following conditions exist:

1. The number of individuals involved or to be affected is large enough that consolidation would be the best use of resources.

2. There are questions of law or fact common to the individual claims or rights to be determined.

3. The group claims or rights to be determined are typical of the affected individual's claims or rights.

4. The entire group will be adequately represented in the consolidation.

5-12-10 IMPLEMENTATION AND ENFORCEMENT

1. Jurisdictional issues. The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multicounty, statewide, or interstate public health implications. If isolation or quarantine is imposed by the department, the board may not alter, amend, modify, or rescind the isolation or quarantine order.

2. Assistance of local boards of health and local health department. If isolation or quarantine is imposed by the department, the local boards of health and the local health department in the affected areas shall assist in the implementation of the isolation or quarantine order.

3. Penalty. Pursuant to Iowa Code section 137.21 and 139A.25(1), any individual who violates a lawful board order for isolation or quarantine, whether written or oral, shall be guilty of a simple misdemeanor. The court-ordered sentence may include a fine of up to \$500 and imprisonment not to exceed 30 days.

4. Enforcement actions. The board, through the office of the county attorney, may file a civil action in the appropriate district court to enforce a board order for isolation or quarantine. Such action shall be filed in accordance with Iowa Rules of Civil Procedure.

5-12-11 APPLICABILITY. This Ordinance shall apply to all unincorporated lands and incorporated areas that lie within the boundaries of Clinton County, Iowa.

(Ord. 2006-09, Passed August 7, 2006)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 13 STORM SHELTER IN MANUFACTURED HOME PARKS

5-13-1	Purpose	5-13-5	Access to Shelters
5-13-2	General Requirements	5-13-6	Existing Non-Conforming Manufactured/Mobile Home Parks
5-13-3	Additions to Existing Parks	5-13-7	Penalty
5-13-4	Restroom Facilities		

5-13-1 **PURPOSE.** The purpose of this ordinance is to provide emergency shelter for residents of manufactured/mobile home parks for the reasons listed below:

1. There is inadequate emergency shelter square footage to accommodate the present and projected manufactured/mobile home population in Clinton County, Iowa: and
2. The construction of emergency shelter square footage is necessary to the health, safety and welfare of the Citizens of Clinton County, Iowa; and
3. The Clinton County Board of Supervisors is authorized and deems it necessary to establish regulations requiring the construction of above or below-grade storm shelters for every manufactured/mobile home park of ten or more manufactured/mobile home spaces constructed after this ordinance's effective date; and the approval or creation of evacuation plans or storm shelters in all parks built prior to this ordinance's effective date if expanded as listed in Section 5-13-3.

5-13-2 **GENERAL REQUIREMENTS.** Every manufactured/mobile home park containing ten (10) or more manufactured/mobile home spaces shall provide an above-grade or below-grade storm shelter building which shall:

1. Have a minimum of seven (7) square feet for each manufactured/mobile home space in said manufactured/mobile home park;
2. Be designed by a licensed structural engineer or architect and built in accordance with plans sealed by said structural engineer or architect;
3. Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is located in the flood plain;
4. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of any municipality in which the park is located;
5. Be designed and constructed to meet all applicable requirements of the American with Disabilities Act (ADA);

6. Be located no farther than 1,320 linear feet from the farthest manufactured/mobile home space in the manufactured/mobile home park;

7. Be designed with a perimeter drainage tile system and sump pump to remove water from the storm shelter (below grade shelter only); and

8. Be designed with an electrical service for lighting with emergency lights. All 125 volt electrical receptacles shall have ground fault circuit interrupter protection, except single outlet receptacles for sump pump or specific equipment that are not required to have ground fault circuit interrupter protection.

5-13-3 ADDITIONS TO EXISTING PARKS. For any addition of ten (10) or more manufactured/mobile home spaces to any existing manufactured/mobile home community, a storm shelter which complies with the general requirements of Section 5-13-2 shall be provided to serve such additional spaces. For any addition of fewer than ten (10) manufactured/mobile home spaces to an existing manufactured/mobile home community there is no requirement that an additional shelter be provided to serve such additional spaces. However, when two or more such additions of fewer than ten (10) manufactured/mobile home spaces result in a cumulative addition of ten (10) or more manufactured/mobile home spaces to a manufactured/mobile home community, a storm shelter which complies with the general requirements of Section 5-13-2 of this section shall be provided to serve such additional spaces.

5-13-4 RESTROOM FACILITIES. Restroom facilities in required storm shelters are not mandatory but may be installed at the owner's option. If restrooms are installed, toilets may be either flush-type operating from normal water supply, chemical or other approved types.

5-13-5 ACCESS TO SHELTERS. The manufactured/mobile home park community owner or such owner's designated agent or representative shall be responsible for making the storm shelter accessible and usable in times of need. It is unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of Section 5-13-2(1).

5-13-6 EXISTING NON-CONFORMING MANUFACTURED/MOBILE HOME PARKS. Any manufactured/mobile home community of ten (10) or more manufactured/mobile home spaces which either:

1. Has an existing above-or below-grade storm shelter as of the effective date of this ordinance which does not conform to the requirements of this section; or

2. Which has no existing storm shelter; shall be deemed a nonconforming manufactured/mobile home community with regard to the requirements for storm shelters and may continue to exist as a nonconforming manufactured/mobile home community; provided, however, any manufactured/mobile home spaces added to such community after such effective date shall

require storm shelters as provided in Section 5-13-2 of this ordinance.

5-13-7 PENALTY. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this title or violating or failing to comply with any order or regulation hereunder shall be guilty of a misdemeanor unless otherwise provided by state law. Such person, firm or corporation shall be deemed guilty of a separate offence for each and every day during which such violation of this title or failure to comply with any other order or regulation is committed, continued or otherwise maintained, including the maximum daily fine for each day a violation occurs.

(Ord. 2009-11, Passed September 28, 2009)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 14 ALCOHOLIC BEVERAGES AT SOCIAL GATHERINGS

5-14-1	Purpose	5-14-4	Exceptions
5-14-2	Definitions	5-14-5	Jurisdiction
5-14-3	Prohibited Acts	5-14-6	Penalty

5-14-1 PURPOSE. Pursuant to the authority granted under Chapter 331, Iowa Code, this Ordinance is enacted to protect and preserve the right, privileges, and property of the residents of Clinton County and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of Clinton County. The purpose of this ordinance is to prohibit the consumption of alcoholic beverages by persons under the age of twenty-one (21) at gatherings where persons knowingly allow or permit underage persons to drink alcoholic beverages on property they own or control.

The Clinton County Board of Supervisors finds that the occurrence of social gatherings at premises where alcoholic beverages are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health, and safety. The Surgeon General's Call to Action (2007) is hereby incorporated by reference as further support of the health, safety and public welfare concerns that exist with underage drinking.

The Clinton County Board of Supervisors further finds that persons under the age of twenty-one (21) attend gatherings where alcoholic beverages are brought or made available and where the persons who are in control of such premises are either knowingly tolerating, allowing, or permitting such alcohol use to occur. This ordinance will establish penalties for persons who knowingly permit or allow underage drinking and will encourage those persons to ensure that those activities are not occurring on premises under their control.

5-14-2 DEFINITIONS

1. "Alcoholic Beverage" means any beverage containing more than one half of one percent of alcohol by volume including alcoholic liquor, wine, or beer.

2. "Event, gathering, or party" means any group of three (3) or more persons who have assembled or gathered together.

3. "Legal Age" means age 21 or older.

4. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel, or motel room or other dwelling unit, or hall or meeting, park or any other place of assembly,

public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically, for a party or other social function and whether owned, leased, rented, or used with or without permission or compensation. "Premises" does not include property that is licensed to sell or serve alcoholic beverages.

5. "Social host" means any person, partnership, corporation or association of one or more individuals who aids, allows, entertains, organizes, supervised, controls, or permits an event, gathering or party. This includes but is not limited to (1) the person(s) who owns, rents, leases or otherwise has control of the premises where the event, gathering or party takes place, (2) the person in charge of the premises, or (3) the person(s) who organized the event, gathering or party.

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

5-14-3 PROHIBITED ACTS. It is unlawful for any social host of an event, gathering or party on the social host's premises to knowingly permit or allow underage persons to consume alcoholic beverages, or knowingly permit or allow underage persons to possess alcoholic beverages on the premises, whether or not the social host is present on the premises.

A social host has an affirmative defense if the social host took reasonable steps to prevent the possession or consumption of alcohol, or notified law enforcement and allowed law enforcement to enter the premises for the purpose of stopping the illegal activities.

5-14-4 EXCEPTIONS. This Ordinance does not apply to actions permitted under Section 123.47(2), Iowa Code (2011), or to legally protected religious observances.

5-14-5 JURISDICTION. The provisions of this Ordinance shall apply throughout Clinton County, Iowa, including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.

5-14-6 PENALTY. Any person convicted in violation of this ordinance shall be guilty of a simple misdemeanor and is subject to a penalty with a minimum fine of sixty-five dollars (\$65.00) and a maximum fine of six hundred twenty-five dollars (\$625.00) and/or imprisonment in jail for a period not to exceed thirty (30) days. Any fine collected shall be placed in the general fund.

(Ord. 2013-02, Passed February 4, 2013)

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 15 REGULATION OF THE BURIAL OF HUMAN REMAINS OUTSIDE OF CEMETERIES WITHIN CLINTON COUNTY, IOWA

5-15-1	Purpose	5-15-3	General Requirements
5-15-2	Definitions	5-15-4	Penalty for Violation

5-15-1 PURPOSE. The purpose of this ordinance is to provide for the regulation of burials of human remains when this burial is not within an established cemetery as defined by Iowa Code 5231. This Iowa Code section may require Clinton County to be responsible for preservation and protection of such burial sites and it is therefore in the interest of Clinton County to regulate this activity.

5-15-2 DEFINITIONS. Words used in this Ordinance shall have the same definitions as those provided in Iowa Code 5231.102.

5-15-3 GENERAL REQUIREMENTS. Burials not in a cemetery as defined in Iowa Code 5231.102(6) are prohibited unless the following conditions are met:

1. A written Agreement is made by the owner of the property on which the burial is to occur accepting responsibility for the preservation and protections of the burial site in perpetuity. Proof of ownership or control of the burial site shall be provided.
2. The Agreement shall be approved as to form by the Clinton County Attorney.
3. The Agreement shall state that Clinton County shall not in the future be held responsible for preservation or protection of the burial site.
4. The Agreement shall include a map showing the location of the burial site.
5. The Agreement shall include a binding plan for preservation and protection of the burial site.
6. Each Agreement shall be approved by action of the Clinton County Board of Supervisors.
7. Each Agreement shall be recorded in the office of the Clinton County Recorder as an easement for use of the land as a burial site.

5-15-4 PENALTY FOR VIOLATION. Failure to comply with any provision of this ordinance shall be declared unlawful.

1. Injunction and Abatement. The County, through its authorized agents, may initiate

injunction or abatement proceedings or other appropriate action in the Court of competent jurisdiction against any person who fails to comply with any provision of this ordinance. The County may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation.

(Ord. 2009-12, Passed December 7, 2009)

TITLE VI PROPERTY AND LAND USE

CHAPTER 1 TELECOMMUNICATIONS TOWERS AND ANTENNAS

6-1-1 Purpose	6-1-6 Applicable Conditions
6-1-2 Definitions	6-1-7 Inspection
6-1-3 Special Exception	6-1-8 Abandonment
6-1-4 Permitted Exception	6-1-9 Penalty
6-1-5 Application Requirements	

6-1-1 PURPOSE. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this ordinance.

6-1-2 DEFINITIONS. For use in this ordinance, certain words used herein shall be defined as follows:

1. Antenna. Any structure or device used to collect or radiate telecommunications signals.
2. Height. The vertical distance measures from the base of the structure to the highest point of the structure.
3. Telecommunications. The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
4. Telecommunications Tower. Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antennas, any part of which exceeds 100 feet in height.

6-1-3 SPECIAL EXCEPTION. A telecommunications tower may be permitted as a Special Exception use as provided in the Clinton County Zoning Ordinance upon determination that all of the applicable conditions in this ordinance are met. Special Exception Use applications are submitted to the Clinton County Board of Adjustment for action. No additional permits are required for placemen of additional equipment on existing towers.

6-1-4 PERMITTED LOCATIONS. Telecommunications towers are permitted as a Special Exception use in the Prime Agricultural (A-1), Agricultural-Recreational (AR-1), Highway Commercial (C-1), General Commercial (C-2), Limited Industrial (M-1) and General Industrial (M-2) Zoning Districts. Telecommunication towers are not permitted in the Suburban-Residential (R-

2) or the Multi-Family Residential (R-3) Zoning Districts.

6-1-5 APPLICATION REQUIREMENTS. The applicant for a Special Exception for construction of a telecommunications tower or placement of commercial telecommunications tower on an existing structure other than a tower previously permitted shall file an application with the County Zoning Administrator accompanied by a fee of \$50.00. The application shall include the following documents:

1. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on adjacent parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
2. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records serving any property within the County;
3. A report from a structural engineer containing the following;
 - a. A description of the tower, including a description of the design characteristics and material.
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural standards for Steel Antenna Towers and Antenna Support Structures."
 - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. If applicant is other than the site owner, written authorization from the site owner for the application.
5. Identification of the owners of all antennas and equipment to be located at the site;
6. Pursuant to Subsection 6(A), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
7. Evidence that a valid FCC license for the proposed activity has been issued;
8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts (areas);

9. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
10. Evidence that necessary FAA approval has been obtained;
11. Evidence that the applicable conditions of Section 6-1-6 of this ordinance have been met;
12. Additional information as required to determine that all applicable conditions of this ordinance have been met.

6-1-6 APPLICABLE CONDITIONS. Any applicant must show that all of the following applicable conditions are met:

1. Co-location. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A separate tower is not allowed if co-location can be found upon an existing or alternative tower structure which meets the engineering requirements of an applicants' cellular network or other broadcasting needs within a one-half mile radius of the proposed new tower site.

2. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.

3. Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.

4. All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, grey or black.

5. For telecommunications towers on county property, applicant must file with the County Zoning Administrator a written indemnification of the County and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the County Attorney, This information shall be updated annually by the applicant.

6. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.

7. For free-standing or guyed telecommunications towers, setbacks on all sides shall be a distance equal to ½ the height of the tower. For monopole towers, the setback shall be equal to the height of the tower.

8. The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six feet in height, or conifer plantings around an unscreened fence.

9. Upon completion, a sign at the entrance to the tower site shall identify a name and phone number of whom to contact in case of emergency.

6-1-7 INSPECTION. At least every 24 months, every telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance, inspections and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standard for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the County.

6-1-8 ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date abandonment shall be made by the County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) Reactivate the use of the tower, or (2) Dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the cost against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

6-1-9 PENALTY. Any person as defined in Iowa Code 4.1(20), found to be in violation of any of the provisions of this ordinance shall be subject to a civil penalty of \$500 for each day of violation, or \$750 for each day of violation if the infraction is a repeat offense, pursuant to Iowa Code 331.302(15).

(Ord. 98-02, Passed February 23, 1998)

(Amended during 2004 recodification)

TITLE VI PROPERTY AND LAND USE

CHAPTER 2 WIND ENERGY CONVERSION PROPERTY

6-2-1 Purpose	6-2-5 Amount of Valuation
6-2-2 Definitions	6-2-7 Declaration of Special Valuation
6-2-3 Authority to Establish	6-2-7 Reporting Requirements
6-2-4 Establishment	6-2-8 Repeal of Special Valuation

6-2-1 PURPOSE. The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 4273.26.

6-2-2 DEFINITIONS. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Net Acquisition Cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

2. "Wind Energy Conversion Property" means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation.

6-2-3 AUTHORITY TO ESTABLISH. The Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 6-2-4.

6-2-4 ESTABLISHMENT. Pursuant to Iowa Code Chapter 4273.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(8)(b) and (c), and Iowa Code Chapters 428.24 to 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of this ordinance.

6-2-5 AMOUNT OF VALUATION. Wind energy conversion property first assessed on or after the effective date of the ordinance shall be valued by the county assessor for property tax purposes as follows:

1. For the first assessment year, at zero percent (0%) of the net acquisition cost.
2. For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
3. For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

6-2-6 DECLARATION OF SPECIAL VALUATION. The taxpayer shall file with the county assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 6-2-5 lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(9)(b) and (c), and Iowa Code Chapters 428.24 to 428.29.

If the taxpayer does not the with the county assessor by February 1 of the assessment year for which the person files a declaration of intent to have the property assessed as provided above, then the declaration of intent shall be considered as a declaration filed for the following year.

6-2-7 REPORTING REQUIREMENTS. The following reports shall be filed annually with the County Assessor by the taxpayer, in the first year, with the declaration of intent as prescribed in Section 8; and by Feb. 1 of each year thereafter:

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

6-2-8 REPEAL OF SPECIAL VALUATION. If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 6-2-4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under Section 6-2-4 prior to repeal of the ordinance shall continue to be valued under Section 4 until the end of the nineteenth (19th) assessment year following the assessment year in which the property was first assessed.

(Ord. 2009-09, Passed June 1, 2009)

TITLE VII SOCIAL AND HUMAN SERVICES – RESERVED

TITLE VIII CULTURE, EDUCATION AND RECREATION - RESERVED

TITLE IX FRANCHISES - RESERVED